

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Am. H. B. No. 29

Representatives Wiggam, Miller, A.

Cosponsors: Representatives Lipps, Seitz, Lampton, Ghanbari, Young, T., Weinstein, Crawley, Fowler Arthur, Gross, Sheehy, Abrams, Bird, Boyd, Brown, Carruthers, Crossman, Galonski, Householder, Lanese, Leland, Lepore-Hagan, Lightbody, Liston, Miller, J., O'Brien, Patton, Plummer, Ray, Robinson, Russo, Smith, K., Smith, M., Sobecki, Troy, Speaker Cupp

Senators Johnson, Fedor, Antani, Antonio, Blessing, Brenner, Cirino, Craig, Gavarone, Hackett, Hoagland, Huffman, S., Lang, Manning, McColley, Reineke, Romanchuk, Rulli, Schuring, Sykes, Thomas, Williams, Wilson, Yuko

A BILL

To amend sections 109.32, 109.572, 317.24, 317.241, 1
718.031, 718.08, 2915.01, 2915.08, 2915.081, 2
2915.082, 2915.09, 2915.091, 2915.093, 2915.095, 3
2915.10, 2915.101, 2915.12, 2915.13, 3123.89, 4
3123.90, 3770.071, 3770.073, 3772.01, 3772.02, 5
3772.03, 3772.062, 3772.07, 5703.21, 5747.02, 6
5747.062, 5747.063, 5747.08, 5747.20, 5751.01, 7
5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 8
5753.061, 5753.07, 5753.08, and 5753.10 and to 9
enact sections 2915.14, 2915.15, 3376.01, 10
3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 11
3376.07, 3376.08, 3772.37, 3775.01, 3775.02, 12
3775.03, 3775.04, 3775.041, 3775.05, 3775.051, 13
3775.06, 3775.07, 3775.08, 3775.09, 3775.10, 14
3775.101, 3775.11, 3775.12, 3775.13, 3775.14, 15
3775.15, 3775.16, 3775.17, 3775.99, 5753.021, 16
and 5753.031 of the Revised Code to allow a 17
person who was discharged from the United States 18

Public Health Service or the National Oceanic 19
and Atmospheric Administration to obtain an Ohio 20
veterans identification card, to allow 21
intercollegiate athletes to earn compensation 22
from their name, image, or likeness, to legalize 23
and regulate sports gaming in this state, to 24
levy a tax on businesses that provide sports 25
gaming, and to make other changes to the 26
Gambling Law. 27

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

Section 1. That sections 109.32, 109.572, 317.24, 317.241, 28
718.031, 718.08, 2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 29
2915.091, 2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 30
2915.13, 3123.89, 3123.90, 3770.071, 3770.073, 3772.01, 3772.02, 31
3772.03, 3772.062, 3772.07, 5703.21, 5747.02, 5747.062, 32
5747.063, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 33
5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 be 34
amended and sections 2915.14, 2915.15, 3376.01, 3376.02, 35
3376.03, 3376.04, 3376.05, 3376.06, 3376.07, 3376.08, 3772.37, 36
3775.01, 3775.02, 3775.03, 3775.04, 3775.041, 3775.05, 3775.051, 37
3775.06, 3775.07, 3775.08, 3775.09, 3775.10, 3775.101, 3775.11, 38
3775.12, 3775.13, 3775.14, 3775.15, 3775.16, 3775.17, 3775.99, 39
5753.021, and 5753.031 of the Revised Code be enacted to read as 40
follows: 41

Sec. 109.32. (A) All annual filing fees obtained by the 42
attorney general pursuant to section 109.31 of the Revised Code, 43
all receipts obtained from the sale of the charitable 44
foundations directory, all registration fees received by the 45

attorney general, bond forfeitures, awards of costs and 46
attorney's fees, and civil penalties assessed under Chapter 47
1716. of the Revised Code, all license fees received by the 48
attorney general under section 2915.08, 2915.081, or 2915.082 of 49
the Revised Code, all fees received by the attorney general 50
under section 2915.15 of the Revised Code, and all filing fees 51
received by the attorney general under divisions (F) and (G) of 52
section 2915.02 of the Revised Code, shall be paid into the 53
state treasury to the credit of the charitable law fund. ~~The~~ 54

(B) (1) Except as otherwise provided in divisions (B) (2) 55
and (3) of this section, the charitable law fund shall be used 56
insofar as its moneys are available for the expenses of the 57
charitable law section of the office of the attorney general, ~~7~~ 58
~~except that all.~~ 59

(2) All annual license fees that are received by the 60
attorney general under section 2915.08, 2915.081, or 2915.082 of 61
the Revised Code, and all filing fees received by the attorney 62
general under divisions (F) and (G) of section 2915.02 of the 63
Revised Code, that are credited to the fund shall be used by the 64
attorney general, or any law enforcement agency in cooperation 65
with the attorney general, for the purposes specified in 66
division (H) of section 2915.10 of the Revised Code and to 67
administer and enforce Chapter 2915. of the Revised Code. ~~The~~ 68

(3) All fees received by the attorney general under 69
section 2915.15 of the Revised Code that are credited to the 70
fund shall be used for the purposes specified in that section. 71

(C) The expenses of the charitable law section in excess 72
of moneys available in the charitable law fund shall be paid out 73
of regular appropriations to the office of the attorney general. 74

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 75
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 76
Code, a completed form prescribed pursuant to division (C) (1) of 77
this section, and a set of fingerprint impressions obtained in 78
the manner described in division (C) (2) of this section, the 79
superintendent of the bureau of criminal identification and 80
investigation shall conduct a criminal records check in the 81
manner described in division (B) of this section to determine 82
whether any information exists that indicates that the person 83
who is the subject of the request previously has been convicted 84
of or pleaded guilty to any of the following: 85

(a) A violation of section 2903.01, 2903.02, 2903.03, 86
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 87
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 88
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 89
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 90
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 91
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 92
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 93
sexual penetration in violation of former section 2907.12 of the 94
Revised Code, a violation of section 2905.04 of the Revised Code 95
as it existed prior to July 1, 1996, a violation of section 96
2919.23 of the Revised Code that would have been a violation of 97
section 2905.04 of the Revised Code as it existed prior to July 98
1, 1996, had the violation been committed prior to that date, or 99
a violation of section 2925.11 of the Revised Code that is not a 100
minor drug possession offense; 101

(b) A violation of an existing or former law of this 102
state, any other state, or the United States that is 103
substantially equivalent to any of the offenses listed in 104
division (A) (1) (a) of this section; 105

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified under section 9.79 of the Revised Code or in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this

section. 136

(3) On receipt of a request pursuant to section 173.27, 137
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 138
or 5123.081 of the Revised Code, a completed form prescribed 139
pursuant to division (C)(1) of this section, and a set of 140
fingerprint impressions obtained in the manner described in 141
division (C)(2) of this section, the superintendent of the 142
bureau of criminal identification and investigation shall 143
conduct a criminal records check of the person for whom the 144
request is made. The superintendent shall conduct the criminal 145
records check in the manner described in division (B) of this 146
section to determine whether any information exists that 147
indicates that the person who is the subject of the request 148
previously has been convicted of, has pleaded guilty to, or 149
(except in the case of a request pursuant to section 5164.34, 150
5164.341, or 5164.342 of the Revised Code) has been found 151
eligible for intervention in lieu of conviction for any of the 152
following, regardless of the date of the conviction, the date of 153
entry of the guilty plea, or (except in the case of a request 154
pursuant to section 5164.34, 5164.341, or 5164.342 of the 155
Revised Code) the date the person was found eligible for 156
intervention in lieu of conviction: 157

(a) A violation of section 959.13, 959.131, 2903.01, 158
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 159
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 160
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 161
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 162
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 163
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 164
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 165
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 166

2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	167
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	168
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	169
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	170
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	171
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	172
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	173
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	174
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	175
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	176
of the Revised Code;	177
(b) Felonious sexual penetration in violation of former	178
section 2907.12 of the Revised Code;	179
(c) A violation of section 2905.04 of the Revised Code as	180
it existed prior to July 1, 1996;	181
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	182
the Revised Code when the underlying offense that is the object	183
of the conspiracy, attempt, or complicity is one of the offenses	184
listed in divisions (A) (3) (a) to (c) of this section;	185
(e) A violation of an existing or former municipal	186
ordinance or law of this state, any other state, or the United	187
States that is substantially equivalent to any of the offenses	188
listed in divisions (A) (3) (a) to (d) of this section.	189
(4) On receipt of a request pursuant to section 2151.86 or	190
2151.904 of the Revised Code, a completed form prescribed	191
pursuant to division (C) (1) of this section, and a set of	192
fingerprint impressions obtained in the manner described in	193
division (C) (2) of this section, the superintendent of the	194
bureau of criminal identification and investigation shall	195

conduct a criminal records check in the manner described in 196
division (B) of this section to determine whether any 197
information exists that indicates that the person who is the 198
subject of the request previously has been convicted of or 199
pleaded guilty to any of the following: 200

(a) A violation of section 959.13, 2903.01, 2903.02, 201
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 202
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 203
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 204
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 205
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 206
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 207
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 208
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 209
2927.12, or 3716.11 of the Revised Code, a violation of section 210
2905.04 of the Revised Code as it existed prior to July 1, 1996, 211
a violation of section 2919.23 of the Revised Code that would 212
have been a violation of section 2905.04 of the Revised Code as 213
it existed prior to July 1, 1996, had the violation been 214
committed prior to that date, a violation of section 2925.11 of 215
the Revised Code that is not a minor drug possession offense, 216
two or more OVI or OVUAC violations committed within the three 217
years immediately preceding the submission of the application or 218
petition that is the basis of the request, or felonious sexual 219
penetration in violation of former section 2907.12 of the 220
Revised Code; 221

(b) A violation of an existing or former law of this 222
state, any other state, or the United States that is 223
substantially equivalent to any of the offenses listed in 224
division (A) (4) (a) of this section. 225

(5) Upon receipt of a request pursuant to section 5104.013 226
of the Revised Code, a completed form prescribed pursuant to 227
division (C)(1) of this section, and a set of fingerprint 228
impressions obtained in the manner described in division (C)(2) 229
of this section, the superintendent of the bureau of criminal 230
identification and investigation shall conduct a criminal 231
records check in the manner described in division (B) of this 232
section to determine whether any information exists that 233
indicates that the person who is the subject of the request has 234
been convicted of or pleaded guilty to any of the following: 235

(a) A violation of section 2151.421, 2903.01, 2903.02, 236
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 237
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 238
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 239
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 240
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 241
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 242
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 243
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 244
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 245
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 246
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 247
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 248
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 249
3716.11 of the Revised Code, felonious sexual penetration in 250
violation of former section 2907.12 of the Revised Code, a 251
violation of section 2905.04 of the Revised Code as it existed 252
prior to July 1, 1996, a violation of section 2919.23 of the 253
Revised Code that would have been a violation of section 2905.04 254
of the Revised Code as it existed prior to July 1, 1996, had the 255
violation been committed prior to that date, a violation of 256

section 2925.11 of the Revised Code that is not a minor drug 257
possession offense, a violation of section 2923.02 or 2923.03 of 258
the Revised Code that relates to a crime specified in this 259
division, or a second violation of section 4511.19 of the 260
Revised Code within five years of the date of application for 261
licensure or certification. 262

(b) A violation of an existing or former law of this 263
state, any other state, or the United States that is 264
substantially equivalent to any of the offenses or violations 265
described in division (A) (5) (a) of this section. 266

(6) Upon receipt of a request pursuant to section 5153.111 267
of the Revised Code, a completed form prescribed pursuant to 268
division (C) (1) of this section, and a set of fingerprint 269
impressions obtained in the manner described in division (C) (2) 270
of this section, the superintendent of the bureau of criminal 271
identification and investigation shall conduct a criminal 272
records check in the manner described in division (B) of this 273
section to determine whether any information exists that 274
indicates that the person who is the subject of the request 275
previously has been convicted of or pleaded guilty to any of the 276
following: 277

(a) A violation of section 2903.01, 2903.02, 2903.03, 278
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 279
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 280
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 281
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 282
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 283
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 284
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 285
Code, felonious sexual penetration in violation of former 286

section 2907.12 of the Revised Code, a violation of section 287
2905.04 of the Revised Code as it existed prior to July 1, 1996, 288
a violation of section 2919.23 of the Revised Code that would 289
have been a violation of section 2905.04 of the Revised Code as 290
it existed prior to July 1, 1996, had the violation been 291
committed prior to that date, or a violation of section 2925.11 292
of the Revised Code that is not a minor drug possession offense; 293

(b) A violation of an existing or former law of this 294
state, any other state, or the United States that is 295
substantially equivalent to any of the offenses listed in 296
division (A) (6) (a) of this section. 297

(7) On receipt of a request for a criminal records check 298
from an individual pursuant to section 4749.03 or 4749.06 of the 299
Revised Code, accompanied by a completed copy of the form 300
prescribed in division (C) (1) of this section and a set of 301
fingerprint impressions obtained in a manner described in 302
division (C) (2) of this section, the superintendent of the 303
bureau of criminal identification and investigation shall 304
conduct a criminal records check in the manner described in 305
division (B) of this section to determine whether any 306
information exists indicating that the person who is the subject 307
of the request has been convicted of or pleaded guilty to any 308
criminal offense in this state or in any other state. If the 309
individual indicates that a firearm will be carried in the 310
course of business, the superintendent shall require information 311
from the federal bureau of investigation as described in 312
division (B) (2) of this section. Subject to division (F) of this 313
section, the superintendent shall report the findings of the 314
criminal records check and any information the federal bureau of 315
investigation provides to the director of public safety. 316

(8) On receipt of a request pursuant to section 1321.37, 317
1321.53, or 4763.05 of the Revised Code, a completed form 318
prescribed pursuant to division (C)(1) of this section, and a 319
set of fingerprint impressions obtained in the manner described 320
in division (C)(2) of this section, the superintendent of the 321
bureau of criminal identification and investigation shall 322
conduct a criminal records check with respect to any person who 323
has applied for a license, permit, or certification from the 324
department of commerce or a division in the department. The 325
superintendent shall conduct the criminal records check in the 326
manner described in division (B) of this section to determine 327
whether any information exists that indicates that the person 328
who is the subject of the request previously has been convicted 329
of or pleaded guilty to any criminal offense in this state, any 330
other state, or the United States. 331

(9) On receipt of a request for a criminal records check 332
from the treasurer of state under section 113.041 of the Revised 333
Code or from an individual under section 928.03, 4701.08, 334
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 335
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 336
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 337
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 338
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 339
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 340
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 341
Code, accompanied by a completed form prescribed under division 342
(C)(1) of this section and a set of fingerprint impressions 343
obtained in the manner described in division (C)(2) of this 344
section, the superintendent of the bureau of criminal 345
identification and investigation shall conduct a criminal 346
records check in the manner described in division (B) of this 347

section to determine whether any information exists that 348
indicates that the person who is the subject of the request has 349
been convicted of or pleaded guilty to any criminal offense in 350
this state or any other state. Subject to division (F) of this 351
section, the superintendent shall send the results of a check 352
requested under section 113.041 of the Revised Code to the 353
treasurer of state and shall send the results of a check 354
requested under any of the other listed sections to the 355
licensing board specified by the individual in the request. 356

(10) On receipt of a request pursuant to section 124.74, 357
718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 of the 358
Revised Code, a completed form prescribed pursuant to division 359
(C) (1) of this section, and a set of fingerprint impressions 360
obtained in the manner described in division (C) (2) of this 361
section, the superintendent of the bureau of criminal 362
identification and investigation shall conduct a criminal 363
records check in the manner described in division (B) of this 364
section to determine whether any information exists that 365
indicates that the person who is the subject of the request 366
previously has been convicted of or pleaded guilty to any 367
criminal offense under any existing or former law of this state, 368
any other state, or the United States. 369

(11) On receipt of a request for a criminal records check 370
from an appointing or licensing authority under section 3772.07 371
of the Revised Code, a completed form prescribed under division 372
(C) (1) of this section, and a set of fingerprint impressions 373
obtained in the manner prescribed in division (C) (2) of this 374
section, the superintendent of the bureau of criminal 375
identification and investigation shall conduct a criminal 376
records check in the manner described in division (B) of this 377
section to determine whether any information exists that 378

indicates that the person who is the subject of the request 379
previously has been convicted of or pleaded guilty or no contest 380
to any offense under any existing or former law of this state, 381
any other state, or the United States that makes the person 382
ineligible for appointment or retention under section 3772.07 of 383
the Revised Code or that is a disqualifying offense as defined 384
in that section 3772.07 of the Revised Code or substantially 385
equivalent to such an a disqualifying offense, as applicable. 386

