

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 86

Senator Gardner

A BILL

To amend sections 2915.01, 2915.07, and 2915.10 and 1
to enact section 2915.096 of the Revised Code to 2
permit charitable organizations to conduct not- 3
for-profit quarter auctions. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2915.01, 2915.07, and 2915.10 be 5
amended and section 2915.096 of the Revised Code be enacted to 6
read as follows: 7

Sec. 2915.01. As used in this chapter: 8

(A) "Bookmaking" means the business of receiving or paying 9
off bets. 10

(B) "Bet" means the hazarding of anything of value upon 11
the result of an event, undertaking, or contingency, but does 12
not include a bona fide business risk. 13

(C) "Scheme of chance" means a slot machine unless 14
authorized under Chapter 3772. of the Revised Code, lottery 15
unless authorized under Chapter 3770. of the Revised Code, 16
numbers game, pool conducted for profit, or other scheme in 17
which a participant gives a valuable consideration for a chance 18

to win a prize, but does not include bingo, a skill-based 19
amusement machine, or a pool not conducted for profit. "Scheme 20
of chance" includes the use of an electronic device to reveal 21
the results of a game entry if valuable consideration is paid, 22
directly or indirectly, for a chance to win a prize. Valuable 23
consideration is deemed to be paid for a chance to win a prize 24
in the following instances: 25

(1) Less than fifty per cent of the goods or services sold 26
by a scheme of chance operator in exchange for game entries are 27
used or redeemed by participants at any one location; 28

(2) Less than fifty per cent of participants who purchase 29
goods or services at any one location do not accept, use, or 30
redeem the goods or services sold or purportedly sold; 31

(3) More than fifty per cent of prizes at any one location 32
are revealed to participants through an electronic device 33
simulating a game of chance or a "casino game" as defined in 34
section 3772.01 of the Revised Code; 35

(4) The good or service sold by a scheme of chance 36
operator in exchange for a game entry cannot be used or redeemed 37
in the manner advertised; 38

(5) A participant pays more than fair market value for 39
goods or services offered by a scheme of chance operator in 40
order to receive one or more game entries; 41

(6) A participant may use the electronic device to 42
purchase additional game entries; 43

(7) A participant may purchase additional game entries by 44
using points or credits won as prizes while using the electronic 45
device; 46

(8) A scheme of chance operator pays out in prize money 47
more than twenty per cent of the gross revenue received at one 48
location; or 49

(9) A participant makes a purchase or exchange in order to 50
obtain any good or service that may be used to facilitate play 51
on the electronic device. 52

As used in this division, "electronic device" means a 53
mechanical, video, digital, or electronic machine or device that 54
is capable of displaying information on a screen or other 55
mechanism and that is owned, leased, or otherwise possessed by 56
any person conducting a scheme of chance, or by that person's 57
partners, affiliates, subsidiaries, or contractors. 58

(D) "Game of chance" means poker, craps, roulette, or 59
other game in which a player gives anything of value in the hope 60
of gain, the outcome of which is determined largely by chance, 61
but does not include bingo. 62

(E) "Game of chance conducted for profit" means any game 63
of chance designed to produce income for the person who conducts 64
or operates the game of chance, but does not include bingo. 65

(F) "Gambling device" means any of the following: 66

(1) A book, totalizer, or other equipment for recording 67
bets; 68

(2) A ticket, token, or other device representing a 69
chance, share, or interest in a scheme of chance or evidencing a 70
bet; 71

(3) A deck of cards, dice, gaming table, roulette wheel, 72
slot machine, or other apparatus designed for use in connection 73
with a game of chance; 74

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	75 76
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	77 78
(G) "Gambling offense" means any of the following:	79
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	80 81 82
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G) (1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	83 84 85 86 87
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	88 89 90
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G) (1), (2), or (3) of this section.	91 92 93
(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:	94 95
(1) An organization that is, and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) (3) of the Internal Revenue Code;	96 97 98 99 100
(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal	101 102

organization, or sporting organization that is exempt from 103
federal income taxation under subsection 501(c)(4), (c)(7), (c) 104
(8), (c)(10), or (c)(19) of the Internal Revenue Code. 105

To qualify as a "charitable organization," an organization 106
shall have been in continuous existence as such in this state 107
for a period of two years immediately preceding either the 108
making of an application for a bingo license under section 109
2915.08 of the Revised Code or the conducting of any game of 110
chance as provided in division (D) of section 2915.02 of the 111
Revised Code. 112

