

As Introduced

132nd General Assembly

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H. B. No. 198

Representative Koehler

**Cosponsors: Representatives Becker, Thompson, Stein, Hambley, Sheehy,
Sweeney, Duffey, Dean, Hill, Riedel, Smith, R.**

A BILL

To amend sections 3770.03 and 3770.08 of the 1
Revised Code to prohibit a lottery sales agent 2
from accepting a credit card for the purchase of 3
a lottery ticket. 4

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

Section 1. That sections 3770.03 and 3770.08 of the 5
Revised Code be amended to read as follows: 6

Sec. 3770.03. (A) The state lottery commission shall 7
promulgate rules under which a statewide lottery may be 8
conducted, which includes, and since the original enactment of 9
this section has included, the authority for the commission to 10
operate video lottery terminal games. Any reference in this 11
chapter to tickets shall not be construed to in any way limit 12
the authority of the commission to operate video lottery 13
terminal games. Nothing in this chapter shall restrict the 14
authority of the commission to promulgate rules related to the 15
operation of games utilizing video lottery terminals as 16
described in section 3770.21 of the Revised Code. The rules 17
shall be promulgated pursuant to Chapter 119. of the Revised 18

Code, except that instant game rules shall be promulgated 19
pursuant to section 111.15 of the Revised Code but are not 20
subject to division (D) of that section. Subjects covered in 21
these rules shall include, but need not be limited to, the 22
following: 23

(1) The type of lottery to be conducted; 24

(2) The prices of tickets in the lottery; 25

(3) The number, nature, and value of prize awards, the 26
manner and frequency of prize drawings, and the manner in which 27
prizes shall be awarded to holders of winning tickets. 28

(B) The commission shall promulgate rules, in addition to 29
those described in division (A) of this section, pursuant to 30
Chapter 119. of the Revised Code under which a statewide lottery 31
and statewide joint lottery games may be conducted. Subjects 32
covered in these rules shall include, but not be limited to, the 33
following: 34

(1) The locations at which lottery tickets may be sold and 35
the manner in which they are to be sold. These rules may 36
authorize the sale of lottery tickets by commission personnel or 37
other licensed individuals from traveling show wagons at the 38
state fair, and at any other expositions the director of the 39
commission considers acceptable. These rules shall prohibit 40
commission personnel or other licensed individuals from 41
soliciting from an exposition the right to sell lottery tickets 42
at that exposition, but shall allow commission personnel or 43
other licensed individuals to sell lottery tickets at an 44
exposition if the exposition requests commission personnel or 45
licensed individuals to do so. These rules may also address the 46
accessibility of sales agent locations to commission products in 47

accordance with the "Americans with Disabilities Act of 1990," 48
104 Stat. 327, 42 U.S.C.A. 12101 et seq. These rules may not 49
permit a lottery sales agent to accept a credit card for the 50
purchase of a lottery ticket, except for a video lottery 51
terminal as provided in rule 3770:2-7-01 of the Administrative 52
Code. 53

(2) The manner in which lottery sales revenues are to be 54
collected, including authorization for the director to impose 55
penalties for failure by lottery sales agents to transfer 56
revenues to the commission in a timely manner; 57

(3) The amount of compensation to be paid licensed lottery 58
sales agents; 59

(4) The substantive criteria for the licensing of lottery 60
sales agents consistent with section 3770.05 of the Revised 61
Code, and procedures for revoking or suspending their licenses 62
consistent with Chapter 119. of the Revised Code. If 63
circumstances, such as the nonpayment of funds owed by a lottery 64
sales agent, or other circumstances related to the public 65
safety, convenience, or trust, require immediate action, the 66
director may suspend a license without affording an opportunity 67
for a prior hearing under section 119.07 of the Revised Code. 68