(12) On receipt of a request pursuant to section 2151.33 387
or 2151.412 of the Revised Code, a completed form prescribed 388
pursuant to division (C)(1) of this section, and a set of 389
fingerprint impressions obtained in the manner described in 390
division (C)(2) of this section, the superintendent of the 391
bureau of criminal identification and investigation shall 392
conduct a criminal records check with respect to any person for 393
whom a criminal records check is required under that section. 394
The superintendent shall conduct the criminal records check in 395
the manner described in division (B) of this section to 396
determine whether any information exists that indicates that the 397
person who is the subject of the request previously has been 398
convicted of or pleaded guilty to any of the following: 399

(a) A violation of section 2903.01, 2903.02, 2903.03, 400
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 401
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 402
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 403
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 404
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 405
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 406
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 407
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 408

(b) An existing or former law of this state, any other 409
state, or the United States that is substantially equivalent to 410
any of the offenses listed in division (A) (12) (a) of this 411
section. 412

(13) On receipt of a request pursuant to section 3796.12 413
of the Revised Code, a completed form prescribed pursuant to 414
division (C) (1) of this section, and a set of fingerprint 415
impressions obtained in a manner described in division (C) (2) of 416
this section, the superintendent of the bureau of criminal 417
identification and investigation shall conduct a criminal 418
records check in the manner described in division (B) of this 419
section to determine whether any information exists that 420
indicates that the person who is the subject of the request 421
previously has been convicted of or pleaded guilty to the 422
following: 423

(a) A disqualifying offense as specified in rules adopted 424
under section 9.79 and division (B) (2) (b) of section 3796.03 of 425
the Revised Code if the person who is the subject of the request 426
is an administrator or other person responsible for the daily 427
operation of, or an owner or prospective owner, officer or 428
prospective officer, or board member or prospective board member 429
of, an entity seeking a license from the department of commerce 430
under Chapter 3796. of the Revised Code; 431

(b) A disqualifying offense as specified in rules adopted 432
under section 9.79 and division (B) (2) (b) of section 3796.04 of 433
the Revised Code if the person who is the subject of the request 434
is an administrator or other person responsible for the daily 435
operation of, or an owner or prospective owner, officer or 436
prospective officer, or board member or prospective board member 437
of, an entity seeking a license from the state board of pharmacy 438

under Chapter 3796. of the Revised Code. 439

(14) On receipt of a request required by section 3796.13 440
of the Revised Code, a completed form prescribed pursuant to 441
division (C) (1) of this section, and a set of fingerprint 442
impressions obtained in a manner described in division (C) (2) of 443
this section, the superintendent of the bureau of criminal 444
identification and investigation shall conduct a criminal 445
records check in the manner described in division (B) of this 446
section to determine whether any information exists that 447
indicates that the person who is the subject of the request 448
previously has been convicted of or pleaded guilty to the 449
following: 450

(a) A disqualifying offense as specified in rules adopted 451
under division (B) (8) (a) of section 3796.03 of the Revised Code 452
if the person who is the subject of the request is seeking 453
employment with an entity licensed by the department of commerce 454
under Chapter 3796. of the Revised Code; 455

(b) A disqualifying offense as specified in rules adopted 456
under division (B) (14) (a) of section 3796.04 of the Revised Code 457
if the person who is the subject of the request is seeking 458
employment with an entity licensed by the state board of 459
pharmacy under Chapter 3796. of the Revised Code. 460

(15) On receipt of a request pursuant to section 4768.06 461
of the Revised Code, a completed form prescribed under division 462
(C) (1) of this section, and a set of fingerprint impressions 463
obtained in the manner described in division (C) (2) of this 464
section, the superintendent of the bureau of criminal 465
identification and investigation shall conduct a criminal 466
records check in the manner described in division (B) of this 467
section to determine whether any information exists indicating 468

that the person who is the subject of the request has been 469
convicted of or pleaded guilty to any criminal offense in this 470
state or in any other state. 471

(16) On receipt of a request pursuant to division (B) of 472
section 4764.07 or division (A) of section 4735.143 of the 473
Revised Code, a completed form prescribed under division (C) (1) 474
of this section, and a set of fingerprint impressions obtained 475
in the manner described in division (C) (2) of this section, the 476
superintendent of the bureau of criminal identification and 477
investigation shall conduct a criminal records check in the 478
manner described in division (B) of this section to determine 479
whether any information exists indicating that the person who is 480
the subject of the request has been convicted of or pleaded 481
guilty to any criminal offense in any state or the United 482
States. 483

(17) On receipt of a request for a criminal records check 484
under section 147.022 of the Revised Code, a completed form 485
prescribed under division (C) (1) of this section, and a set of 486
fingerprint impressions obtained in the manner prescribed in 487
division (C) (2) of this section, the superintendent of the 488
bureau of criminal identification and investigation shall 489
conduct a criminal records check in the manner described in 490
division (B) of this section to determine whether any 491
information exists that indicates that the person who is the 492
subject of the request previously has been convicted of or 493
pleaded guilty or no contest to any criminal offense under any 494
existing or former law of this state, any other state, or the 495
United States. 496

(18) Upon receipt of a request pursuant to division (F) of 497
section 2915.081 or division (E) of section 2915.082 of the 498

Revised Code, a completed form prescribed under division (C) (1) 499
of this section, and a set of fingerprint impressions obtained 500
in the manner described in division (C) (2) of this section, the 501
superintendent of the bureau of criminal identification and 502
investigation shall conduct a criminal records check in the 503
manner described in division (B) of this section to determine 504
whether any information exists indicating that the person who is 505
the subject of the request has been convicted of or pleaded 506
guilty or no contest to any offense that is a violation of 507
Chapter 2915. of the Revised Code or to any offense under any 508
existing or former law of this state, any other state, or the 509
United States that is substantially equivalent to such an 510
offense. 511

(19) On receipt of a request pursuant to section 3775.03 512
of the Revised Code, a completed form prescribed under division 513
(C) (1) of this section, and a set of fingerprint impressions 514
obtained in the manner described in division (C) (2) of this 515
section, the superintendent of the bureau of criminal 516
identification and investigation shall conduct a criminal 517
records check in the manner described in division (B) of this 518
section and shall request information from the federal bureau of 519
investigation to determine whether any information exists 520
indicating that the person who is the subject of the request has 521
been convicted of any offense under any existing or former law 522
of this state, any other state, or the United States that is a 523
disqualifying offense as defined in section 3772.07 of the 524
Revised Code. 525

(B) Subject to division (F) of this section, the 526
superintendent shall conduct any criminal records check to be 527
conducted under this section as follows: 528

(1) The superintendent shall review or cause to be 529
reviewed any relevant information gathered and compiled by the 530
bureau under division (A) of section 109.57 of the Revised Code 531
that relates to the person who is the subject of the criminal 532
records check, including, if the criminal records check was 533
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 534
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 535
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 536
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 537
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 538
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 539
5123.169, or 5153.111 of the Revised Code, any relevant 540
information contained in records that have been sealed under 541
section 2953.32 of the Revised Code; 542

(2) If the request received by the superintendent asks for 543
information from the federal bureau of investigation, the 544
superintendent shall request from the federal bureau of 545
investigation any information it has with respect to the person 546
who is the subject of the criminal records check, including 547
fingerprint-based checks of national crime information databases 548
as described in 42 U.S.C. 671 if the request is made pursuant to 549
section 2151.86 or 5104.013 of the Revised Code or if any other 550
Revised Code section requires fingerprint-based checks of that 551
nature, and shall review or cause to be reviewed any information 552
the superintendent receives from that bureau. If a request under 553
section 3319.39 of the Revised Code asks only for information 554
from the federal bureau of investigation, the superintendent 555
shall not conduct the review prescribed by division (B) (1) of 556
this section. 557

(3) The superintendent or the superintendent's designee 558
may request criminal history records from other states or the 559

federal government pursuant to the national crime prevention and 560
privacy compact set forth in section 109.571 of the Revised 561
Code. 562

(4) The superintendent shall include in the results of the 563
criminal records check a list or description of the offenses 564
listed or described in the relevant provision of division (A) 565
~~(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),~~ 566
~~(13), (14), (15), (16), or (17)~~ of this section, ~~whichever~~ 567
~~division requires the superintendent to conduct the criminal~~ 568
~~records check.~~ The superintendent shall exclude from the results 569
any information the dissemination of which is prohibited by 570
federal law. 571

(5) The superintendent shall send the results of the 572
criminal records check to the person to whom it is to be sent 573
not later than the following number of days after the date the 574
superintendent receives the request for the criminal records 575
check, the completed form prescribed under division (C) (1) of 576
this section, and the set of fingerprint impressions obtained in 577
the manner described in division (C) (2) of this section: 578

(a) If the superintendent is required by division (A) of 579
this section (other than division (A) (3) of this section) to 580
conduct the criminal records check, thirty; 581

(b) If the superintendent is required by division (A) (3) 582
of this section to conduct the criminal records check, sixty. 583

(C) (1) The superintendent shall prescribe a form to obtain 584
the information necessary to conduct a criminal records check 585
from any person for whom a criminal records check is to be 586
conducted under this section. The form that the superintendent 587
prescribes pursuant to this division may be in a tangible 588

format, in an electronic format, or in both tangible and 589
electronic formats. 590

(2) The superintendent shall prescribe standard impression 591
sheets to obtain the fingerprint impressions of any person for 592
whom a criminal records check is to be conducted under this 593
section. Any person for whom a records check is to be conducted 594
under this section shall obtain the fingerprint impressions at a 595
county sheriff's office, municipal police department, or any 596
other entity with the ability to make fingerprint impressions on 597
the standard impression sheets prescribed by the superintendent. 598
The office, department, or entity may charge the person a 599
reasonable fee for making the impressions. The standard 600
impression sheets the superintendent prescribes pursuant to this 601
division may be in a tangible format, in an electronic format, 602
or in both tangible and electronic formats. 603

(3) Subject to division (D) of this section, the 604
superintendent shall prescribe and charge a reasonable fee for 605
providing a criminal records check under this section. The 606
person requesting the criminal records check shall pay the fee 607
prescribed pursuant to this division. In the case of a request 608
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 609
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 610
fee shall be paid in the manner specified in that section. 611

(4) The superintendent of the bureau of criminal 612
identification and investigation may prescribe methods of 613
forwarding fingerprint impressions and information necessary to 614
conduct a criminal records check, which methods shall include, 615
but not be limited to, an electronic method. 616

(D) The results of a criminal records check conducted 617
under this section, other than a criminal records check 618

specified in division (A) (7) of this section, are valid for the 619
person who is the subject of the criminal records check for a 620
period of one year from the date upon which the superintendent 621
completes the criminal records check. If during that period the 622
superintendent receives another request for a criminal records 623
check to be conducted under this section for that person, the 624
superintendent shall provide the results from the previous 625
criminal records check of the person at a lower fee than the fee 626
prescribed for the initial criminal records check. 627

(E) When the superintendent receives a request for 628
information from a registered private provider, the 629
superintendent shall proceed as if the request was received from 630
a school district board of education under section 3319.39 of 631
the Revised Code. The superintendent shall apply division (A) (1) 632
(c) of this section to any such request for an applicant who is 633
a teacher. 634

(F) (1) Subject to division (F) (2) of this section, all 635
information regarding the results of a criminal records check 636
conducted under this section that the superintendent reports or 637
sends under division (A) (7) or (9) of this section to the 638
director of public safety, the treasurer of state, or the 639
person, board, or entity that made the request for the criminal 640
records check shall relate to the conviction of the subject 641
person, or the subject person's plea of guilty to, a criminal 642
offense. 643

(2) Division (F) (1) of this section does not limit, 644
restrict, or preclude the superintendent's release of 645
information that relates to the arrest of a person who is 646
eighteen years of age or older, to an adjudication of a child as 647
a delinquent child, or to a criminal conviction of a person 648

under eighteen years of age in circumstances in which a release 649
of that nature is authorized under division (E) (2), (3), or (4) 650
of section 109.57 of the Revised Code pursuant to a rule adopted 651
under division (E) (1) of that section. 652

(G) As used in this section: 653

(1) "Criminal records check" means any criminal records 654
check conducted by the superintendent of the bureau of criminal 655
identification and investigation in accordance with division (B) 656
of this section. 657

(2) "Minor drug possession offense" has the same meaning 658
as in section 2925.01 of the Revised Code. 659

(3) "OVI or OVUAC violation" means a violation of section 660
4511.19 of the Revised Code or a violation of an existing or 661
former law of this state, any other state, or the United States 662
that is substantially equivalent to section 4511.19 of the 663
Revised Code. 664

(4) "Registered private provider" means a nonpublic school 665
or entity registered with the superintendent of public 666
instruction under section 3310.41 of the Revised Code to 667
participate in the autism scholarship program or section 3310.58 668
of the Revised Code to participate in the Jon Peterson special 669
needs scholarship program. 670

Sec. 317.24. (A) As used in this section: 671

(1) "Authorized party" means any of the following: 672

(a) The person who is the subject of the record of 673
discharge; 674

(b) A county veterans service officer who is certified by 675
the department of veterans services; 676

(c) An attorney-in-fact, agent, or other representative of 677
the person who is the subject of the record of discharge, if 678
authorized to inspect or copy the record of discharge by that 679
person in a power of attorney or other document; 680

(d) A person authorized, for good cause shown, by a court 681
of record to inspect or copy the record of discharge; 682

(e) If the person who is the subject of the record of 683
discharge is deceased, the executor or administrator, or an 684
heir, legatee, or devisee, of the person's estate or a funeral 685
director who is to perform the funeral for the deceased person. 686

(2) "Separation code" or "separation program number" means 687
the coded number or numbers used to specify the reasons for a 688
person's separation from active duty, as contained in one of the 689
following: 690

(a) Regarding a separation code, as contained in line 23 691
or 26 of a veteran's discharge paper, United States department 692
of defense form DD-214; 693

(b) Regarding a separation program number, as contained in 694
line 9(c) or line 11(c) of a veteran's discharge paper, under 695
prior versions of United States department of defense form DD- 696
214. 697

(3) "Service-related document" means any United States 698
department of defense form DD-215 or DD-220, or any National 699
Guard Bureau form NGB-22 or NGB-22A. 700

(4) "Armed forces of the United States" means the army, 701
navy, air force, marine corps, space force, coast guard, the 702
national guard of any state, or any other reserve components of 703
those forces. 704

(5) "Uniformed services" means the armed forces of the 705
United States; the commissioned corps of the national oceanic 706
and atmospheric administration; the commissioned corps of the 707
public health service; or any reserve components of those 708
forces; and such other service as may be designated by congress. 709

(B) (1) Upon request of any discharged member of the ~~armed-~~ 710
~~forces of the United States~~ uniformed services and presentation 711
of the member's discharge, the county recorder shall record the 712
discharge in a book to be furnished by the board of county 713
commissioners for that purpose. There shall be no fee for the 714
recording. The record of discharge, or a certified copy of the 715
record, shall be received in evidence in all cases where the 716
original discharge would be received. 717

(2) (a) A discharge recorded under division (B) (1) or (D) 718
of this section is not a public record under section 149.43 of 719
the Revised Code for a period of seventy-five years after the 720
date of the recording. During that period, the county recorder's 721
office shall make the record of discharge available only to an 722
authorized party or to a person other than an authorized party 723
as provided by division (B) (2) (b) of this section. Except as 724
provided in section 317.27 of the Revised Code, the authorized 725
party shall pay the reasonable costs of copying the record of 726
discharge. 727

(b) A person other than an authorized party may request to 728
view or receive a copy of a discharge record recorded under 729
division (B) (1) or (D) of this section. Upon such a person's 730
request, the county recorder's office shall provide a copy of 731
the discharged record to the person that shall be redacted to 732
contain only the name, rank, date of birth, date of discharge, 733
and type of discharge of the person who is the subject of the 734

discharge record. Except as provided in section 317.27 of the Revised Code, a person other than an authorized party shall pay the reasonable costs of copying the record of discharge.

(3) A county veterans service officer, who is an authorized party, may request to receive, from a county recorder's office, a record of discharge if the veterans service officer has a need for access to the record of discharge for the purpose of supporting a veteran's claim for benefits, and the county recorder's office shall make the record available to the county veterans service officer.