(I) "Religious organization" means any church, body of 113
communicants, or group that is not organized or operated for 114
profit and that gathers in common membership for regular worship 115
and religious observances. 116

(J) "Veteran's organization" means any individual post or 117
state headquarters of a national veteran's association or an 118
auxiliary unit of any individual post of a national veteran's 119
association, which post, state headquarters, or auxiliary unit 120
is incorporated as a nonprofit corporation and either has 121
received a letter from the state headquarters of the national 122
veteran's association indicating that the individual post or 123
auxiliary unit is in good standing with the national veteran's 124
association or has received a letter from the national veteran's 125
association indicating that the state headquarters is in good 126
standing with the national veteran's association. As used in 127
this division, "national veteran's association" means any 128
veteran's association that has been in continuous existence as 129
such for a period of at least five years and either is 130
incorporated by an act of the United States congress or has a 131
national dues-paying membership of at least five thousand 132

persons. 133

(K) "Volunteer firefighter's organization" means any 134
organization of volunteer firefighters, as defined in section 135
146.01 of the Revised Code, that is organized and operated 136
exclusively to provide financial support for a volunteer fire 137
department or a volunteer fire company and that is recognized or 138
ratified by a county, municipal corporation, or township. 139

(L) "Fraternal organization" means any society, order, 140
state headquarters, or association within this state, except a 141
college or high school fraternity, that is not organized for 142
profit, that is a branch, lodge, or chapter of a national or 143
state organization, that exists exclusively for the common 144
business or sodality of its members. 145

(M) "Volunteer rescue service organization" means any 146
organization of volunteers organized to function as an emergency 147
medical service organization, as defined in section 4765.01 of 148
the Revised Code. 149

(N) "Charitable bingo game" means any bingo game described 150
in division (O) (1) or (2) of this section that is conducted by a 151
charitable organization that has obtained a license pursuant to 152
section 2915.08 of the Revised Code and the proceeds of which 153
are used for a charitable purpose. 154

(O) "Bingo" means either of the following: 155

(1) A game with all of the following characteristics: 156

(a) The participants use bingo cards or sheets, including 157
paper formats and electronic representation or image formats, 158
that are divided into twenty-five spaces arranged in five 159
horizontal and five vertical rows of spaces, with each space, 160
except the central space, being designated by a combination of a 161

letter and a number and with the central space being designated 162
as a free space. 163

(b) The participants cover the spaces on the bingo cards 164
or sheets that correspond to combinations of letters and numbers 165
that are announced by a bingo game operator. 166

(c) A bingo game operator announces combinations of 167
letters and numbers that appear on objects that a bingo game 168
operator selects by chance, either manually or mechanically, 169
from a receptacle that contains seventy-five objects at the 170
beginning of each game, each object marked by a different 171
combination of a letter and a number that corresponds to one of 172
the seventy-five possible combinations of a letter and a number 173
that can appear on the bingo cards or sheets. 174

(d) The winner of the bingo game includes any participant 175
who properly announces during the interval between the 176
announcements of letters and numbers as described in division 177
(O) (1) (c) of this section, that a predetermined and preannounced 178
pattern of spaces has been covered on a bingo card or sheet 179
being used by the participant. 180

(2) Instant bingo, punch boards, ~~and raffles,~~ and quarter 181
auctions. 182

(P) "Conduct" means to back, promote, organize, manage, 183
carry on, sponsor, or prepare for the operation of bingo or a 184
game of chance, a scheme of chance, or a sweepstakes. 185

(Q) "Bingo game operator" means any person, except 186
security personnel, who performs work or labor at the site of 187
bingo, including, but not limited to, collecting money from 188
participants, handing out bingo cards or sheets or objects to 189
cover spaces on bingo cards or sheets, selecting from a 190

receptacle the objects that contain the combination of letters 191
and numbers that appear on bingo cards or sheets, calling out 192
the combinations of letters and numbers, distributing prizes, 193
selling or redeeming instant bingo tickets or cards, supervising 194
the operation of a punch board, selling raffle tickets, 195
selecting raffle tickets from a receptacle and announcing the 196
winning numbers in a raffle, selling a chance to win a prize in 197
a quarter auction, selecting chips or tokens from a receptacle 198
and announcing winning numbers in a quarter auction, and 199
preparing, selling, and serving food or beverages. 200

(R) "Participant" means any person who plays bingo. 201

(S) "Bingo session" means a period that includes both of 202
the following: 203

(1) Not to exceed five continuous hours for the conduct of 204
one or more games described in division (O) (1) of this section, 205
instant bingo, and seal cards; 206