(5) Special game rules to implement any agreements signed 69
by the governor that the director enters into with other lottery 70
jurisdictions under division (J) of section 3770.02 of the 71
Revised Code to conduct statewide joint lottery games. The rules 72
shall require that the entire net proceeds of those games that 73
remain, after associated operating expenses, prize 74
disbursements, lottery sales agent bonuses, commissions, and 75
reimbursements, and any other expenses necessary to comply with 76
the agreements or the rules are deducted from the gross proceeds 77

of those games, be transferred to the lottery profits education 78
fund under division (B) of section 3770.06 of the Revised Code. 79

(6) Any other subjects the commission determines are 80
necessary for the operation of video lottery terminal games, 81
including the establishment of any fees, fines, or payment 82
schedules. 83

(C) Chapter 2915. of the Revised Code does not apply to, 84
affect, or prohibit lotteries conducted pursuant to this 85
chapter. 86

(D) The commission may promulgate rules, in addition to 87
those described in divisions (A) and (B) of this section, that 88
establish standards governing the display of advertising and 89
celebrity images on lottery tickets and on other items that are 90
used in the conduct of, or to promote, the statewide lottery and 91
statewide joint lottery games. Any revenue derived from the sale 92
of advertising displayed on lottery tickets and on those other 93
items shall be considered, for purposes of section 3770.06 of 94
the Revised Code, to be related proceeds in connection with the 95
statewide lottery or gross proceeds from statewide joint lottery 96
games, as applicable. 97

(E) (1) The commission shall meet with the director at 98
least once each month and shall convene other meetings at the 99
request of the chairperson or any five of the members. No action 100
taken by the commission shall be binding unless at least five of 101
the members present vote in favor of the action. A written 102
record shall be made of the proceedings of each meeting and 103
shall be transmitted forthwith to the governor, the president of 104
the senate, the senate minority leader, the speaker of the house 105
of representatives, and the house minority leader. 106

(2) The director shall present to the commission a report 107
each month, showing the total revenues, prize disbursements, and 108
operating expenses of the state lottery for the preceding month. 109
As soon as practicable after the end of each fiscal year, the 110
commission shall prepare and transmit to the governor and the 111
general assembly a report of lottery revenues, prize 112
disbursements, and operating expenses for the preceding fiscal 113
year and any recommendations for legislation considered 114
necessary by the commission. 115

Sec. 3770.08. (A) No person shall sell a lottery ticket at 116
a price greater than that fixed by rule of the state lottery 117
commission. 118

(B) No person other than a licensed lottery sales agent 119
shall sell lottery tickets, but nothing in this section shall be 120
construed to prevent any person from giving lottery tickets to 121
another as a gift. A transfer of lottery tickets by any person 122
which is made in connection with a marketing, promotional, or 123
advertising program shall be deemed to be a gift for the 124
purposes of this chapter. 125

(C) No person shall sell a lottery ticket to any person 126
under eighteen years of age, and no person under eighteen years 127
of age shall attempt to purchase a lottery ticket. 128

(D) No person, directly or indirectly, on behalf of self, 129
or another, nor any organization, shall invite, solicit, demand, 130
offer, or accept any payment, contribution, favor, or other 131
consideration to influence the award, renewal, or retention of a 132
lottery sales agent license. 133

(E) Except as otherwise provided in this division, no 134
person shall sell lottery tickets on any fairgrounds during any 135

annual exhibition conducted in accordance with Chapter 991. or 136
1711. of the Revised Code. "Fairgrounds" includes any land or 137
property under the control or management of any agricultural 138
society or of the Ohio expositions commission. This division 139
does not apply to the sale of lottery tickets by the commission 140
at the state fairground during the state fair. 141

(F) No person shall recklessly accept a credit card for 142
the purchase of a lottery ticket. This prohibition does not 143
apply to a video lottery terminal as provided in rule 3770:2-7- 144
01 of the Administrative Code. 145

Section 2. That existing sections 3770.03 and 3770.08 of 146
the Revised Code are hereby repealed. 147