(C) Upon application by a person whose discharge has been recorded pursuant to this section, the county recorder shall, without fee, expunge the person's record of discharge, expunge the person's separation program number or separation code from the person's record of discharge and from any of the person's other service-related documents that have been recorded, or expunge the person's social security number from the person's record of discharge and from any of the person's other service-related documents that have been recorded. The application shall be in the following form:

"APPLICATION FOR EXPUNGEMENT

OF DISCHARGE RECORD OR OTHER INFORMATION

I, _____ (Name of Applicant), the undersigned, hereby request the County Recorder of the County of _____ (Name of County), state of Ohio, to expunge my _____ (Insert Record of Discharge, Separation Program Number or Separation Code from my Record of Discharge and other service-related documents, or Social Security Number from my Record of Discharge and other service-related documents).

Dated this _____ day of _____, _____ 764

_____ 765

(Signature of Applicant) 766

Sworn to and subscribed before me by _____ (Name of 767

Applicant) on _____, _____ 768

_____ 769

Notary Public 770

My commission expires _____, _____" 771

(D) Upon the request of any person who served during World 772

War I or World War II as a member of any armed force of the 773

government of Poland or Czechoslovakia and participated while so 774

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Sec. 317.241. (A) The board of county commissioners may by 783

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786

(1) Presented the individual's ~~armed forces~~ uniformed 787

services discharge record for recording in the record of 788

789

(2) Provided, while appearing in person at a county 790

recorder's office or county veterans service office, two forms 791
of current and valid identification, at least one of which bears 792
a photograph of the individual; 793

(3) Paid a fee, if a fee has been established by the 794
county. 795

A board of county commissioners may, by resolution, 796
authorize a county recorder or county veterans service office to 797
collect a fee from individuals requesting a veterans 798
identification card. The fee may not exceed two dollars. 799

If a county veterans service office maintains access to 800
the state and federal military service verification system, the 801
county veterans service office or county recorder, by consulting 802
the county veterans service office, shall confirm before issuing 803
a veterans identification card that the individual's ~~armed-~~ 804
~~forces-uniformed services~~ discharge record exists in the 805
system's database and does not indicate the individual was 806
dishonorably discharged. 807

(B) A county recorder or county veterans service office 808
who has in operation, before ~~the effective date of this section-~~ 809
September 8, 2016, a program to issue veterans identification 810
cards may continue to issue veterans identification cards 811
without a resolution of the board of county commissioners, if 812
the county recorder or county veterans service office conforms 813
the program, as necessary, so that it otherwise is in compliance 814
with this section. 815

(C) An Ohio veterans identification card expires ten years 816
after the date of issuance. A veteran whose identification card 817
has expired may apply to a county recorder or county veterans 818
service office for the issuance of a new identification card, 819

and a veteran whose current card has been lost or damaged may 820
apply to a county recorder or county veterans service office for 821
a replacement identification card, by meeting the requirements 822
described in this section. 823

(D) The following documents are valid forms of 824
identification for the purposes of this section: 825

(1) An original or a certified birth certificate; 826

(2) An identification card issued by the United States 827
department of veterans affairs; 828

(3) A United States military identification card; 829

(4) A social security card; 830

(5) A license or permit to carry a concealed weapon issued 831
by this state or any other state; 832

(6) A motor vehicle operator's license issued by this 833
state or any other state that bears a photograph of the 834
licensee; 835

(7) An identification card issued by this state or any 836
other state that bears a photograph of the individual 837
identified; 838

(8) A valid passport that bears a photograph of the 839
individual to whom the passport was issued; 840

(9) A United States ~~armed forces~~ uniformed services 841
discharge record. 842

(E) Fees collected under this section shall be deposited 843
into the county treasury to the credit of the county general 844
fund. 845

(F) (1) An Ohio veterans identification card shall conform 846

to the material and design standards established by the Ohio 847
recorders association in consultation with the county 848
commissioners' association of Ohio and Ohio state association of 849
county veterans service officers. All issuing entities shall 850
follow the design standards established pursuant to ~~Sec.~~section 851
317.242 of the Revised Code. 852

(2) An applicant for an Ohio veterans identification card 853
shall be photographed in color at the time the application for 854
the card is made. A county recorder or county veterans service 855
office that issues identification cards shall provide the 856
necessary equipment to take a color photograph of an applicant 857
for an Ohio veterans identification card. Photographic records 858
of a county recorder's office or county veterans service office 859
that are obtained under this section are the property of the 860
county recorder's office or county veterans service office. 861

(G) All application materials, including applications, 862
photographs, documents, or other information submitted with an 863
application or obtained by a county recorder or county veterans 864
service office are not public records under section 149.43 of 865
the Revised Code. The county recorder or county veterans service 866
office may only release application materials as follows: 867

(1) To a state, local, or federal governmental agency for 868
criminal justice purposes or to a court for any purpose arising 869
in the court; 870

(2) To the department of veterans services, but only if 871
the veteran gives prior signed written approval; 872

(3) To a county veterans service commission, but only if 873
the veteran gives prior signed written approval. 874

A governmental agency, a court, the department of veterans 875

services, or a county veterans service commission to which 876
application materials have been released shall maintain the 877
confidentiality of those materials. 878

(H) A county recorder or county veterans service office 879
may contract with any other political subdivision of the state 880
for Ohio veterans identification card production services. 881

(I) A county recorder or county veterans service office 882
may accept donations, in the form of supplies and equipment, to 883
be used in the production of Ohio veterans identification cards. 884

(J) For purposes of this section, "uniformed services" has 885
the meaning defined in section 317.24 of the Revised Code. 886

Sec. 718.031. As used in this section, "sports gaming 887
facility" and "type B sports gaming proprietor" have the same 888
meanings as in section 3775.01 of the Revised Code. 889

(A) A municipal corporation shall require ~~a casino 890
facility or a casino operator, as defined in Section 6(C) (9) of 891
Article XV, Ohio Constitution, and section 3772.01 of the 892
Revised Code, respectively, or a lottery sales agent conducting 893
video lottery terminals on behalf of the state~~ the following 894
persons to withhold and remit municipal income tax with respect 895
to amounts other than qualifying wages as provided in this 896
section: 897

(1) A casino facility or a casino operator, as defined in 898
Section 6(C) (9) of Article XV, Ohio Constitution, and section 899
3772.01 of the Revised Code, respectively; 900

(2) A lottery sales agent conducting video lottery 901
terminals on behalf of the state; 902

(3) A type B sports gaming proprietor offering sports 903

gaming at a sports gaming facility. 904

(B) If a person's winnings at a casino facility or sports gaming facility are an amount for which reporting to the 905
internal revenue service of the amount is required by section 906
6041 of the Internal Revenue Code, as amended, ~~the a~~ casino 907
operator or sports gaming proprietor shall deduct and withhold 908
municipal income tax from the person's winnings at the rate of 909
the tax imposed by the municipal corporation in which the casino 910
facility or sports gaming facility is located. 911
912

(C) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of 913
the municipal corporation to which the tax is owed. 914
915

(1) On or before the tenth day of each month, the casino 916
operator or sports gaming proprietor shall file a return 917
electronically with the tax administrator of the municipal 918
corporation, providing the name, address, and social security 919
number of the person from whose winnings amounts were deducted 920
and withheld, the amount of each such deduction and withholding 921
during the preceding calendar month, the amount of the winnings 922
from which each such amount was withheld, the type of casino 923
gaming or sports gaming that resulted in such winnings, and any 924
other information required by the tax administrator. With this 925
return, the casino operator or sports gaming proprietor shall 926
remit electronically to the municipal corporation all amounts 927
deducted and withheld during the preceding month. 928

(2) Annually, on or before the thirty-first day of 929
January, a casino operator or sports gaming proprietor shall 930
file an annual return electronically with the tax administrator 931
of the municipal corporation in which the casino facility or sports gaming facility is located, indicating the total amount 932
933

deducted and withheld during the preceding calendar year. The 934
casino operator or sports gaming proprietor shall remit 935
electronically with the annual return any amount that was 936
deducted and withheld and that was not previously remitted. If 937
the name, address, or social security number of a person or the 938
amount deducted and withheld with respect to that person was 939
omitted on a monthly return for that reporting period, that 940
information shall be indicated on the annual return. 941

(3) Annually, on or before the thirty-first day of 942
January, a casino operator or sports gaming proprietor shall 943
issue an information return to each person with respect to whom 944
an amount has been deducted and withheld during the preceding 945
calendar year. The information return shall show the total 946
amount of municipal income tax deducted from the person's 947
winnings during the preceding year. The casino operator or 948
sports gaming proprietor shall provide to the tax administrator 949
a copy of each information return issued under this division. 950
The administrator may require that such copies be transmitted 951
electronically. 952

(4) A casino operator or sports gaming proprietor that 953
fails to file a return and remit the amounts deducted and 954
withheld shall be personally liable for the amount withheld and 955
not remitted. Such personal liability extends to any penalty and 956
interest imposed for the late filing of a return or the late 957
payment of tax deducted and withheld. 958

(5) If a casino operator or sports gaming proprietor sells 959
the casino facility or sports gaming facility, or otherwise 960
quits the casino or sports gaming business, the amounts deducted 961
and withheld along with any penalties and interest thereon are 962
immediately due and payable. The successor shall withhold an 963

amount of the purchase money that is sufficient to cover the 964
amounts deducted and withheld along with any penalties and 965
interest thereon until the predecessor casino operator or sports 966
gaming proprietor produces either of the following: 967

(a) A receipt from the tax administrator showing that the 968
amounts deducted and withheld and penalties and interest thereon 969
have been paid; 970

(b) A certificate from the tax administrator indicating 971
that no amounts are due. 972

If the successor fails to withhold purchase money, the 973
successor is personally liable for the payment of the amounts 974
deducted and withheld and penalties and interest thereon. 975

(6) The failure of a casino operator or sports gaming 976
proprietor to deduct and withhold the required amount from a 977
person's winnings does not relieve that person from liability 978
for the municipal income tax with respect to those winnings. 979

(D) If a person's prize award from a video lottery 980
terminal is an amount for which reporting to the internal 981
revenue service is required by section 6041 of the Internal 982
Revenue Code, as amended, the video lottery sales agent shall 983
deduct and withhold municipal income tax from the person's prize 984
award at the rate of the tax imposed by the municipal 985
corporation in which the video lottery terminal facility is 986
located. 987

(E) Amounts deducted and withheld by a video lottery sales 988
agent are held in trust for the benefit of the municipal 989
corporation to which the tax is owed. 990

(1) The video lottery sales agent shall issue to a person 991
from whose prize award an amount has been deducted and withheld 992

a receipt for the amount deducted and withheld, and shall obtain 993
from the person receiving a prize award the person's name, 994
address, and social security number in order to facilitate the 995
preparation of returns required by this section. 996

(2) On or before the tenth day of each month, the video 997
lottery sales agent shall file a return electronically with the 998
tax administrator of the municipal corporation providing the 999
names, addresses, and social security numbers of the persons 1000
from whose prize awards amounts were deducted and withheld, the 1001
amount of each such deduction and withholding during the 1002
preceding calendar month, the amount of the prize award from 1003
which each such amount was withheld, and any other information 1004
required by the tax administrator. With the return, the video 1005
lottery sales agent shall remit electronically to the tax 1006
administrator all amounts deducted and withheld during the 1007
preceding month. 1008

(3) A video lottery sales agent shall maintain a record of 1009
all receipts issued under division (E) of this section and shall 1010
make those records available to the tax administrator upon 1011
request. Such records shall be maintained in accordance with 1012
section 5747.17 of the Revised Code and any rules adopted 1013
pursuant thereto. 1014

(4) Annually, on or before the thirty-first day of 1015
January, each video lottery terminal sales agent shall file an 1016
annual return electronically with the tax administrator of the 1017
municipal corporation in which the facility is located 1018
indicating the total amount deducted and withheld during the 1019
preceding calendar year. The video lottery sales agent shall 1020
remit electronically with the annual return any amount that was 1021
deducted and withheld and that was not previously remitted. If 1022

the name, address, or social security number of a person or the 1023
amount deducted and withheld with respect to that person was 1024
omitted on a monthly return for that reporting period, that 1025
information shall be indicated on the annual return. 1026

(5) Annually, on or before the thirty-first day of 1027
January, a video lottery sales agent shall issue an information 1028
return to each person with respect to whom an amount has been 1029
deducted and withheld during the preceding calendar year. The 1030
information return shall show the total amount of municipal 1031
income tax deducted and withheld from the person's prize award 1032
by the video lottery sales agent during the preceding year. A 1033
video lottery sales agent shall provide to the tax administrator 1034
of the municipal corporation a copy of each information return 1035
issued under this division. The tax administrator may require 1036
that such copies be transmitted electronically. 1037

(6) A video lottery sales agent who fails to file a return 1038
and remit the amounts deducted and withheld is personally liable 1039
for the amount deducted and withheld and not remitted. Such 1040
personal liability extends to any penalty and interest imposed 1041
for the late filing of a return or the late payment of tax 1042
deducted and withheld. 1043

(F) If a video lottery sales agent ceases to operate video 1044
lottery terminals, the amounts deducted and withheld along with 1045
any penalties and interest thereon are immediately due and 1046
payable. The successor of the video lottery sales agent that 1047
purchases the video lottery terminals from the agent shall 1048
withhold an amount from the purchase money that is sufficient to 1049
cover the amounts deducted and withheld and any penalties and 1050
interest thereon until the predecessor video lottery sales agent 1051
operator produces either of the following: 1052

(1) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;

(2) A certificate from the tax administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(G) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve that person from liability for the municipal income tax with respect to that prize award.

(H) If a casino operator, sports gaming proprietor, or lottery sales agent files a return late, fails to file a return, remits amounts deducted and withheld late, or fails to remit amounts deducted and withheld as required under this section, the tax administrator of a municipal corporation may impose the following applicable penalty:

(1) For the late remittance of, or failure to remit, tax deducted and withheld under this section, a penalty equal to fifty per cent of the tax deducted and withheld;

(2) For the failure to file, or the late filing of, a monthly or annual return, a penalty of five hundred dollars for each return not filed or filed late. Interest shall accrue on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code.