(2) A period for the conduct of instant bingo and seal 207
cards for not more than two hours before and not more than two 208
hours after the period described in division (S) (1) of this 209
section. 210

(T) "Gross receipts" means all money or assets, including 211
admission fees, that a person receives from bingo without the 212
deduction of any amounts for prizes paid out or for the expenses 213
of conducting bingo. "Gross receipts" does not include any money 214
directly taken in from the sale of food or beverages by a 215
charitable organization conducting bingo, or by a bona fide 216
auxiliary unit or society of a charitable organization 217
conducting bingo, provided all of the following apply: 218

(1) The auxiliary unit or society has been in existence as 219

a bona fide auxiliary unit or society of the charitable 220
organization for at least two years prior to conducting bingo. 221

(2) The person who purchases the food or beverage receives 222
nothing of value except the food or beverage and items 223
customarily received with the purchase of that food or beverage. 224

(3) The food and beverages are sold at customary and 225
reasonable prices. 226

(U) "Security personnel" includes any person who either is 227
a sheriff, deputy sheriff, marshal, deputy marshal, township 228
constable, or member of an organized police department of a 229
municipal corporation or has successfully completed a peace 230
officer's training course pursuant to sections 109.71 to 109.79 231
of the Revised Code and who is hired to provide security for the 232
premises on which bingo is conducted. 233

(V) "Charitable purpose" means that the net profit of 234
bingo, other than instant bingo, is used by, or is given, 235
donated, or otherwise transferred to, any of the following: 236

(1) Any organization that is described in subsection 237
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 238
and is either a governmental unit or an organization that is tax 239
exempt under subsection 501(a) and described in subsection 240
501(c)(3) of the Internal Revenue Code; 241

(2) A veteran's organization that is a post, chapter, or 242
organization of veterans, or an auxiliary unit or society of, or 243
a trust or foundation for, any such post, chapter, or 244
organization organized in the United States or any of its 245
possessions, at least seventy-five per cent of the members of 246
which are veterans and substantially all of the other members of 247
which are individuals who are spouses, widows, or widowers of 248

veterans, or such individuals, provided that no part of the net 249
earnings of such post, chapter, or organization inures to the 250
benefit of any private shareholder or individual, and further 251
provided that the net profit is used by the post, chapter, or 252
organization for the charitable purposes set forth in division 253
(B) (12) of section 5739.02 of the Revised Code, is used for 254
awarding scholarships to or for attendance at an institution 255
mentioned in division (B) (12) of section 5739.02 of the Revised 256
Code, is donated to a governmental agency, or is used for 257
nonprofit youth activities, the purchase of United States or 258
Ohio flags that are donated to schools, youth groups, or other 259
bona fide nonprofit organizations, promotion of patriotism, or 260
disaster relief; 261

(3) A fraternal organization that has been in continuous 262
existence in this state for fifteen years and that uses the net 263
profit exclusively for religious, charitable, scientific, 264
literary, or educational purposes, or for the prevention of 265
cruelty to children or animals, if contributions for such use 266
would qualify as a deductible charitable contribution under 267
subsection 170 of the Internal Revenue Code; 268

(4) A volunteer firefighter's organization that uses the 269
net profit for the purposes set forth in division (K) of this 270
section. 271

(W) "Internal Revenue Code" means the "Internal Revenue 272
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 273
amended. 274

(X) "Youth athletic organization" means any organization, 275
not organized for profit, that is organized and operated 276
exclusively to provide financial support to, or to operate, 277
athletic activities for persons who are twenty-one years of age 278

or younger by means of sponsoring, organizing, operating, or 279
contributing to the support of an athletic team, club, league, 280
or association. 281

(Y) "Youth athletic park organization" means any 282
organization, not organized for profit, that satisfies both of 283
the following: 284

(1) It owns, operates, and maintains playing fields that 285
satisfy both of the following: 286

(a) The playing fields are used at least one hundred days 287
per year for athletic activities by one or more organizations, 288
not organized for profit, each of which is organized and 289
operated exclusively to provide financial support to, or to 290
operate, athletic activities for persons who are eighteen years 291
of age or younger by means of sponsoring, organizing, operating, 292
or contributing to the support of an athletic team, club, 293
league, or association. 294

(b) The playing fields are not used for any profit-making 295
activity at any time during the year. 296