(I) Amounts deducted and withheld on behalf of a municipal corporation shall be allowed as a credit against payment of the tax imposed by the municipal corporation and shall be treated as

taxes paid for purposes of section 718.08 of the Revised Code. 1082
This division applies only to the person for whom the amount is 1083
deducted and withheld. 1084

(J) The tax administrator shall prescribe the forms of the 1085
receipts and returns required under this section. 1086

Sec. 718.08. (A) As used in this section: 1087

(1) "Estimated taxes" means the amount that the taxpayer 1088
reasonably estimates to be the taxpayer's tax liability for a 1089
municipal corporation's income tax for the current taxable year. 1090

(2) "Tax liability" means the total taxes due to a 1091
municipal corporation for the taxable year, after allowing any 1092
credit to which the taxpayer is entitled, and after applying any 1093
estimated tax payment, withholding payment, or credit from 1094
another taxable year. 1095

(B) (1) Except as provided in division (F) of this section, 1096
every taxpayer shall make a declaration of estimated taxes for 1097
the current taxable year, on the form prescribed by the tax 1098
administrator, if the amount payable as estimated taxes is at 1099
least two hundred dollars. For the purposes of this section: 1100

(a) Taxes withheld from qualifying wages shall be 1101
considered as paid to the municipal corporation for which the 1102
taxes were withheld in equal amounts on each payment date unless 1103
the taxpayer establishes the dates on which all amounts were 1104
actually withheld, in which case the amounts withheld shall be 1105
considered as paid on the dates on which the amounts were 1106
actually withheld. 1107

(b) An overpayment of tax applied as a credit to a 1108
subsequent taxable year is deemed to be paid on the date of the 1109
postmark stamped on the cover in which the payment is mailed or, 1110

if the payment is made by electronic funds transfer, the date 1111
the payment is submitted. As used in this division, "date of the 1112
postmark" means, in the event there is more than one date on the 1113
cover, the earliest date imprinted on the cover by the postal 1114
service. 1115

(c) Taxes withheld by a casino operator ~~or by a~~, video 1116
lottery sales agent, or type B sports gaming proprietor under 1117
section 718.031 of the Revised Code are deemed to be paid to the 1118
municipal corporation for which the taxes were withheld on the 1119
date the taxes are withheld from the taxpayer's winnings. 1120

(2) Except as provided in division (F) of this section, 1121
taxpayers filing joint returns shall file joint declarations of 1122
estimated taxes. A taxpayer may amend a declaration under rules 1123
prescribed by the tax administrator. Except as provided in 1124
division (F) of this section, a taxpayer having a taxable year 1125
of less than twelve months shall make a declaration under rules 1126
prescribed by the tax administrator. 1127

(3) The declaration of estimated taxes shall be filed on 1128
or before the date prescribed for the filing of municipal income 1129
tax returns under division (G) of section 718.05 of the Revised 1130
Code or on or before the fifteenth day of the fourth month after 1131
the taxpayer becomes subject to tax for the first time. 1132

(4) Taxpayers reporting on a fiscal year basis shall file 1133
a declaration on or before the fifteenth day of the fourth month 1134
after the beginning of each fiscal year or period. 1135

(5) The original declaration or any subsequent amendment 1136
may be increased or decreased on or before any subsequent 1137
quarterly payment day as provided in this section. 1138

(C) (1) The required portion of the tax liability for the 1139

taxable year that shall be paid through estimated taxes made 1140
payable to the municipal corporation or tax administrator, 1141
including the application of tax refunds to estimated taxes and 1142
withholding on or before the applicable payment date, shall be 1143
as follows: 1144

(a) On or before the fifteenth day of the fourth month 1145
after the beginning of the taxable year, twenty-two and one-half 1146
per cent of the tax liability for the taxable year; 1147

(b) On or before the fifteenth day of the sixth month 1148
after the beginning of the taxable year, forty-five per cent of 1149
the tax liability for the taxable year; 1150

(c) On or before the fifteenth day of the ninth month 1151
after the beginning of the taxable year, sixty-seven and one- 1152
half per cent of the tax liability for the taxable year; 1153

(d) For an individual, on or before the fifteenth day of 1154
the first month of the following taxable year, ninety per cent 1155
of the tax liability for the taxable year. For a person other 1156
than an individual, on or before the fifteenth day of the 1157
twelfth month of the taxable year, ninety per cent of the tax 1158
liability for the taxable year. 1159

(2) When an amended declaration has been filed, the unpaid 1160
balance shown due on the amended declaration shall be paid in 1161
equal installments on or before the remaining payment dates. 1162

(3) On or before the fifteenth day of the fourth month of 1163
the year following that for which the declaration or amended 1164
declaration was filed, an annual return shall be filed and any 1165
balance which may be due shall be paid with the return in 1166
accordance with section 718.05 of the Revised Code. 1167

(D) (1) In the case of any underpayment of any portion of a 1168

tax liability, penalty and interest may be imposed pursuant to 1169
section 718.27 of the Revised Code upon the amount of 1170
underpayment for the period of underpayment, unless the 1171
underpayment is due to reasonable cause as described in division 1172
(E) of this section. The amount of the underpayment shall be 1173
determined as follows: 1174

(a) For the first payment of estimated taxes each year, 1175
twenty-two and one-half per cent of the tax liability, less the 1176
amount of taxes paid by the date prescribed for that payment; 1177

(b) For the second payment of estimated taxes each year, 1178
forty-five per cent of the tax liability, less the amount of 1179
taxes paid by the date prescribed for that payment; 1180

(c) For the third payment of estimated taxes each year, 1181
sixty-seven and one-half per cent of the tax liability, less the 1182
amount of taxes paid by the date prescribed for that payment; 1183

(d) For the fourth payment of estimated taxes each year, 1184
ninety per cent of the tax liability, less the amount of taxes 1185
paid by the date prescribed for that payment. 1186

(2) The period of the underpayment shall run from the day 1187
the estimated payment was required to be made to the date on 1188
which the payment is made. For purposes of this section, a 1189
payment of estimated taxes on or before any payment date shall 1190
be considered a payment of any previous underpayment only to the 1191
extent the payment of estimated taxes exceeds the amount of the 1192
payment presently required to be paid to avoid any penalty. 1193

(E) An underpayment of any portion of tax liability 1194
determined under division (D) of this section shall be due to 1195
reasonable cause and the penalty imposed by this section shall 1196
not be added to the taxes for the taxable year if any of the 1197

following apply:	1198
(1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.	1199 1200 1201 1202 1203
(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under section 718.05 of the Revised Code for that year.	1204 1205 1206 1207 1208 1209 1210
(3) The taxpayer is an individual who resides in the municipal corporation but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.	1211 1212 1213 1214
(F) (1) A tax administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.	1215 1216 1217 1218
(2) A municipal corporation may, by ordinance or rule, waive the requirement for filing a declaration of estimated taxes for all taxpayers.	1219 1220 1221
Sec. 2915.01. As used in this chapter:	1222
(A) "Bookmaking" means the business of receiving or paying off bets.	1223 1224
(B) "Bet" means the hazarding of anything of value upon	1225

the result of an event, undertaking, or contingency, but does 1226
not include a bona fide business risk. 1227

(C) "Scheme of chance" means a slot machine unless 1228
authorized under Chapter 3772. of the Revised Code, lottery 1229
unless authorized under Chapter 3770. of the Revised Code, 1230
numbers game, pool conducted for profit, or other scheme in 1231
which a participant gives a valuable consideration for a chance 1232
to win a prize, but does not include bingo, a skill-based 1233
amusement machine, or a pool not conducted for profit. "Scheme 1234
of chance" includes the use of an electronic device to reveal 1235
the results of a game entry if valuable consideration is paid, 1236
directly or indirectly, for a chance to win a prize. Valuable 1237
consideration is deemed to be paid for a chance to win a prize 1238
in the following instances: 1239

(1) Less than fifty per cent of the goods or services sold 1240
by a scheme of chance operator in exchange for game entries are 1241
used or redeemed by participants at any one location; 1242

(2) Less than fifty per cent of participants who purchase 1243
goods or services at any one location do not accept, use, or 1244
redeem the goods or services sold or purportedly sold; 1245

(3) More than fifty per cent of prizes at any one location 1246
are revealed to participants through an electronic device 1247
simulating a game of chance or a "casino game" as defined in 1248
section 3772.01 of the Revised Code; 1249

(4) The good or service sold by a scheme of chance 1250
operator in exchange for a game entry cannot be used or redeemed 1251
in the manner advertised; 1252

(5) A participant pays more than fair market value for 1253
goods or services offered by a scheme of chance operator in 1254

order to receive one or more game entries; 1255

(6) A participant may use the electronic device to 1256
purchase additional game entries; 1257

(7) A participant may purchase additional game entries by 1258
using points or credits won as prizes while using the electronic 1259
device; 1260

(8) A scheme of chance operator pays out in prize money 1261
more than twenty per cent of the gross revenue received at one 1262
location; or 1263

(9) A participant makes a purchase or exchange in order to 1264
obtain any good or service that may be used to facilitate play 1265
on the electronic device. 1266

As used in this division, "electronic device" means a 1267
mechanical, video, digital, or electronic machine or device that 1268
is capable of displaying information on a screen or other 1269
mechanism and that is owned, leased, or otherwise possessed by 1270
any person conducting a scheme of chance, or by that person's 1271
partners, affiliates, subsidiaries, or contractors. "Electronic 1272
device" does not include an electronic instant bingo system. 1273

(D) "Game of chance" means poker, craps, roulette, or 1274
other game in which a player gives anything of value in the hope 1275
of gain, the outcome of which is determined largely by chance, 1276
but does not include bingo. 1277

(E) "Game of chance conducted for profit" means any game 1278
of chance designed to produce income for the person who conducts 1279
or operates the game of chance, but does not include bingo. 1280

(F) "Gambling device" means any of the following: 1281

(1) A book, totalizer, or other equipment for recording 1282

bets;	1283
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	1284 1285 1286
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	1287 1288 1289
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	1290 1291
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	1292 1293
(G) "Gambling offense" means any of the following:	1294
(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 <u>this chapter</u> ;	1295 1296 1297 1298
(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) <u>provision of this section chapter</u> or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	1299 1300 1301 1302 1303
(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;	1304 1305 1306
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G) (1), (2), or (3) of this section.	1307 1308 1309

(H) Except as otherwise provided in this chapter, 1310
"charitable organization" means either of the following: 1311

(1) An organization that is, ~~and has received from the~~ 1312
~~internal revenue service a determination letter that currently~~ 1313
~~is in effect stating that the organization is,~~ exempt from 1314
federal income taxation under subsection 501(a) and described in 1315
subsection 501(c)(3) of the Internal Revenue Code; 1316

(2) A volunteer rescue service organization, volunteer 1317
firefighter's organization, veteran's organization, fraternal 1318
organization, or sporting organization that is exempt from 1319
federal income taxation under subsection 501(c)(4), (c)(7), (c) 1320
(8), (c)(10), or (c)(19) of the Internal Revenue Code. 1321

To qualify as a "charitable organization," an organization 1322
shall have been in continuous existence as such in this state 1323
for a period of two years immediately preceding either the 1324
making of an application for a bingo license under section 1325
2915.08 of the Revised Code or the conducting of any game of 1326
chance as provided in division (D) of section 2915.02 of the 1327
Revised Code. 1328

(I) "Religious organization" means any church, body of 1329
communicants, or group that is not organized or operated for 1330
profit and that gathers in common membership for regular worship 1331
and religious observances. 1332

(J) "Veteran's organization" means any individual post or 1333
state headquarters of a national veteran's association or an 1334
auxiliary unit of any individual post of a national veteran's 1335
association, which post, state headquarters, or auxiliary unit 1336
is incorporated as a nonprofit corporation and either has 1337
received a letter from the state headquarters of the national 1338

veteran's association indicating that the individual post or 1339
auxiliary unit is in good standing with the national veteran's 1340
association or has received a letter from the national veteran's 1341
association indicating that the state headquarters is in good 1342
standing with the national veteran's association. As used in 1343
this division, "national veteran's association" means any 1344
veteran's association that has been in continuous existence as 1345
such for a period of at least five years and either is 1346
incorporated by an act of the United States congress or has a 1347
national dues-paying membership of at least five thousand 1348
persons. 1349

(K) "Volunteer firefighter's organization" means any 1350
organization of volunteer firefighters, as defined in section 1351
146.01 of the Revised Code, that is organized and operated 1352
exclusively to provide financial support for a volunteer fire 1353
department or a volunteer fire company and that is recognized or 1354
ratified by a county, municipal corporation, or township. 1355

(L) "Fraternal organization" means any society, order, 1356
state headquarters, or association within this state, except a 1357
college or high school fraternity, that is not organized for 1358
profit, that is a branch, lodge, or chapter of a national or 1359
state organization, that exists exclusively for the common 1360
business or sodality of its members. 1361

(M) "Volunteer rescue service organization" means any 1362
organization of volunteers organized to function as an emergency 1363
medical service organization, as defined in section 4765.01 of 1364
the Revised Code. 1365

(N) "Charitable bingo game" means any bingo game described 1366
in division (O) (1) or (2) of this section that is conducted by a 1367
charitable organization that has obtained a license pursuant to 1368

section 2915.08 of the Revised Code and the proceeds of which 1369
are used for a charitable purpose. 1370

(O) "Bingo" means either of the following: 1371

(1) A game with all of the following characteristics: 1372

(a) The participants use bingo cards or sheets, including 1373
paper formats and electronic representation or image formats, 1374
that are divided into twenty-five spaces arranged in five 1375
horizontal and five vertical rows of spaces, with each space, 1376
except the central space, being designated by a combination of a 1377
letter and a number and with the central space being designated 1378
as a free space. 1379

(b) The participants cover the spaces on the bingo cards 1380
or sheets that correspond to combinations of letters and numbers 1381
that are announced by a bingo game operator. 1382

(c) A bingo game operator announces combinations of 1383
letters and numbers that appear on objects that a bingo game 1384
operator selects by chance, either manually or mechanically, 1385
from a receptacle that contains seventy-five objects at the 1386
beginning of each game, each object marked by a different 1387
combination of a letter and a number that corresponds to one of 1388
the seventy-five possible combinations of a letter and a number 1389
that can appear on the bingo cards or sheets. 1390

(d) The winner of the bingo game includes any participant 1391
who properly announces during the interval between the 1392
announcements of letters and numbers as described in division 1393
(O) (1) (c) of this section, that a predetermined and preannounced 1394
pattern of spaces has been covered on a bingo card or sheet 1395
being used by the participant. 1396

(2) Instant bingo, ~~punch boards~~ electronic instant bingo, 1397

and raffles. 1398

(P) "Conduct" means to back, promote, organize, manage, 1399
carry on, sponsor, or prepare for the operation of bingo or a 1400
game of chance, a scheme of chance, or a sweepstakes. 1401

(Q) "Bingo game operator" means any person, except 1402
security personnel, who performs work or labor at the site of 1403
bingo, including, but not limited to, collecting money from 1404
participants, handing out bingo cards or sheets or objects to 1405
cover spaces on bingo cards or sheets, selecting from a 1406
receptacle the objects that contain the combination of letters 1407
and numbers that appear on bingo cards or sheets, calling out 1408
the combinations of letters and numbers, distributing prizes, 1409
selling or redeeming instant bingo tickets or cards, selling or 1410
redeeming electronic instant bingo tickets, credits, or 1411
vouchers, accessing an electronic instant bingo system other 1412
than as a participant, supervising the operation of a punch 1413
board, selling raffle tickets, selecting raffle tickets from a 1414
receptacle and announcing the winning numbers in a raffle, and 1415
preparing, selling, and serving food or beverages. "Bingo game 1416
operator" does not include a person who is installing, 1417
maintaining, updating, or repairing an electronic instant bingo 1418
system. 1419

(R) "Participant" means any person who plays bingo. 1420

(S) "Bingo session" means a period that includes both of 1421
the following: 1422

(1) Not to exceed five continuous hours for the conduct of 1423
one or more games described in division (O) (1) of this section, 1424
instant bingo, and ~~seal cards~~ electronic instant bingo; 1425

(2) A period for the conduct of instant bingo and ~~seal~~ 1426

~~cards~~electronic instant bingo for not more than two hours 1427
before and not more than two hours after the period described in 1428
division (S) (1) of this section. 1429

(T) "Gross receipts" means all money or assets, including 1430
admission fees, that a person receives from bingo without the 1431
deduction of any amounts for prizes paid out or for the expenses 1432
of conducting bingo. "Gross receipts" does not include any money 1433
directly taken in from the sale of food or beverages by a 1434
charitable organization conducting bingo, or by a bona fide 1435
auxiliary unit or society of a charitable organization 1436
conducting bingo, provided all of the following apply: 1437

(1) The auxiliary unit or society has been in existence as 1438
a bona fide auxiliary unit or society of the charitable 1439
organization for at least two years prior to conducting bingo. 1440

(2) The person who purchases the food or beverage receives 1441
nothing of value except the food or beverage and items 1442
customarily received with the purchase of that food or beverage. 1443

(3) The food and beverages are sold at customary and 1444
reasonable prices. 1445

(U) "Security personnel" includes any person who either is 1446
a sheriff, deputy sheriff, marshal, deputy marshal, township 1447
constable, or member of an organized police department of a 1448
municipal corporation or has successfully completed a peace 1449
officer's training course pursuant to sections 109.71 to 109.79 1450
of the Revised Code and who is hired to provide security for the 1451
premises on which bingo is conducted. 1452

(V) "Charitable purpose" means that the net profit of 1453
bingo, other than instant bingo or electronic instant bingo, is 1454
used by, or is given, donated, or otherwise transferred to, any 1455

of the following: 1456

(1) Any organization that is described in subsection 1457
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 1458
and is either a governmental unit or an organization that is tax 1459
exempt under subsection 501(a) and described in subsection 1460
501(c) (3) of the Internal Revenue Code; 1461

(2) A veteran's organization that is a post, chapter, or 1462
organization of veterans, or an auxiliary unit or society of, or 1463
a trust or foundation for, any such post, chapter, or 1464
organization organized in the United States or any of its 1465
possessions, at least seventy-five per cent of the members of 1466
which are veterans and substantially all of the other members of 1467
which are individuals who are spouses, widows, or widowers of 1468
veterans, or such individuals, provided that no part of the net 1469
earnings of such post, chapter, or organization inures to the 1470
benefit of any private shareholder or individual, and further 1471
provided that the net profit is used by the post, chapter, or 1472
organization for the charitable purposes set forth in division 1473
(B) (12) of section 5739.02 of the Revised Code, is used for 1474
awarding scholarships to or for attendance at an institution 1475
mentioned in division (B) (12) of section 5739.02 of the Revised 1476
Code, is donated to a governmental agency, or is used for 1477
nonprofit youth activities, the purchase of United States or 1478
Ohio flags that are donated to schools, youth groups, or other 1479
bona fide nonprofit organizations, promotion of patriotism, or 1480
disaster relief; 1481