(2) It uses the proceeds of bingo it conducts exclusively 297
for the operation, maintenance, and improvement of its playing 298
fields of the type described in division (Y)(1) of this section. 299

(Z) "Bingo supplies" means bingo cards or sheets; instant 300
bingo tickets or cards; electronic bingo aids; raffle tickets; 301
punch boards; seal cards; instant bingo ticket dispensers; 302
quarter auction bid paddles, chips, and tokens; and devices for 303
selecting or displaying the combination of bingo letters and 304
numbers ~~or~~, raffle tickets, or quarter auction winning numbers. 305
Items that are "bingo supplies" are not gambling devices if sold 306
or otherwise provided, and used, in accordance with this 307

chapter. For purposes of this chapter, "bingo supplies" are not 308
to be considered equipment used to conduct a bingo game. 309

(AA) "Instant bingo" means a form of bingo that shall use 310
folded or banded tickets or paper cards with perforated break- 311
open tabs, a face of which is covered or otherwise hidden from 312
view to conceal a number, letter, or symbol, or set of numbers, 313
letters, or symbols, some of which have been designated in 314
advance as prize winners, and may also include games in which 315
some winners are determined by the random selection of one or 316
more bingo numbers by the use of a seal card or bingo blower. In 317
all "instant bingo" the prize amount and structure shall be 318
predetermined. "Instant bingo" does not include any device that 319
is activated by the insertion of a coin, currency, token, or an 320
equivalent, and that contains as one of its components a video 321
display monitor that is capable of displaying numbers, letters, 322
symbols, or characters in winning or losing combinations. 323

(BB) "Seal card" means a form of instant bingo that uses 324
instant bingo tickets in conjunction with a board or placard 325
that contains one or more seals that, when removed or opened, 326
reveal predesignated winning numbers, letters, or symbols. 327

(CC) "Raffle" means a form of bingo in which the one or 328
more prizes are won by one or more persons who have purchased a 329
raffle ticket. The one or more winners of the raffle are 330
determined by drawing a ticket stub or other detachable section 331
from a receptacle containing ticket stubs or detachable sections 332
corresponding to all tickets sold for the raffle. "Raffle" does 333
not include the drawing of a ticket stub or other detachable 334
section of a ticket purchased to attend a professional sporting 335
event if both of the following apply: 336

(1) The ticket stub or other detachable section is used to 337

select the winner of a free prize given away at the professional 338
sporting event; and 339

(2) The cost of the ticket is the same as the cost of a 340
ticket to the professional sporting event on days when no free 341
prize is given away. 342

(DD) "Punch board" means a board containing a number of 343
holes or receptacles of uniform size in which are placed, 344
mechanically and randomly, serially numbered slips of paper that 345
may be punched or drawn from the hole or receptacle when used in 346
conjunction with instant bingo. A player may punch or draw the 347
numbered slips of paper from the holes or receptacles and obtain 348
the prize established for the game if the number drawn 349
corresponds to a winning number or, if the punch board includes 350
the use of a seal card, a potential winning number. 351

(EE) "Gross profit" means gross receipts minus the amount 352
actually expended for the payment of prize awards. 353

(FF) "Net profit" means gross profit minus expenses. 354

(GG) "Expenses" means the reasonable amount of gross 355
profit actually expended for all of the following: 356

(1) The purchase or lease of bingo supplies; 357

(2) The annual license fee required under section 2915.08 358
of the Revised Code; 359

(3) Bank fees and service charges for a bingo session or 360
game account described in section 2915.10 of the Revised Code; 361

(4) Audits and accounting services; 362

(5) Safes; 363

(6) Cash registers; 364

(7) Hiring security personnel;	365
(8) Advertising bingo;	366
(9) Renting premises in which to conduct a bingo session;	367
(10) Tables and chairs;	368
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	369 370 371 372 373
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	374 375
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B) (1) of section 2915.08 of the Revised Code.	376 377 378 379
(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	380 381 382
(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	383 384 385 386
(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	387 388 389 390
(KK) "Distributor" means any person who purchases or	391

obtains bingo supplies and who does either of the following: 392

(1) Sells, offers for sale, or otherwise provides or 393
offers to provide the bingo supplies to another person for use 394
in this state; 395

(2) Modifies, converts, adds to, or removes parts from the 396
bingo supplies to further their promotion or sale for use in 397
this state. 398

(LL) "Manufacturer" means any person who assembles 399
completed bingo supplies from raw materials, other items, or 400
subparts or who modifies, converts, adds to, or removes parts 401
from bingo supplies to further their promotion or sale. 402

(MM) "Gross annual revenues" means the annual gross 403
receipts derived from the conduct of bingo described in division 404
(O) (1) of this section plus the annual net profit derived from 405
the conduct of bingo described in division (O) (2) of this 406
section. 407

(NN) "Instant bingo ticket dispenser" means a mechanical 408
device that dispenses an instant bingo ticket or card as the 409
sole item of value dispensed and that has the following 410
characteristics: 411

(1) It is activated upon the insertion of United States 412
currency. 413

(2) It performs no gaming functions. 414

(3) It does not contain a video display monitor or 415
generate noise. 416

(4) It is not capable of displaying any numbers, letters, 417
symbols, or characters in winning or losing combinations. 418

(5) It does not simulate or display rolling or spinning
reels.

(6) It is incapable of determining whether a dispensed
bingo ticket or card is a winning or nonwinning ticket or card
and requires a winning ticket or card to be paid by a bingo game
operator.

(7) It may provide accounting and security features to aid
in accounting for the instant bingo tickets or cards it
dispenses.

(8) It is not part of an electronic network and is not
interactive.

(OO) (1) "Electronic bingo aid" means an electronic device
used by a participant to monitor bingo cards or sheets purchased
at the time and place of a bingo session and that does all of
the following:

(a) It provides a means for a participant to input numbers
and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the
participant to the bingo faces previously stored in the memory
of the device.

(c) It identifies a winning bingo pattern.

(2) "Electronic bingo aid" does not include any device
into which a coin, currency, token, or an equivalent is inserted
to activate play.

(PP) "Deal of instant bingo tickets" means a single game
of instant bingo tickets all with the same serial number.

(QQ) (1) "Slot machine" means either of the following:

(a) Any mechanical, electronic, video, or digital device 446
that is capable of accepting anything of value, directly or 447
indirectly, from or on behalf of a player who gives the thing of 448
value in the hope of gain; 449

(b) Any mechanical, electronic, video, or digital device 450
that is capable of accepting anything of value, directly or 451
indirectly, from or on behalf of a player to conduct bingo or a 452
scheme or game of chance. 453

(2) "Slot machine" does not include a skill-based 454
amusement machine or an instant bingo ticket dispenser. 455

(RR) "Net profit from the proceeds of the sale of instant 456
bingo" means gross profit minus the ordinary, necessary, and 457
reasonable expense expended for the purchase of instant bingo 458
supplies, and, in the case of instant bingo conducted by a 459
veteran's, fraternal, or sporting organization, minus the 460
payment by that organization of real property taxes and 461
assessments levied on a premises on which instant bingo is 462
conducted. 463

(SS) "Charitable instant bingo organization" means an 464
organization that is exempt from federal income taxation under 465
subsection 501(a) and described in subsection 501(c)(3) of the 466
Internal Revenue Code and is a charitable organization as 467
defined in this section. A "charitable instant bingo 468
organization" does not include a charitable organization that is 469
exempt from federal income taxation under subsection 501(a) and 470
described in subsection 501(c)(3) of the Internal Revenue Code 471
and that is created by a veteran's organization, a fraternal 472
organization, or a sporting organization in regards to bingo 473
conducted or assisted by a veteran's organization, a fraternal 474
organization, or a sporting organization pursuant to section 475

2915.13 of the Revised Code. 476

(TT) "Game flare" means the board or placard that 477
accompanies each deal of instant bingo tickets and that has 478
printed on or affixed to it the following information for the 479
game: 480

(1) The name of the game; 481

(2) The manufacturer's name or distinctive logo; 482

(3) The form number; 483

(4) The ticket count; 484

(5) The prize structure, including the number of winning 485
instant bingo tickets by denomination and the respective winning 486
symbol or number combinations for the winning instant bingo 487
tickets; 488

(6) The cost per play; 489

(7) The serial number of the game. 490

(UU) (1) "Skill-based amusement machine" means a 491
mechanical, video, digital, or electronic device that rewards 492
the player or players, if at all, only with merchandise prizes 493
or with redeemable vouchersredeemable only for merchandise 494
prizes, provided that with respect to rewards for playing the 495
game all of the following apply: 496

(a) The wholesale value of a merchandise prize awarded as 497
a result of the single play of a machine does not exceed ten 498
dollars; 499

(b) Redeemable vouchers awarded for any single play of a 500
machine are not redeemable for a merchandise prize with a 501
wholesale value of more than ten dollars; 502