(3) A fraternal organization that has been in continuous 1482
existence in this state for fifteen years and that uses the net 1483
profit exclusively for religious, charitable, scientific, 1484
literary, or educational purposes, or for the prevention of 1485

cruelty to children or animals, if contributions for such use 1486
would qualify as a deductible charitable contribution under 1487
subsection 170 of the Internal Revenue Code; 1488

(4) A volunteer firefighter's organization that uses the 1489
net profit for the purposes set forth in division (K) of this 1490
section. 1491

(W) "Internal Revenue Code" means the "Internal Revenue 1492
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 1493
amended. 1494

(X) "Youth athletic organization" means any organization, 1495
not organized for profit, that is organized and operated 1496
exclusively to provide financial support to, or to operate, 1497
athletic activities for persons who are twenty-one years of age 1498
or younger by means of sponsoring, organizing, operating, or 1499
contributing to the support of an athletic team, club, league, 1500
or association. 1501

(Y) "Youth athletic park organization" means any 1502
organization, not organized for profit, that satisfies both of 1503
the following: 1504

(1) It owns, operates, and maintains playing fields that 1505
satisfy both of the following: 1506

(a) The playing fields are used ~~at least one hundred days~~ 1507
~~per year~~ for athletic activities by one or more organizations, 1508
not organized for profit, each of which is organized and 1509
operated exclusively to provide financial support to, or to 1510
operate, athletic activities for persons who are eighteen years 1511
of age or younger by means of sponsoring, organizing, operating, 1512
or contributing to the support of an athletic team, club, 1513
league, or association. 1514

(b) The playing fields are not used for any profit-making activity at any time during the year. 1515
1516

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (Y)(1) of this section. 1517
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(Z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game. 1520
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(AA) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may ~~also~~ include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in 1530
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winning or losing combinations. 1545

(BB) "Seal card" means a form of instant bingo that uses 1546
instant bingo tickets in conjunction with a board or placard 1547
that contains one or more seals that, when removed or opened, 1548
reveal predesignated winning numbers, letters, or symbols. 1549

(CC) "Raffle" means a form of bingo in which the one or 1550
more prizes are won by one or more persons who have purchased a 1551
raffle ticket. The one or more winners of the raffle are 1552
determined by drawing a ticket stub or other detachable section 1553
from a receptacle containing ticket stubs or detachable sections 1554
corresponding to all tickets sold for the raffle. "Raffle" does 1555
not include the drawing of a ticket stub or other detachable 1556
section of a ticket purchased to attend a professional sporting 1557
event if both of the following apply: 1558

(1) The ticket stub or other detachable section is used to 1559
select the winner of a free prize given away at the professional 1560
sporting event; and 1561

(2) The cost of the ticket is the same as the cost of a 1562
ticket to the professional sporting event on days when no free 1563
prize is given away. 1564

(DD) "Punch board" means a form of instant bingo that uses 1565
a board containing a number of holes or receptacles of uniform 1566
size in which are placed, mechanically and randomly, serially 1567
numbered slips of paper that may be punched or drawn from the 1568
hole or receptacle ~~when used in conjunction with instant bingo.~~ 1569
A player may punch or draw the numbered slips of paper from the 1570
holes or receptacles and obtain the prize established for the 1571
game if the number drawn corresponds to a winning number or, if 1572
the punch board includes the use of a seal card, a potential 1573

winning number.	1574
(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.	1575 1576
(FF) "Net profit" means gross profit minus expenses.	1577
(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:	1578 1579
(1) The purchase or lease of bingo supplies;	1580
(2) The annual license fee required under section 2915.08 of the Revised Code;	1581 1582
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	1583 1584
(4) Audits and accounting services;	1585
(5) Safes;	1586
(6) Cash registers;	1587
(7) Hiring security personnel;	1588
(8) Advertising bingo;	1589
(9) Renting premises in which to conduct a bingo session;	1590
(10) Tables and chairs;	1591
(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;	1592 1593 1594 1595 1596
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	1597 1598

(13) Any other product or service directly related to the 1599
conduct of bingo that is authorized in rules adopted by the 1600
attorney general under division ~~(B)(1)~~ (F)(1) of section 2915.08 1601
of the Revised Code. 1602

(HH) "Person" has the same meaning as in section 1.59 of 1603
the Revised Code and includes any firm or any other legal 1604
entity, however organized. 1605

(II) "Revoke" means to void permanently all rights and 1606
privileges of the holder of a license issued under section 1607
2915.08, 2915.081, or 2915.082 of the Revised Code or a 1608
charitable gaming license issued by another jurisdiction. 1609

(JJ) "Suspend" means to interrupt temporarily all rights 1610
and privileges of the holder of a license issued under section 1611
2915.08, 2915.081, or 2915.082 of the Revised Code or a 1612
charitable gaming license issued by another jurisdiction. 1613

(KK) "Distributor" means any person who purchases or 1614
obtains bingo supplies and who does either of the following: 1615

(1) Sells, offers for sale, or otherwise provides or 1616
offers to provide the bingo supplies to another person for use 1617
in this state; 1618

(2) Modifies, converts, adds to, or removes parts from the 1619
bingo supplies to further their promotion or sale for use in 1620
this state. 1621

(LL) "Manufacturer" means any person who assembles 1622
completed bingo supplies from raw materials, other items, or 1623
subparts or who modifies, converts, adds to, or removes parts 1624
from bingo supplies to further their promotion or sale. 1625

(MM) "Gross annual revenues" means the annual gross 1626

receipts derived from the conduct of bingo described in division 1627
(O) (1) of this section plus the annual net profit derived from 1628
the conduct of bingo described in division (O) (2) of this 1629
section. 1630

(NN) "Instant bingo ticket dispenser" means a mechanical 1631
device that dispenses an instant bingo ticket or card as the 1632
sole item of value dispensed and that has the following 1633
characteristics: 1634

(1) It is activated upon the insertion of United States 1635
currency. 1636

(2) It performs no gaming functions. 1637

(3) It does not contain a video display monitor or 1638
generate noise. 1639

(4) It is not capable of displaying any numbers, letters, 1640
symbols, or characters in winning or losing combinations. 1641

(5) It does not simulate or display rolling or spinning 1642
reels. 1643

(6) It is incapable of determining whether a dispensed 1644
bingo ticket or card is a winning or nonwinning ticket or card 1645
and requires a winning ticket or card to be paid by a bingo game 1646
operator. 1647

(7) It may provide accounting and security features to aid 1648
in accounting for the instant bingo tickets or cards it 1649
dispenses. 1650

(8) It is not part of an electronic network and is not 1651
interactive. 1652

(OO) (1) "Electronic bingo aid" means an electronic device 1653

used by a participant to monitor bingo cards or sheets purchased 1654
at the time and place of a bingo session and that does all of 1655
the following: 1656

(a) It provides a means for a participant to input numbers 1657
and letters announced by a bingo caller. 1658

(b) It compares the numbers and letters entered by the 1659
participant to the bingo faces previously stored in the memory 1660
of the device. 1661

(c) It identifies a winning bingo pattern. 1662

(2) "Electronic bingo aid" does not include any device 1663
into which a coin, currency, token, or an equivalent is inserted 1664
to activate play. 1665

(PP) "~~Deal of instant bingo tickets~~" means a single game 1666
of instant bingo tickets, or a single game of electronic instant 1667
bingo tickets, all with the same serial number. 1668

(QQ) (1) "Slot machine" means either of the following: 1669

(a) Any mechanical, electronic, video, or digital device 1670
that is capable of accepting anything of value, directly or 1671
indirectly, from or on behalf of a player who gives the thing of 1672
value in the hope of gain; 1673

(b) Any mechanical, electronic, video, or digital device 1674
that is capable of accepting anything of value, directly or 1675
indirectly, from or on behalf of a player to conduct bingo or a 1676
scheme or game of chance. 1677

(2) "Slot machine" does not include a skill-based 1678
amusement machine ~~or~~, an instant bingo ticket dispenser, or an 1679
electronic instant bingo system. 1680

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

(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(TT) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that ~~has printed on or affixed to it~~ includes the following information for the game:

(1) The name of the game;

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

(3) The form number;	1711
(4) The ticket count;	1712
(5) The prize structure, including the number of winning	1713
instant bingo tickets by denomination and the respective winning	1714
symbol or number combinations for the winning instant bingo	1715
tickets;	1716
(6) The cost per play;	1717
(7) The serial number of the game.	1718
(UU) (1) "Skill-based amusement machine" means a	1719
mechanical, video, digital, or electronic device that rewards	1720
the player or players, if at all, only with merchandise prizes	1721
or with redeemable vouchers redeemable only for merchandise	1722
prizes, provided that with respect to rewards for playing the	1723
game all of the following apply:	1724
(a) The wholesale value of a merchandise prize awarded as	1725
a result of the single play of a machine does not exceed ten	1726
dollars;	1727
(b) Redeemable vouchers awarded for any single play of a	1728
machine are not redeemable for a merchandise prize with a	1729
wholesale value of more than ten dollars;	1730
(c) Redeemable vouchers are not redeemable for a	1731
merchandise prize that has a wholesale value of more than ten	1732
dollars times the fewest number of single plays necessary to	1733
accrue the redeemable vouchers required to obtain that prize;	1734
and	1735
(d) Any redeemable vouchers or merchandise prizes are	1736
distributed at the site of the skill-based amusement machine at	1737
the time of play.	1738

A card for the purchase of gasoline is a redeemable 1739
voucher for purposes of division (UU) (1) of this section even if 1740
the skill-based amusement machine for the play of which the card 1741
is awarded is located at a place where gasoline may not be 1742
legally distributed to the public or the card is not redeemable 1743
at the location of, or at the time of playing, the skill-based 1744
amusement machine. 1745

(2) A device shall not be considered a skill-based 1746
amusement machine and shall be considered a slot machine if it 1747
pays cash or one or more of the following apply: 1748

(a) The ability of a player to succeed at the game is 1749
impacted by the number or ratio of prior wins to prior losses of 1750
players playing the game. 1751

(b) Any reward of redeemable vouchers is not based solely 1752
on the player achieving the object of the game or the player's 1753
score; 1754

(c) The outcome of the game, or the value of the 1755
redeemable voucher or merchandise prize awarded for winning the 1756
game, can be controlled by a source other than any player 1757
playing the game. 1758

(d) The success of any player is or may be determined by a 1759
chance event that cannot be altered by player actions. 1760

(e) The ability of any player to succeed at the game is 1761
determined by game features not visible or known to the player. 1762

(f) The ability of the player to succeed at the game is 1763
impacted by the exercise of a skill that no reasonable player 1764
could exercise. 1765

(3) All of the following apply to any machine that is 1766

operated as described in division (UU) (1) of this section: 1767

(a) As used in division (UU) of this section, "game" and 1768
"play" mean one event from the initial activation of the machine 1769
until the results of play are determined without payment of 1770
additional consideration. An individual utilizing a machine that 1771
involves a single game, play, contest, competition, or 1772
tournament may be awarded redeemable vouchers or merchandise 1773
prizes based on the results of play. 1774

(b) Advance play for a single game, play, contest, 1775
competition, or tournament participation may be purchased. The 1776
cost of the contest, competition, or tournament participation 1777
may be greater than a single noncontest, competition, or 1778
tournament play. 1779

(c) To the extent that the machine is used in a contest, 1780
competition, or tournament, that contest, competition, or 1781
tournament has a defined starting and ending date and is open to 1782
participants in competition for scoring and ranking results 1783
toward the awarding of redeemable vouchers or merchandise prizes 1784
that are stated prior to the start of the contest, competition, 1785
or tournament. 1786

(4) For purposes of division (UU) (1) of this section, the 1787
mere presence of a device, such as a pin-setting, ball- 1788
releasing, or scoring mechanism, that does not contribute to or 1789
affect the outcome of the play of the game does not make the 1790
device a skill-based amusement machine. 1791

(VV) "Merchandise prize" means any item of value, but 1792
shall not include any of the following: 1793

(1) Cash, gift cards, or any equivalent thereof; 1794

(2) Plays on games of chance, state lottery tickets, or 1795

bingo, or instant bingo;	1796
(3) Firearms, tobacco, or alcoholic beverages; or	1797
(4) A redeemable voucher that is redeemable for any of the items listed in division (VV) (1), (2), or (3) of this section.	1798 1799
(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.	1800 1801
(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.	1802 1803 1804 1805
(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.	1806 1807 1808 1809 1810 1811 1812
(ZZ) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.	1813 1814
(AAA) (1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:	1815 1816 1817 1818 1819 1820 1821 1822
(a) The device uses a simulated game terminal as a	1823

representation of the prizes associated with the results of the sweepstakes entries.

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

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

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

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

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

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

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

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

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

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

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be

transferred to a person, whether possession of the prize is 1851
actually transferred, or placed on an account or other record as 1852
evidence of the intent to transfer the prize. 1853

(d) "Sweepstakes terminal device facility" means any 1854
location in this state where a sweepstakes terminal device is 1855
provided to a sweepstakes participant, except as provided in 1856
division (G) of section 2915.02 of the Revised Code. 1857

(BBB) "Sweepstakes" means any game, contest, advertising 1858
scheme or plan, or other promotion where consideration is not 1859
required for a person to enter to win or become eligible to 1860
receive any prize, the determination of which is based upon 1861
chance. "Sweepstakes" does not include bingo as authorized under 1862
this chapter, pari-mutuel wagering as authorized by Chapter 1863
3769. of the Revised Code, lotteries conducted by the state 1864
lottery commission as authorized by Chapter 3770. of the Revised 1865
Code, and casino gaming as authorized by Chapter 3772. of the 1866
Revised Code. 1867

(CCC) (1) "Electronic instant bingo" means a form of bingo 1868
that consists of an electronic or digital representation of 1869
instant bingo in which a participant wins a prize if the 1870
participant's electronic instant bingo ticket contains a 1871
combination of numbers or symbols that was designated in advance 1872
as a winning combination, and to which all of the following 1873
apply: 1874

(a) Each deal has a predetermined, finite number of 1875
winning and losing tickets and a predetermined prize amount and 1876
deal structure, provided that there may be multiple winning 1877
combinations in each deal and multiple winning tickets. 1878

(b) Each electronic instant bingo ticket within a deal has 1879

a unique serial number that is not regenerated. 1880

(c) Each electronic instant bingo ticket within a deal is sold for the same price. 1881
1882

(d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant. 1883
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(e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine. 1886
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1889

(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket. 1890
1891
1892

(2) "Electronic instant bingo" shall not include: 1893

(a) Any game, entertainment, or bonus theme that replicates or simulates the gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games, or horse racing; 1894
1895
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1897

(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest; 1898
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(c) Any device that includes a coin tray or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher. 1905
1906
1907

(DDD) "Electronic instant bingo system" means a 1908
mechanical, electronic, digital, or video device that is used to 1909
play electronic instant bingo and any associated equipment or 1910
software used to conduct, manage, monitor, or document any 1911
aspect of electronic instant bingo. 1912

Sec. 2915.08. (A) (1) Annually Except as otherwise 1913
permitted under section 2915.092 of the Revised Code, annually 1914
before the first day of January, a charitable organization that 1915
desires to conduct bingo, ~~instant bingo at a bingo session, or~~ 1916
~~instant bingo other than at a bingo session~~ shall make out, upon 1917
a form to be furnished by the attorney general for that purpose, 1918
an application for a license apply to the attorney general for 1919
one or more of the following types of licenses to conduct bingo, 1920
as appropriate: 1921

(a) A type I license to conduct bingo as described in 1922
division (O) (1) of section 2915.01 of the Revised Code; 1923

(b) A type II license to conduct instant bingo, electronic 1924
instant bingo, or both at a bingo session, or; 1925

(c) A type III license to conduct instant bingo, 1926
electronic instant bingo, or both other than at a bingo session 1927
and deliver that, in accordance with sections 2915.093 to 1928
2915.095 or sections 2915.13 to 2915.15 of the Revised Code, as 1929
applicable. 1930

(2) A charitable organization that is authorized under 1931
section 2915.14 of the Revised Code to conduct electronic 1932
instant bingo may be issued only one license to conduct 1933
electronic instant bingo at any one time. The organization may 1934
conduct electronic instant bingo under that license at only one 1935
location specified on the license. 1936