(c) Redeemable vouchers are not redeemable for a 503
merchandise prize that has a wholesale value of more than ten 504
dollars times the fewest number of single plays necessary to 505
accrue the redeemable vouchers required to obtain that prize; 506
and 507

(d) Any redeemable vouchers or merchandise prizes are 508
distributed at the site of the skill-based amusement machine at 509
the time of play. 510

A card for the purchase of gasoline is a redeemable 511
voucher for purposes of division (UU)(1) of this section even if 512
the skill-based amusement machine for the play of which the card 513
is awarded is located at a place where gasoline may not be 514
legally distributed to the public or the card is not redeemable 515
at the location of, or at the time of playing, the skill-based 516
amusement machine. 517

(2) A device shall not be considered a skill-based 518
amusement machine and shall be considered a slot machine if it 519
pays cash or one or more of the following apply: 520

(a) The ability of a player to succeed at the game is 521
impacted by the number or ratio of prior wins to prior losses of 522
players playing the game. 523

(b) Any reward of redeemable vouchers is not based solely 524
on the player achieving the object of the game or the player's 525
score; 526

(c) The outcome of the game, or the value of the 527
redeemable voucher or merchandise prize awarded for winning the 528
game, can be controlled by a source other than any player 529
playing the game. 530

(d) The success of any player is or may be determined by a 531

chance event that cannot be altered by player actions. 532

(e) The ability of any player to succeed at the game is 533
determined by game features not visible or known to the player. 534

(f) The ability of the player to succeed at the game is 535
impacted by the exercise of a skill that no reasonable player 536
could exercise. 537

(3) All of the following apply to any machine that is 538
operated as described in division (UU)(1) of this section: 539

(a) As used in division (UU) of this section, "game" and 540
"play" mean one event from the initial activation of the machine 541
until the results of play are determined without payment of 542
additional consideration. An individual utilizing a machine that 543
involves a single game, play, contest, competition, or 544
tournament may be awarded redeemable vouchers or merchandise 545
prizes based on the results of play. 546

(b) Advance play for a single game, play, contest, 547
competition, or tournament participation may be purchased. The 548
cost of the contest, competition, or tournament participation 549
may be greater than a single noncontest, competition, or 550
tournament play. 551

(c) To the extent that the machine is used in a contest, 552
competition, or tournament, that contest, competition, or 553
tournament has a defined starting and ending date and is open to 554
participants in competition for scoring and ranking results 555
toward the awarding of redeemable vouchers or merchandise prizes 556
that are stated prior to the start of the contest, competition, 557
or tournament. 558

(4) For purposes of division (UU)(1) of this section, the 559
mere presence of a device, such as a pin-setting, ball- 560

releasing, or scoring mechanism, that does not contribute to or 561
affect the outcome of the play of the game does not make the 562
device a skill-based amusement machine. 563

(VV) "Merchandise prize" means any item of value, but 564
shall not include any of the following: 565

(1) Cash, gift cards, or any equivalent thereof; 566

(2) Plays on games of chance, state lottery tickets, 567
bingo, or instant bingo; 568

(3) Firearms, tobacco, or alcoholic beverages; or 569

(4) A redeemable voucher that is redeemable for any of the 570
items listed in division (VV) (1), (2), or (3) of this section. 571

(WW) "Redeemable voucher" means any ticket, token, coupon, 572
receipt, or other noncash representation of value. 573

(XX) "Pool not conducted for profit" means a scheme in 574
which a participant gives a valuable consideration for a chance 575
to win a prize and the total amount of consideration wagered is 576
distributed to a participant or participants. 577

(YY) "Sporting organization" means a hunting, fishing, or 578
trapping organization, other than a college or high school 579
fraternity or sorority, that is not organized for profit, that 580
is affiliated with a state or national sporting organization, 581
including but not limited to, the league of Ohio sportsmen, and 582
that has been in continuous existence in this state for a period 583
of three years. 584

(ZZ) "Community action agency" has the same meaning as in 585
section 122.66 of the Revised Code. 586

(AAA) (1) "Sweepstakes terminal device" means a mechanical, 587

video, digital, or electronic machine or device that is owned, 588
leased, or otherwise possessed by any person conducting a 589
sweepstakes, or by that person's partners, affiliates, 590
subsidiaries, or contractors, that is intended to be used by a 591
sweepstakes participant, and that is capable of displaying 592
information on a screen or other mechanism. A device is a 593
sweepstakes terminal device if any of the following apply: 594

(a) The device uses a simulated game terminal as a 595
representation of the prizes associated with the results of the 596
sweepstakes entries. 597

(b) The device utilizes software such that the simulated 598
game influences or determines the winning of or value of the 599
prize. 600

(c) The device selects prizes from a predetermined finite 601
pool of entries. 602

(d) The device utilizes a mechanism that reveals the 603
content of a predetermined sweepstakes entry. 604

(e) The device predetermines the prize results and stores 605
those results for delivery at the time the sweepstakes entry 606
results are revealed. 607

(f) The device utilizes software to create a game result. 608

(g) The device reveals the prize incrementally, even 609
though the device does not influence the awarding of the prize 610
or the value of any prize awarded. 611

(h) The device determines and associates the prize with an 612
entry or entries at the time the sweepstakes is entered. 613

(2) As used in this division and in section 2915.02 of the 614
Revised Code: 615

(a) "Enter" means the act by which a person becomes 616
eligible to receive any prize offered in a sweepstakes. 617

(b) "Entry" means one event from the initial activation of 618
the sweepstakes terminal device until all the sweepstakes prize 619
results from that activation are revealed. 620

(c) "Prize" means any gift, award, gratuity, good, 621
service, credit, reward, or any other thing of value that may be 622
transferred to a person, whether possession of the prize is 623
actually transferred, or placed on an account or other record as 624
evidence of the intent to transfer the prize. 625

(d) "Sweepstakes terminal device facility" means any 626
location in this state where a sweepstakes terminal device is 627
provided to a sweepstakes participant, except as provided in 628
division (G) of section 2915.02 of the Revised Code. 629

(BBB) "Sweepstakes" means any game, contest, advertising 630
scheme or plan, or other promotion where consideration is not 631
required for a person to enter to win or become eligible to 632
receive any prize, the determination of which is based upon 633
chance. "Sweepstakes" does not include bingo as authorized under 634
this chapter, pari-mutuel wagering as authorized by Chapter 635
3769. of the Revised Code, lotteries conducted by the state 636
lottery commission as authorized by Chapter 3770. of the Revised 637
Code, and casino gaming as authorized by Chapter 3772. of the 638
Revised Code. 639

(CCC) "Quarter auction" means a form of bingo in which one 640
or more prizes are won by one or more persons who have given 641
valuable consideration for a chance to win a prize by purchasing 642
one or more numbered bid paddles that correspond to the same 643
numbered chip or token that is placed in a receptacle. The one 644

or more winners of the quarter auction are determined by 645
selecting a chip or token from the receptacle and matching the 646
number of the selected chip or token to a numbered bid paddle 647
held up by a person before the selection of the chip or token. 648

Sec. 2915.07. (A) No person, except a charitable 649
organization that has obtained a license pursuant to section 650
2915.08 of the Revised Code, shall conduct or advertise bingo. 651
This division does not apply to a raffle or a quarter auction 652
that a charitable organization conducts or advertises. 653

(B) Whoever violates this section is guilty of conducting 654
illegal bingo, a felony of the fourth degree. 655

Sec. 2915.096. (A) A charitable organization may conduct a 656
quarter auction to raise money for the organization, and does 657
not need a license to conduct bingo in order to conduct a 658
quarter auction that is not for profit. 659

(B) No person shall conduct a quarter auction except as 660
provided in division (A) of this section. 661

(C) Whoever knowingly violates division (B) of this 662
section is guilty of illegal conduct of a quarter auction. 663
Except as otherwise provided in this division, illegal conduct 664
of a quarter auction is a misdemeanor of the first degree. If 665
the offender previously has been convicted of a violation of 666
division (B) of this section, illegal conduct of a quarter 667
auction is a felony of the fifth degree. 668

Sec. 2915.10. (A) No charitable organization that conducts 669
bingo or a game of chance pursuant to division (D) of section 670
2915.02 of the Revised Code shall fail to maintain the following 671
records for at least three years from the date on which the 672
bingo or game of chance is conducted: 673

(1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each raffle, each quarter auction, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number;

(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(3) A list of all prizes awarded during each bingo session, each raffle, each quarter auction, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars or more in value;

(4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in division (V) of section 2915.01, division (D) of section 2915.02, or section 2915.101 of the Revised Code, a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages

by the charitable organization or one of its auxiliary units or 703
societies, if the receipts were excluded from gross receipts 704
under division (T) of section 2915.01 of the Revised Code; 705