(B) The application to the attorney general together with 1937
shall be accompanied by a license fee as follows: 1938

(a) Except as otherwise provided in this division, for (1) 1939
If the charitable organization was not licensed to conduct bingo 1940
under this chapter before July 1, 2003, a fee established by the 1941
attorney general by rule adopted pursuant to section 111.15 of 1942
the Revised Code. 1943

(2) If the charitable organization was licensed to conduct 1944
bingo under this chapter before July 1, 2003, the following 1945
applicable fee: 1946

(a) For a type I license for ~~the a~~ charitable organization 1947
that wishes to conduct ~~of~~ bingo during twenty-six or more weeks 1948
in any calendar year, a license fee of two hundred dollars; 1949

(b) For a type II or type III license for ~~the a~~ charitable 1950
organization that previously has not been licensed under this 1951
chapter to conduct ~~of~~ instant bingo at a bingo session or 1952
electronic instant bingo other than at a bingo session for a 1953
charitable organization that previously has not been licensed 1954
under this chapter to conduct instant bingo at a bingo session 1955
or instant bingo other than at a bingo session and that wishes 1956
to conduct bingo during twenty-six or more weeks in any calendar 1957
year, a license fee of five hundred dollars, and for any other; 1958

(c) For a type II or type III license for a charitable 1959
organization that previously has been licensed under this 1960
chapter to conduct instant bingo or electronic instant bingo and 1961
that desires to conduct bingo during twenty-six or more weeks in 1962
any calendar year, a license fee that is based upon the gross 1963
profits received by the charitable organization from the 1964
operation of instant bingo at a bingo session or electronic 1965

instant bingo ~~other than at a bingo session,~~ during the one-year 1966
period ending on the thirty-first day of October of the year 1967
immediately preceding the year for which the license is sought, 1968
and that is one of the following: 1969

(i) Five hundred dollars, if the total is fifty thousand 1970
dollars or less; 1971

(ii) One thousand two hundred fifty dollars plus one- 1972
fourth per cent of the gross profit, if the total is more than 1973
fifty thousand dollars but less than two hundred fifty thousand 1974
one dollars; 1975

(iii) Two thousand two hundred fifty dollars plus one-half 1976
per cent of the gross profit, if the total is more than two 1977
hundred fifty thousand dollars but less than five hundred 1978
thousand one dollars; 1979

(iv) Three thousand five hundred dollars plus one per cent 1980
of the gross profit, if the total is more than five hundred 1981
thousand dollars but less than one million one dollars; 1982

(v) Five thousand dollars plus one per cent of the gross 1983
profit, if the total is one million one dollars or more+. 1984

~~(e) A-~~ (d) For a type I, type II, or type III license for a 1985
charitable organization that desires to conduct bingo during 1986
fewer than twenty-six weeks in any calendar year, a reduced 1987
license fee established by the attorney general by rule adopted 1988
pursuant to ~~division (G) of this section~~ 111.15 of the Revised 1989
Code. 1990

~~(d) For a license to conduct bingo for a charitable~~ 1991
~~organization that prior to July 1, 2003, has not been licensed~~ 1992
~~under this chapter to conduct bingo, instant bingo at a bingo~~ 1993
~~session, or instant bingo other than at a bingo session, a~~ 1994

license fee established by rule by the attorney general in	1995
accordance with division (H) of this section.	1996
(2) (C) The application shall be in the form prescribed by	1997
the attorney general, shall be signed and sworn to by the	1998
applicant, and shall contain all of the following:	1999
(a) (1) The name and post-office address of the applicant;	2000
(b) (2) A statement that the applicant is a charitable	2001
organization and that it has been in continuous existence as a	2002
charitable organization in this state for two years immediately	2003
preceding the making of the application;	2004
(e) (3) The location at which the organization will	2005
conduct bingo, which location shall be within the county in	2006
which the principal place of business of the applicant is	2007
located, the days of the week and the times on each of those	2008
days when bingo will be conducted, whether the organization	2009
owns, leases, or subleases the premises, and a copy of the	2010
rental agreement if it leases or subleases the premises;	2011
(d) (4) A statement of the applicant's previous history,	2012
record, and association that is sufficient to establish that the	2013
applicant is a charitable organization, and a copy of a	2014
determination letter that is issued by the Internal Revenue	2015
Service and states that the organization is tax exempt under	2016
subsection 501(a) and described in subsection 501(c) (3), 501(c)	2017
(4), 501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) of the	2018
Internal Revenue Code;	2019
(e) (5) A statement as to whether the applicant has ever	2020
had any previous application refused, whether it previously has	2021
had a license revoked or suspended, and the reason stated by the	2022
attorney general for the refusal, revocation, or suspension;	2023

~~(f)~~ (6) A statement of the charitable purposes for which 2024
the net profit derived from bingo, ~~other than instant bingo,~~ 2025
described in division (O) (1) of section 2915.01 of the Revised 2026
Code will be used, ~~and or~~ a statement of how the net profit 2027
derived from instant bingo or electronic instant bingo will be 2028
distributed in accordance with section 2915.101 of the Revised 2029
Code, as applicable; 2030

~~(g)~~ (7) Other necessary and reasonable information that 2031
the attorney general may require by rule adopted pursuant to 2032
section 111.15 of the Revised Code; 2033

~~(h)~~ (8) If the applicant is a charitable trust as defined 2034
in section 109.23 of the Revised Code, a statement as to whether 2035
it has registered with the attorney general pursuant to section 2036
109.26 of the Revised Code or filed annual reports pursuant to 2037
section 109.31 of the Revised Code, and, if it is not required 2038
to do either, the exemption in section 109.26 or 109.31 of the 2039
Revised Code that applies to it; 2040

~~(i)~~ (9) If the applicant is a charitable organization as 2041
defined in section 1716.01 of the Revised Code, a statement as 2042
to whether it has filed with the attorney general a registration 2043
statement pursuant to section 1716.02 of the Revised Code and a 2044
financial report pursuant to section 1716.04 of the Revised 2045
Code, and, if it is not required to do both, the exemption in 2046
section 1716.03 of the Revised Code that applies to it; 2047

~~(j)~~ (10) In the case of an applicant seeking to qualify as 2048
a youth athletic park organization, a statement issued by a 2049
board or body vested with authority under Chapter 755. of the 2050
Revised Code for the supervision and maintenance of recreation 2051
facilities in the territory in which the organization is 2052
located, certifying that the playing fields owned by the 2053

organization were used for at least one hundred days during the 2054
year in which the statement is issued, and were open for use to 2055
all residents of that territory, regardless of race, color, 2056
creed, religion, sex, or national origin, for athletic 2057
activities by youth athletic organizations that do not 2058
discriminate on the basis of race, color, creed, religion, sex, 2059
or national origin, and that the fields were not used for any 2060
profit-making activity at any time during the year. That type of 2061
board or body is authorized to issue the statement upon request 2062
and shall issue the statement if it finds that the applicant's 2063
playing fields were so used. 2064

~~(3)~~ (D) The attorney general, within thirty days after 2065
receiving a timely filed application from a charitable 2066
organization that has been issued a license under this section 2067
that has not expired and has not been revoked or suspended, 2068
shall send a temporary permit to the applicant specifying the 2069
date on which the application was filed with the attorney 2070
general and stating that, pursuant to section 119.06 of the 2071
Revised Code, the applicant may continue to conduct bingo until 2072
a new license is granted or, if the application is rejected, 2073
until fifteen days after notice of the rejection is mailed to 2074
the applicant. The temporary permit does not affect the validity 2075
of the applicant's application and does not grant any rights to 2076
the applicant except those rights specifically granted in 2077
section 119.06 of the Revised Code. The issuance of a temporary 2078
permit by the attorney general pursuant to this division does 2079
not prohibit the attorney general from rejecting the applicant's 2080
application because of acts that the applicant committed, or 2081
actions that the applicant failed to take, before or after the 2082
issuance of the temporary permit. 2083

~~(4)~~ (E) Within thirty days after receiving an initial 2084

license application from a charitable organization to conduct 2085
bingo, ~~instant bingo at a bingo session, or instant bingo other~~ 2086
~~than at a bingo session,~~ the attorney general shall conduct a 2087
preliminary review of the application and notify the applicant 2088
regarding any deficiencies. Once an application is deemed 2089
complete, or beginning on the thirtieth day after the 2090
application is filed, if the attorney general failed to notify 2091
the applicant of any deficiencies, the attorney general shall 2092
have an additional sixty days to conduct an investigation and 2093
either grant, grant with limits, restrictions, or probationary 2094
conditions, or deny the application based on findings 2095
established and communicated in accordance with divisions ~~(B)~~ 2096
(F) and ~~(E)~~ (I) of this section. As an option to granting, 2097
granting with limits, restrictions, or probationary conditions, 2098
or denying an initial license application, the attorney general 2099
may grant a temporary license and request additional time to 2100
conduct the investigation if the attorney general has cause to 2101
believe that additional time is necessary to complete the 2102
investigation and has notified the applicant in writing about 2103
the specific concerns raised during the investigation. 2104

~~(B) (1)~~ (F) (1) The attorney general shall adopt rules to 2105
enforce sections 2915.01, 2915.02, and 2915.07 to ~~2915.13~~ 2106
2915.15 of the Revised Code to ensure that bingo ~~or instant~~ 2107
~~bingo~~ is conducted in accordance with those sections and to 2108
maintain proper control over the conduct of bingo ~~or instant~~ 2109
~~bingo.~~ The Except as otherwise provided in this section, the 2110
rules, except rules adopted pursuant to divisions (A) (2) (g) and 2111
~~(G) of this section,~~ shall be adopted pursuant to Chapter 119. 2112
of the Revised Code. The attorney general shall license 2113
charitable organizations to conduct bingo, ~~instant bingo at a~~ 2114
~~bingo session, or instant bingo other than at a bingo session in~~ 2115

conformance with this chapter and with the licensing provisions 2116
of Chapter 119. of the Revised Code. 2117

(2) ~~The attorney general may refuse to grant a license to~~ 2118
~~any. If any of the following applies to an organization, or~~ 2119
~~revoke or suspend the license of any organization, that does any~~ 2120
~~of the following or to which any of the following applies~~the 2121
attorney general may refuse to grant a license to the 2122
organization, may revoke or suspend the organization's license, 2123
or may place limits, restrictions, or probationary conditions on 2124
the organization's license for a limited or indefinite period, 2125
as determined by the attorney general: 2126

(a) ~~Fails~~The organization fails or has failed at any time 2127
to meet any requirement of section 109.26, 109.31, or 1716.02, 2128
or sections 2915.07 to ~~2915.11~~2915.15 of the Revised Code, or 2129
violates or has violated any provision of sections 2915.02 or 2130
2915.07 to 2915.13 of the Revised Code or any rule adopted by 2131
the attorney general pursuant to this ~~section,~~chapter. 2132

(b) ~~Makes~~The organization makes or has made an incorrect 2133
or false statement that is material to the granting of the 2134
license in an application filed ~~pursuant to division (A) of~~ 2135
under this section. 2136

(c) ~~Submits~~The organization submits or has submitted any 2137
incorrect or false information relating to an application if the 2138
information is material to the granting of the license~~.~~. 2139

(d) ~~Maintains~~The organization maintains or has maintained 2140
any incorrect or false information that is material to the 2141
granting of the license in the records required to be kept 2142
pursuant to ~~divisions (A) and (C) of~~ section 2915.10 of the 2143
Revised Code, if applicable~~.~~. 2144

(e) The attorney general has good cause to believe that 2145
the organization will not conduct bingo, ~~instant bingo at a~~ 2146
~~bingo session, or instant bingo other than at a bingo session~~ in 2147
accordance with sections 2915.07 to ~~2915.13~~ 2915.15 of the 2148
Revised Code or with any rule adopted by the attorney general 2149
pursuant to this ~~section~~ chapter. 2150

(3) If the attorney general has good cause to believe that 2151
any director or officer of the organization has breached the 2152
director's or officer's fiduciary duty to, or committed theft or 2153
any other type of misconduct related to, the organization or any 2154
other charitable organization that has been issued a bingo 2155
license under this chapter, the attorney general may refuse to 2156
grant a license to the organization, may impose limits, 2157
restrictions, or probationary conditions on the license, or may 2158
revoke or suspend the organization's license for a period not to 2159
exceed five years. 2160

(4) The attorney general may impose a civil fine on an 2161
organization licensed or permitted under this chapter for 2162
failure to comply with any restrictions, limits, or probationary 2163
conditions on its license, and for failure to comply with this 2164
chapter or any rule adopted under this chapter, according to a 2165
schedule of fines that the attorney general shall adopt in 2166
accordance with Chapter 119. of the Revised Code. 2167

(5) For the purposes of division ~~(B)~~ ~~(F)~~ of this section, 2168
any action of an officer, trustee, agent, representative, or 2169
bingo game operator of an organization is an action of the 2170
organization. 2171

~~(C)~~ (G) The attorney general may grant licenses to 2172
charitable organizations that are branches, lodges, or chapters 2173
of national charitable organizations. 2174

~~(D)~~ (H) The attorney general shall send notice of any of 2175
the following actions in writing to the prosecuting attorney and 2176
sheriff of the county in which the charitable organization will 2177
~~conduct bingo, instant bingo at a bingo session, or instant~~ 2178
~~bingo other than at a bingo session, as stated in its~~ 2179
~~application for a license or amended license,~~ is located and to 2180
any other law enforcement agency in that county that so 2181
requests, of all of the following: 2182

(1) The issuance of ~~the~~ a license under this section; 2183

(2) The issuance of ~~the~~ an amended license under this 2184
section; 2185

(3) The rejection of an application for and refusal to 2186
grant a license under this section; 2187

(4) The revocation of any license previously issued under 2188
this section; 2189

(5) The suspension of any license previously issued under 2190
this section; 2191

(6) The placing of any limits, restrictions, or 2192
probationary conditions placed on a license issued under this 2193
section. 2194

~~(E)~~ (I) A license issued by the attorney general under 2195
this section shall set forth the information contained on the 2196
application of the charitable organization that the attorney 2197
general determines is relevant, including, but not limited to, 2198
the location at which the organization will conduct bingo, 2199
~~instant bingo at a bingo session, or instant bingo other than at~~ 2200
~~a bingo session~~ whether the license is a type I, type II, or 2201
type III license, and the days of the week and the times on each 2202
of those days when bingo will be conducted. If the attorney 2203

general refuses to grant, places limits, restrictions, or 2204
probationary conditions on, or revokes or suspends a license, 2205
the attorney general shall notify the applicant in writing and 2206
specifically identify the reason for the refusal, revocation, 2207
limit, restriction, probationary condition, or suspension in 2208
narrative form and, if applicable, by identifying the section of 2209
the Revised Code violated. The failure of the attorney general 2210
to give the written notice of the reasons for the refusal, 2211
revocation, limit, restriction, probationary condition, or 2212
suspension or a mistake in the written notice does not affect 2213
the validity of the attorney general's refusal to grant, or the 2214
revocation or suspension of, or limit, restriction, or 2215
probationary condition on, a license. If the attorney general 2216
fails to give the written notice or if there is a mistake in the 2217
written notice, the applicant may bring an action to compel the 2218
attorney general to comply with this division or to correct the 2219
mistake, but the attorney general's order refusing to grant, or 2220
placing a limit, restriction, or probationary condition on, or 2221
revoking or suspending, a license shall not be enjoined during 2222
the pendency of the action. 2223

~~(F) A~~ (J) (1) (a) Except as otherwise provided in division 2224
(J) (2) of this section, a charitable organization that has been 2225
issued a license ~~pursuant to division (B) of~~ under this section 2226
but that cannot conduct bingo ~~or instant bingo~~ at the location, 2227
or on the day of the week or at the time, specified on the 2228
license due to circumstances that make it impractical to do so, 2229
or that desires to conduct instant bingo other than at a bingo 2230
session at additional locations not identified on the license, 2231
may apply in writing, together with an application fee of two 2232
hundred fifty dollars, to the attorney general, at least thirty 2233
days prior to a change in or addition of a location, day of the 2234

week, or time, and request an amended license. ~~As~~ 2235

(b) As applicable, the application shall describe the 2236
causes making it impractical for the organization to conduct 2237
bingo ~~or instant bingo~~ in conformity with its license and shall 2238
indicate the location, days of the week, and times on each of 2239
those days when it desires to conduct bingo ~~or instant bingo~~ 2240
and, as applicable, shall indicate the additional locations at 2241
which it desires to conduct instant bingo other than at a bingo 2242
session. ~~Except~~ 2243

(c) Except as otherwise provided in this division (J) (3) 2244
of this section, the attorney general shall issue the amended 2245
license in accordance with division ~~(E)~~ (I) of this section, and 2246
the organization shall surrender its original license to the 2247
attorney general. ~~The~~ 2248

(2) (a) A charitable organization that has been issued a 2249
license under this section to conduct electronic instant bingo 2250
but that cannot conduct electronic instant bingo at the 2251
location, or on the day of the week or at the time, specified on 2252
the license due to circumstances that make it impractical to do 2253
so, may apply in writing, together with an application fee of 2254
two hundred fifty dollars, to the attorney general, at least 2255
thirty days prior to a change in a location, day of the week, or 2256
time, and request an amended license. A charitable organization 2257
may not apply for an amended license to conduct electronic 2258
instant bingo at any additional location. 2259

(b) The application shall describe the causes making it 2260
impractical for the organization to conduct electronic instant 2261
bingo in conformity with its license and shall indicate the 2262
location, days of the week, and times on each of those days when 2263
it desires to conduct electronic instant bingo. 2264

(c) Except as otherwise provided in division (J) (3) of 2265
this section, the attorney general shall issue the amended 2266
license in accordance with division (I) of this section, and the 2267
organization shall surrender its original license to the 2268
attorney general. 2269

(3) The attorney general may refuse to grant an amended 2270
license under division (J) (1) or (2) of this section according 2271
to the terms of division ~~(B)~~ ~~(F)~~ of this section. 2272

~~(G) The attorney general, by rule adopted pursuant to~~ 2273
~~section 111.15 of the Revised Code, shall establish a schedule~~ 2274
~~of reduced license fees for charitable organizations that desire~~ 2275
~~to conduct bingo or instant bingo during fewer than twenty-six~~ 2276
~~weeks in any calendar year.~~ 2277

~~(H) The attorney general, by rule adopted pursuant to~~ 2278
~~section 111.15 of the Revised Code, shall establish license fees~~ 2279
~~for the conduct of bingo, instant bingo at a bingo session, or~~ 2280
~~instant bingo other than at a bingo session for charitable~~ 2281
~~organizations that prior to July 1, 2003, have not been licensed~~ 2282
~~to conduct bingo, instant bingo at a bingo session, or instant~~ 2283
~~bingo other than at a bingo session under this chapter.~~ 2284

~~(I)~~ (K) The attorney general may enter into a written 2285
contract with any other state agency to delegate to that state 2286
agency the powers prescribed to the attorney general under 2287
Chapter 2915. of the Revised Code. 2288

~~(J)~~ (L) The attorney general, by rule adopted pursuant to 2289
section 111.15 of the Revised Code, may adopt rules to determine 2290
the requirements for a charitable organization that is exempt 2291
from federal income taxation under subsection 501(a) and 2292
described in subsection 501(c) (3) of the Internal Revenue Code 2293

to be in good standing in the state. 2294

Sec. 2915.081. (A) No distributor shall sell, offer to 2295
sell, or otherwise provide or offer to provide bingo supplies to 2296
another person, or modify, convert, add to, or remove parts from 2297
bingo supplies to further their promotion or sale, for use in 2298
this state without having obtained a license from the attorney 2299
general under this section. 2300

(B) (1) The attorney general may issue a distributor 2301
license to any person that meets the requirements of this 2302
section. The application for the license shall be on a form 2303
prescribed by the attorney general and be accompanied by the 2304
annual fee prescribed by this section. The license is valid for 2305
a period of one year, and the annual fee for the license is five 2306
thousand dollars. 2307

(2) Upon applying for or renewing a license under this 2308
section, an applicant shall file with and have approved by the 2309
attorney general a bond in which the applicant shall be the 2310
principal obligor, in the sum of fifty thousand dollars, with 2311
one or more sureties authorized to do business in this state. 2312
The applicant shall maintain the bond in effect as long as the 2313
license is valid; however, the liability of the surety under the 2314
bond shall not exceed an all-time aggregate liability of fifty 2315
thousand dollars. The bond, which may be in the form of a rider 2316
to a larger blanket liability bond, shall run to the state and 2317
to any person who may have a cause of action against the 2318
principal obligor of the bond for any liability arising out of a 2319
violation by the obligor of any provision of this chapter or any 2320
rule adopted pursuant to this chapter. 2321

(C) The attorney general may refuse to issue a distributor 2322
license to any person to which any of the following applies, or 2323

to any person that has an officer, partner, or other person who 2324
has an ownership interest of ten per cent or more and to whom 2325
any of the following applies: 2326

(1) The person, officer, or partner has been convicted of 2327
a disqualifying offense as determined in accordance with section 2328
9.79 of the Revised Code. 2329

(2) The person, officer, or partner has made an incorrect 2330
or false statement that is material to the granting of a license 2331
in an application submitted to the attorney general under this 2332
section or in a similar application submitted to a gambling 2333
licensing authority in another jurisdiction if the statement 2334
resulted in license revocation through administrative action in 2335
the other jurisdiction. 2336

(3) The person, officer, or partner has submitted any 2337
incorrect or false information relating to the application to 2338
the attorney general under this section, if the information is 2339
material to the granting of the license. 2340

(4) The person, officer, or partner has failed to correct 2341
any incorrect or false information that is material to the 2342
granting of the license in the records required to be maintained 2343
under division (F) of section 2915.10 of the Revised Code. 2344

(5) The person, officer, or partner has had a license 2345
related to gambling revoked or suspended under the laws of this 2346
state, another state, or the United States. 2347

(6) The attorney general has good cause to believe that a 2348
person, officer, or partner has committed a breach of fiduciary 2349
duty, theft, or other type of misconduct related to a charitable 2350
organization that has obtained a bingo license issued under this 2351
chapter. 2352

(D) The attorney general shall not issue a distributor 2353
license to any person that is involved in the conduct of bingo 2354
on behalf of a charitable organization or that is a lessor of 2355
premises used for the conduct of bingo. This division does not 2356
prohibit a distributor from advising charitable organizations on 2357
the use and benefit of specific bingo supplies or prohibit a 2358
distributor from advising a customer on operational methods to 2359
improve bingo profitability. 2360

(E) (1) No distributor shall sell, offer to sell, or 2361
otherwise provide or offer to provide bingo supplies to any 2362
person, or modify, convert, add to, or remove parts from bingo 2363
supplies to further their promotion or sale, for use in this 2364
state except to or for the use of a charitable organization that 2365
has been issued a license under section 2915.08 of the Revised 2366
Code or to another distributor that has been issued a license 2367
under this section. No distributor shall accept payment for the 2368
sale or other provision of bingo supplies other than by check or 2369
electronic fund transfer. 2370

(2) No distributor may donate, give, loan, lease, or 2371
otherwise provide any bingo supplies or equipment, or modify, 2372
convert, add to, or remove parts from bingo supplies to further 2373
their promotion or sale, to or for the use of a charitable 2374
organization for use in a bingo session conditioned on or in 2375
consideration for an exclusive right to provide bingo supplies 2376
to the charitable organization. A distributor may provide a 2377
licensed charitable organization with free samples of the 2378
distributor's products to be used as prizes or to be used for 2379
the purpose of sampling. 2380

(3) No distributor shall purchase bingo supplies for use 2381
in this state from any person except from a manufacturer issued 2382

a license under section 2915.082 of the Revised Code or from 2383
another distributor issued a license under this section. Subject 2384
to division (D) of section 2915.082 of the Revised Code, no 2385
distributor shall pay for purchased bingo supplies other than by 2386
check or electronic fund transfer. 2387

(4) No distributor shall participate in the conduct of 2388
bingo on behalf of a charitable organization or have any direct 2389
or indirect ownership interest in a premises used for the 2390
conduct of bingo. 2391

(5) No distributor shall knowingly solicit, offer, pay, or 2392
receive any kickback, bribe, or undocumented rebate, directly or 2393
indirectly, overtly or covertly, in cash or in kind, in return 2394
for providing bingo supplies to any person in this state. 2395

(F)(1) No distributor shall knowingly sell, offer to sell, 2396
or otherwise provide or offer to provide an electronic instant 2397
bingo system to any person for use in this state, or install, 2398
maintain, update, or repair an electronic instant bingo system, 2399
without first obtaining an electronic instant bingo distributor 2400
endorsement to the person's distributor license issued under 2401
this section. An applicant for a distributor license under this 2402
section may apply simultaneously for an electronic instant bingo 2403
distributor endorsement to that license. Any individual who 2404
installs, maintains, updates, or repairs an electronic instant 2405
bingo system also shall hold an appropriate and valid 2406
occupational license issued by the Ohio casino control 2407
commission under Chapter 3772. of the Revised Code. 2408

(2) An applicant for an electronic instant bingo 2409
distributor endorsement shall submit the application on a form 2410
prescribed by the attorney general and shall submit one complete 2411
set of fingerprints directly to the superintendent of the bureau 2412

of criminal identification and investigation for the purpose of 2413
conducting a criminal records check. The applicant shall provide 2414
the fingerprints using a method the superintendent prescribes 2415
pursuant to division (C) (2) of section 109.572 of the Revised 2416
Code and shall fill out the form the superintendent prescribes 2417
pursuant to division (C) (1) of that section. Upon receiving an 2418
application for an electronic instant bingo distributor 2419
endorsement, the attorney general shall request the 2420
superintendent, or a vendor approved by the bureau, to conduct a 2421
criminal records check based on the applicant's fingerprint 2422
impressions in accordance with division (A) (18) of that section. 2423
The applicant shall pay any fee required under division (C) (3) 2424
of that section. 2425

(3) The attorney general shall not issue an electronic 2426
instant bingo distributor endorsement to an applicant unless the 2427
attorney general has received the results of the criminal 2428
records check described in division (F) (2) of this section. The 2429
attorney general shall not issue an electronic instant bingo 2430
distributor endorsement to an applicant if the applicant, any 2431
officer or partner of the applicant, or any person who has an 2432
ownership interest of ten per cent or more in the applicant has 2433
violated any provision of this chapter or any rule adopted by 2434
the attorney general under this chapter or has violated any 2435
existing or former law or rule of this state, any other state, 2436
or the United States that is substantially equivalent to any 2437
provision of this chapter or any rule adopted by the attorney 2438
general under this chapter. 2439

(4) An electronic instant bingo distributor endorsement 2440
issued under this section shall be valid for the period of the 2441
underlying distributor license. 2442

(G) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a distributor license or an electronic instant bingo distributor endorsement, for a limited or indefinite period of time at the attorney general's discretion, for any of the following reasons: 2443
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(1) Any reason for which the attorney general may refuse 2448
to issue ~~a distributor the license specified in divisions (C) (2) to (5) of this section~~ or endorsement; 2449
2450

(2) The distributor holding the license or endorsement 2451
violates any provision of this chapter or any rule adopted by 2452
the attorney general under this chapter; 2453

(3) The distributor or any officer, partner, or other 2454
person who has an ownership interest of ten per cent or more in 2455
the distributor is convicted of either of the following: 2456

(a) A felony under the laws of this state, another state, 2457
or the United States; 2458

(b) Any gambling offense. 2459

~~(G)~~ (H) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or condition of a distributor license or endorsement, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code. 2460
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(I) The attorney general may impose a civil fine on a distributor licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, or for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code. 2465
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(J) Whoever violates division (A) ~~or, (E), or (F)~~ of this 2472
section is guilty of illegally operating as a distributor. 2473
Except as otherwise provided in this division, illegally 2474
operating as a distributor is a misdemeanor of the first degree. 2475
If the offender previously has been convicted of a violation of 2476
division (A) ~~or, (E), or (F)~~ of this section, illegally 2477
operating as a distributor is a felony of the fifth degree. 2478

Sec. 2915.082. (A) No manufacturer shall sell, offer to 2479
sell, or otherwise provide or offer to provide bingo supplies 2480
for use in this state without having obtained a license from the 2481
attorney general under this section. 2482

(B) (1) The attorney general may issue a manufacturer 2483
license to any person that meets the requirements of this 2484
section. The application for the license shall be on a form 2485
prescribed by the attorney general and be accompanied by the 2486
annual fee prescribed by this section. The license is valid for 2487
a period of one year, and the annual fee for the license is five 2488
thousand dollars. 2489

(2) Upon applying for or renewing a license under this 2490
section, an applicant shall file with and have approved by the 2491
attorney general a bond in which the applicant shall be the 2492
principal obligor, in the sum of fifty thousand dollars, with 2493
one or more sureties authorized to do business in this state. 2494
The applicant shall maintain the bond in effect as long as the 2495
license is valid; however, the liability of the surety under the 2496
bond shall not exceed an all-time aggregate liability of fifty 2497
thousand dollars. The bond, which may be in the form of a rider 2498
to a larger blanket liability bond, shall run to the state and 2499
to any person who may have a cause of action against the 2500
principal obligor of the bond for any liability arising out of a 2501

violation by the obligor of any provision of this chapter or any 2502
rule adopted pursuant to this chapter. 2503

(C) The attorney general may refuse to issue a 2504
manufacturer license to any person to which any of the following 2505
applies, or to any person that has an officer, partner, or other 2506
person who has an ownership interest of ten per cent or more and 2507
to whom any of the following applies: 2508

(1) The person, officer, or partner has been convicted of 2509
a disqualifying offense as determined in accordance with section 2510
9.79 of the Revised Code. 2511

(2) The person, officer, or partner has made an incorrect 2512
or false statement that is material to the granting of a license 2513
in an application submitted to the attorney general under this 2514
section or in a similar application submitted to a gambling 2515
licensing authority in another jurisdiction if the statement 2516
resulted in license revocation through administrative action in 2517
the other jurisdiction. 2518

(3) The person, officer, or partner has submitted any 2519
incorrect or false information relating to the application to 2520
the attorney general under this section, if the information is 2521
material to the granting of the license. 2522

(4) The person, officer, or partner has failed to correct 2523
any incorrect or false information that is material to the 2524
granting of the license in the records required to be maintained 2525
under division (G) of section 2915.10 of the Revised Code. 2526

(5) The person, officer, or partner has had a license 2527
related to gambling revoked or suspended under the laws of this 2528
state, another state, or the United States. 2529

(6) The attorney general has good cause to believe that 2530

the person, officer, or partner has committed a breach of 2531
fiduciary duty, theft, or other type of misconduct, related to a 2532
charitable organization that has obtained a bingo license under 2533
this chapter. 2534

(D) (1) No manufacturer shall sell, offer to sell, or 2535
otherwise provide or offer to provide bingo supplies to any 2536
person for use in this state except to a distributor that has 2537
been issued a license under section 2915.081 of the Revised 2538
Code. No manufacturer shall accept payment for the sale of bingo 2539
supplies other than by check or electronic fund transfer. 2540

(2) No manufacturer shall knowingly solicit, offer, pay, 2541
or receive any kickback, bribe, or undocumented rebate, directly 2542
or indirectly, overtly or covertly, in cash or in kind, in 2543
return for providing bingo supplies to any person in this state. 2544

(E) (1) No manufacturer shall knowingly sell, offer to 2545
sell, or otherwise provide or offer to provide an electronic 2546
instant bingo system to any person for use in this state, or 2547
submit an electronic instant bingo system for testing and 2548
approval under section 2915.15 of the Revised Code, without 2549
first obtaining an electronic instant bingo manufacturer 2550
endorsement to the person's manufacturer license issued under 2551
this section. An applicant for a manufacturer license under this 2552
section may apply simultaneously for an electronic instant bingo 2553
manufacturer endorsement to that license. 2554

(2) A manufacturer licensed under this section may only 2555
sell, offer to sell, or otherwise provide or offer to provide 2556
electronic instant bingo systems that contain proprietary 2557
software owned by or licensed to the manufacturer. If the 2558
proprietary software is licensed to the manufacturer, the 2559
manufacturer shall provide a copy of the license along with the 2560

application for an endorsement under this section. 2561

(3) An applicant for an electronic instant bingo 2562
manufacturer endorsement shall submit the application on a form 2563
prescribed by the attorney general and shall submit one complete 2564
set of fingerprints directly to the superintendent of the bureau 2565
of criminal identification and investigation for the purpose of 2566
conducting a criminal records check. The applicant shall provide 2567
the fingerprints using a method the superintendent prescribes 2568
pursuant to division (C) (2) of section 109.572 of the Revised 2569
Code and shall fill out the form the superintendent prescribes 2570
pursuant to division (C) (1) of that section. Upon receiving an 2571
application for an electronic instant bingo manufacturer 2572
endorsement, the attorney general shall request the 2573
superintendent, or a vendor approved by the bureau, to conduct a 2574
criminal records check based on the applicant's fingerprint 2575
impressions in accordance with division (A) (18) of that section. 2576
The applicant shall pay any fee required under division (C) (3) 2577
of that section. 2578