(7) An itemized list of all expenses incurred at each 706
bingo session, each raffle, each quarter auction, each punch 707
board game, or each game of instant bingo conducted by the 708
charitable organization in the sale of food and beverages by the 709
charitable organization or by an auxiliary unit or society of 710
the charitable organization, the name of each person to whom the 711
expenses are paid, and a receipt for all of the expenses. 712

(B) A charitable organization shall keep the records that 713
it is required to maintain pursuant to division (A) of this 714
section at its principal place of business in this state or at 715
its headquarters in this state and shall notify the attorney 716
general of the location at which those records are kept. 717

(C) The gross profit from each bingo session or game 718
described in division (O) (1) or (2) of section 2915.01 of the 719
Revised Code shall be deposited into a checking account devoted 720
exclusively to the bingo session or game. Payments for allowable 721
expenses incurred in conducting the bingo session or game and 722
payments to recipients of some or all of the net profit of the 723
bingo session or game shall be made only by checks or electronic 724
fund transfers drawn on the bingo session or game account. 725

(D) Each charitable organization shall conduct and record 726
an inventory of all of its bingo supplies as of the first day of 727
November of each year. 728

(E) The attorney general may adopt rules in accordance 729
with Chapter 119. of the Revised Code that establish standards 730
of accounting, record keeping, and reporting to ensure that 731

gross receipts from bingo or games of chance are properly 732
accounted for. 733

(F) A distributor shall maintain, for a period of three 734
years after the date of its sale or other provision, a record of 735
each instance of its selling or otherwise providing to another 736
person bingo supplies for use in this state. The record shall 737
include all of the following for each instance: 738

(1) The name of the manufacturer from which the 739
distributor purchased the bingo supplies and the date of the 740
purchase; 741

(2) The name and address of the charitable organization or 742
other distributor to which the bingo supplies were sold or 743
otherwise provided; 744

(3) A description that clearly identifies the bingo 745
supplies; 746

(4) Invoices that include the nonrepeating serial numbers 747
of all paper bingo cards and sheets and all instant bingo deals 748
sold or otherwise provided to each charitable organization. 749

(G) A manufacturer shall maintain, for a period of three 750
years after the date of its sale or other provision, a record of 751
each instance of its selling or otherwise providing bingo 752
supplies for use in this state. The record shall include all of 753
the following for each instance: 754

(1) The name and address of the distributor to whom the 755
bingo supplies were sold or otherwise provided; 756

(2) A description that clearly identifies the bingo 757
supplies, including serial numbers; 758

(3) Invoices that include the nonrepeating serial numbers 759

of all paper bingo cards and sheets and all instant bingo deals 760
sold or otherwise provided to each distributor. 761

(H) The attorney general or any law enforcement agency may 762
do all of the following: 763

(1) Investigate any charitable organization or any 764
officer, agent, trustee, member, or employee of the 765
organization; 766

(2) Examine the accounts and records of the organization; 767

(3) Conduct inspections, audits, and observations of bingo 768
or games of chance; 769

(4) Conduct inspections of the premises where bingo or 770
games of chance are conducted; 771

(5) Take any other necessary and reasonable action to 772
determine if a violation of any provision of sections 2915.01 to 773
2915.13 of the Revised Code has occurred and to determine 774
whether section 2915.11 of the Revised Code has been complied 775
with. 776

If any law enforcement agency has reasonable grounds to 777
believe that a charitable organization or an officer, agent, 778
trustee, member, or employee of the organization has violated 779
any provision of this chapter, the law enforcement agency may 780
proceed by action in the proper court to enforce this chapter, 781
provided that the law enforcement agency shall give written 782
notice to the attorney general when commencing an action as 783
described in this division. 784

(I) No person shall destroy, alter, conceal, withhold, or 785
deny access to any accounts or records of a charitable 786
organization that have been requested for examination, or 787

obstruct, impede, or interfere with any inspection, audit, or 788
observation of bingo or a game of chance or premises where bingo 789
or a game of chance is conducted, or refuse to comply with any 790
reasonable request of, or obstruct, impede, or interfere with 791
any other reasonable action undertaken by, the attorney general 792
or a law enforcement agency pursuant to division (H) of this 793
section. 794

(J) Whoever violates division (A) or (I) of this section 795
is guilty of a misdemeanor of the first degree. 796

Section 2. That existing sections 2915.01, 2915.07, and 797
2915.10 of the Revised Code are hereby repealed. 798