(4) The attorney general shall not issue an electronic 2579
instant bingo manufacturer endorsement to an applicant unless 2580
the attorney general has received the results of the criminal 2581
records check described in division (E) (3) of this section. The 2582
attorney general shall not issue an electronic instant bingo 2583
manufacturer endorsement to an applicant if the applicant, any 2584
officer or partner of the applicant, or any person who has an 2585
ownership interest of ten per cent or more in the applicant has 2586
violated any existing or former law or rule of this state, any 2587
other state, or the United States that is substantially 2588
equivalent to any provision of this chapter or any rule adopted 2589
by the attorney general under this chapter. 2590

(F) (1) The attorney general may suspend, place limits, 2591
restrictions, or probationary conditions on, or revoke a 2592
manufacturer license or an electronic instant bingo manufacturer 2593
endorsement for a limited or indefinite period of time for any 2594
of the following reasons: 2595

(a) Any reason for which the attorney general may refuse 2596
to issue ~~a manufacturer the license specified in divisions (C)~~ 2597
~~(2) to (5) of this section~~ or endorsement; 2598

(b) The manufacturer holding the license or endorsement 2599
violates any provision of this chapter or any rule adopted by 2600
the attorney general under this chapter; 2601

(c) The manufacturer or any officer, partner, or other 2602
person who has an ownership interest of ten per cent or more in 2603
the manufacturer is convicted of either of the following: 2604

(i) A felony under the laws of this state, another state, 2605
or the United States; 2606

(ii) Any gambling offense. 2607

(2) The attorney general may perform an onsite inspection 2608
of a manufacturer of bingo supplies that is selling, offering to 2609
sell, or otherwise providing or offering to provide bingo 2610
supplies or that is applying for a license to sell, offer to 2611
sell, or otherwise provide or offer to provide bingo supplies in 2612
this state. 2613

(3) (a) The attorney general shall establish by rule an 2614
application and renewal fee for an electronic instant bingo 2615
manufacturer endorsement in an amount sufficient to cover the 2616
costs the attorney general incurs in processing applications for 2617
electronic instant bingo manufacturer endorsements and 2618
investigating an applicant's suitability. 2619

(b) If the cost of processing a particular application and 2620
investigating the applicant's suitability exceeds the amount of 2621
the application and renewal fee, the attorney general may charge 2622
the applicant an additional fee as necessary to cover that cost. 2623

(c) The attorney general shall not issue an electronic 2624
instant bingo manufacturer endorsement unless the attorney 2625
general has received payment in full from the applicant for all 2626
fees to be charged under this section. 2627

~~(F)~~(G) The attorney general may adopt rules for the 2628
application, acceptance, denial, suspension, revocation, 2629
limitation, restriction, or condition of a manufacturer license 2630
or endorsement described in this section, and to enforce any 2631
other provisions of this section, in accordance with Chapter 2632
119. of the Revised Code. 2633

(H) The attorney general may impose a civil fine on a 2634
manufacturer licensed or permitted under this chapter for 2635
failure to comply with any restrictions, limits, or probationary 2636
conditions on its license, and for failure to comply with this 2637
chapter or any rule adopted under this chapter, according to a 2638
schedule of fines that the attorney general shall adopt in 2639
accordance with Chapter 119. of the Revised Code. 2640

(I) Whoever violates division (A) ~~or, (D), or (E)~~ of this 2641
section is guilty of illegally operating as a manufacturer. 2642
Except as otherwise provided in this division, illegally 2643
operating as a manufacturer is a misdemeanor of the first 2644
degree. If the offender previously has been convicted of a 2645
violation of division (A) ~~or, (D), or (E)~~ of this section, 2646
illegally operating as a manufacturer is a felony of the fifth 2647
degree. 2648

Sec. 2915.09. (A) No charitable organization that conducts bingo shall fail to do any of the following:

(1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

(2) Except as otherwise provided in division (A)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct a bingo session, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in division (GG) of section 2915.01 of the Revised Code, provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in division (O)(1) of section 2915.01 of the Revised Code, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars or forty-five per cent of the gross receipts from the bingo described in that division as consideration for the use of the premises.

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, ~~other than instant bingo,~~ described in division (O)(1) of section 2915.01 of the Revised

Code for a charitable purpose listed in its license application 2679
and described in division (V) of section 2915.01 of the Revised 2680
Code, or distribute all of the net profit from the proceeds of 2681
the sale of instant bingo or electronic instant bingo as stated 2682
in its license application and in accordance with section 2683
2915.101 of the Revised Code, as applicable. 2684

(B) No charitable organization that conducts a bingo game 2685
described in division (O) (1) of section 2915.01 of the Revised 2686
Code shall fail to do any of the following: 2687

(1) Conduct the bingo game on premises that are owned by 2688
the charitable organization, on premises that are owned by 2689
another charitable organization and leased from that charitable 2690
organization for a rental rate not in excess of the lesser of 2691
six hundred dollars per bingo session or forty-five per cent of 2692
the gross receipts of the bingo session, on premises that are 2693
leased from a person other than a charitable organization for a 2694
rental rate that is not more than is customary and reasonable 2695
for premises that are similar in location, size, and quality but 2696
not in excess of four hundred fifty dollars per bingo session, 2697
or on premises that are owned by a person other than a 2698
charitable organization, that are leased from that person by 2699
another charitable organization, and that are subleased from 2700
that other charitable organization by the charitable 2701
organization for a rental rate not in excess of four hundred 2702
fifty dollars per bingo session. No charitable organization is 2703
required to pay property taxes or assessments on premises that 2704
the charitable organization leases from another person to 2705
conduct bingo sessions. If the charitable organization leases 2706
from a person other than a charitable organization the premises 2707
on which it conducts bingo sessions, the lessor of the premises 2708
shall provide the premises to the organization and shall not 2709

provide the organization with bingo game operators, security 2710
personnel, concessions or concession operators, bingo supplies, 2711
or any other type of service. A charitable organization shall 2712
not lease or sublease premises that it owns or leases to more 2713
than three other charitable organizations per calendar week for 2714
conducting bingo sessions on the premises. A person that is not 2715
a charitable organization shall not lease premises that it owns, 2716
leases, or otherwise is empowered to lease to more than three 2717
charitable organizations per calendar week for conducting bingo 2718
sessions on the premises. In no case shall more than nine bingo 2719
sessions be conducted on any premises in any calendar week. 2720

(2) Display its license conspicuously at the premises 2721
where the bingo session is conducted; 2722

(3) Conduct the bingo session in accordance with the 2723
definition of bingo set forth in division (O) (1) of section 2724
2915.01 of the Revised Code. 2725

(C) No charitable organization that conducts a bingo game 2726
described in division (O) (1) of section 2915.01 of the Revised 2727
Code shall do any of the following: 2728

(1) Pay any compensation to a bingo game operator for 2729
operating a bingo session that is conducted by the charitable 2730
organization or for preparing, selling, or serving food or 2731
beverages at the site of the bingo session, permit any auxiliary 2732
unit or society of the charitable organization to pay 2733
compensation to any bingo game operator who prepares, sells, or 2734
serves food or beverages at a bingo session conducted by the 2735
charitable organization, or permit any auxiliary unit or society 2736
of the charitable organization to prepare, sell, or serve food 2737
or beverages at a bingo session conducted by the charitable 2738
organization, if the auxiliary unit or society pays any 2739

compensation to the bingo game operators who prepare, sell, or	2740
serve the food or beverages;	2741
(2) Pay consulting fees to any person for any services	2742
performed in relation to the bingo session;	2743
(3) Pay concession fees to any person who provides	2744
refreshments to the participants in the bingo session;	2745
(4) Except as otherwise provided in division (C) (4) of	2746
this section, conduct more than three bingo sessions in any	2747
seven-day period. A volunteer firefighter's organization or a	2748
volunteer rescue service organization that conducts not more	2749
than five bingo sessions in a calendar year may conduct more	2750
than three bingo sessions in a seven-day period after notifying	2751
the attorney general when it will conduct the sessions.	2752
(5) Pay out more than six thousand dollars in prizes for	2753
bingo games described in division (O) (1) of section 2915.01 of	2754
the Revised Code during any bingo session that is conducted by	2755
the charitable organization. "Prizes" does not include awards	2756
from the conduct of instant bingo.	2757
(6) Conduct a bingo session at any time during the eight-	2758
hour period between two a.m. and ten a.m., at any time during,	2759
or within ten hours of, a bingo game conducted for amusement	2760
only pursuant to section 2915.12 of the Revised Code, at any	2761
premises not specified on its license, or on any day of the week	2762
or during any time period not specified on its license. Division	2763
(A) (6) of this section does not prohibit the sale of instant	2764
bingo tickets beginning at nine a.m. for a bingo session that	2765
begins at ten a.m. If circumstances make it impractical for the	2766
charitable organization to conduct a bingo session at the	2767
premises, or on the day of the week or at the time, specified on	2768

its license, or if a charitable organization wants to conduct 2769
bingo sessions on a day of the week or at a time other than the 2770
day or time specified on its license, the charitable 2771
organization may apply in writing to the attorney general for an 2772
amended license pursuant to division ~~(F)~~(J) of section 2915.08 2773
of the Revised Code. A charitable organization may apply twice 2774
in each calendar year for an amended license to conduct bingo 2775
sessions on a day of the week or at a time other than the day or 2776
time specified on its license. If the amended license is 2777
granted, the organization may conduct bingo sessions at the 2778
premises, on the day of the week, and at the time specified on 2779
its amended license. 2780

(7) Permit any person whom the charitable organization 2781
knows, or should have known, is under the age of eighteen to 2782
work as a bingo game operator; 2783

(8) Permit any person whom the charitable organization 2784
knows, or should have known, has been convicted of a felony or 2785
gambling offense in any jurisdiction to be a bingo game 2786
operator; 2787

(9) Permit the lessor of the premises on which the bingo 2788
session is conducted, if the lessor is not a charitable 2789
organization, to provide the charitable organization with bingo 2790
game operators, security personnel, concessions, bingo supplies, 2791
or any other type of service; 2792

(10) Purchase or lease bingo supplies from any person 2793
except a distributor issued a license under section 2915.081 of 2794
the Revised Code; 2795

(11) (a) Use or permit the use of electronic bingo aids 2796
except under the following circumstances: 2797

(i) For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids. 2798
2799

(ii) The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets. 2800
2801
2802

(iii) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid. 2803
2804
2805
2806
2807

(iv) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted. 2808
2809
2810
2811
2812

(v) An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used. 2813
2814
2815
2816

(vi) An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used. 2817
2818
2819
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(b) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the attorney general to verify the number of bingo cards or sheets 2822
2823
2824
2825
2826

played during each bingo session. 2827

(12) Permit any person the charitable organization knows, 2828
or should have known, to be under eighteen years of age to play 2829
bingo described in division (O) (1) of section 2915.01 of the 2830
Revised Code. 2831

(D) (1) Except as otherwise provided in division (D) (3) of 2832
this section, no charitable organization shall provide to a 2833
bingo game operator, and no bingo game operator shall receive or 2834
accept, any commission, wage, salary, reward, tip, donation, 2835
gratuity, or other form of compensation, directly or indirectly, 2836
regardless of the source, for conducting bingo or providing 2837
other work or labor at the site of bingo during a bingo session. 2838

(2) Except as otherwise provided in division (D) (3) of 2839
this section, no charitable organization shall provide to a 2840
bingo game operator any commission, wage, salary, reward, tip, 2841
donation, gratuity, or other form of compensation, directly or 2842
indirectly, regardless of the source, for conducting instant 2843
bingo, electronic instant bingo, or both other than at a bingo 2844
session at the site of instant bingo, electronic instant bingo, 2845
or both other than at a bingo session. 2846

(3) Nothing in division (D) of this section prohibits an 2847
employee of a fraternal organization, veteran's organization, or 2848
sporting organization from selling instant bingo tickets or 2849
cards to the organization's members or invited guests, as long 2850
as no portion of the employee's compensation is paid from any 2851
receipts of bingo. 2852

(E) Notwithstanding division (B) (1) of this section, a 2853
charitable organization that, prior to December 6, 1977, has 2854
entered into written agreements for the lease of premises it 2855

owns to another charitable organization or other charitable 2856
organizations for the conducting of bingo sessions so that more 2857
than two bingo sessions are conducted per calendar week on the 2858
premises, and a person that is not a charitable organization and 2859
that, prior to December 6, 1977, has entered into written 2860
agreements for the lease of premises it owns to charitable 2861
organizations for the conducting of more than two bingo sessions 2862
per calendar week on the premises, may continue to lease the 2863
premises to those charitable organizations, provided that no 2864
more than four sessions are conducted per calendar week, that 2865
the lessor organization or person has notified the attorney 2866
general in writing of the organizations that will conduct the 2867
sessions and the days of the week and the times of the day on 2868
which the sessions will be conducted, that the initial lease 2869
entered into with each organization that will conduct the 2870
sessions was filed with the attorney general prior to December 2871
6, 1977, and that each organization that will conduct the 2872
sessions was issued a license to conduct bingo games by the 2873
attorney general prior to December 6, 1977. 2874

(F) This section does not prohibit a bingo licensed 2875
charitable organization or a game operator from giving any 2876
person an instant bingo ticket as a prize. 2877

(G) Whoever violates division (A) (2) of this section is 2878
guilty of illegally conducting a bingo game, a felony of the 2879
fourth degree. Except as otherwise provided in this division, 2880
whoever violates division (A) (1) or (3), (B) (1), (2), or (3), 2881
(C) (1) to ~~(12)~~(11), or (D) of this section is guilty of a minor 2882
misdemeanor. If the offender previously has been convicted of a 2883
violation of division (A) (1) or (3), (B) (1), (2), or (3), (C) (1) 2884
to (11), or (D) of this section, a violation of division (A) (1) 2885
or (3), (B) (1), (2), or (3), (C), or (D) of this section is a 2886

misdemeanor of the first degree. Whoever violates division (C) 2887
(12) of this section is guilty of a misdemeanor of the first 2888
degree, or if the offender previously has been convicted of a 2889
violation of division (C) (12) of this section, a felony of the 2890
fourth degree. 2891

Sec. 2915.091. (A) No charitable organization that 2892
conducts instant bingo shall do any of the following: 2893

(1) Fail to comply with the requirements of divisions (A) 2894
(1), (2), and (3) of section 2915.09 of the Revised Code; 2895

(2) Conduct instant bingo unless either of the following 2896
applies: 2897

(a) That organization is, and has received from the 2898
internal revenue service a determination letter that is 2899
currently in effect stating that the organization is, exempt 2900
from federal income taxation under subsection 501(a), is 2901
described in subsection 501(c) (3) of the Internal Revenue Code, 2902
is a charitable organization as defined in section 2915.01 of 2903
the Revised Code, is in good standing in the state pursuant to 2904
section 2915.08 of the Revised Code, and is in compliance with 2905
Chapter 1716. of the Revised Code; 2906

(b) That organization is, and has received from the 2907
internal revenue service a determination letter that is 2908
currently in effect stating that the organization is, exempt 2909
from federal income taxation under subsection 501(a), is 2910
described in subsection 501(c) (7), 501(c) (8), 501(c) (10), or 2911
501(c) (19) or is a veteran's organization described in 2912
subsection 501(c) (4) of the Internal Revenue Code, and conducts 2913
instant bingo under section 2915.13 of the Revised Code. 2914

(3) Conduct instant bingo on any day, at any time, or at 2915

any premises not specified on the organization's license issued	2916
pursuant to section 2915.08 of the Revised Code;	2917
(4) Permit any person whom the organization knows or	2918
should have known has been convicted of a felony or gambling	2919
offense in any jurisdiction to be a bingo game operator in the	2920
conduct of instant bingo;	2921
(5) Purchase or lease supplies used to conduct instant	2922
bingo or punch board games from any person except a distributor	2923
licensed under section 2915.081 of the Revised Code;	2924
(6) Sell or provide any instant bingo ticket or card for a	2925
price different from the price printed on it by the manufacturer	2926
on either the instant bingo ticket or card or on the game flare;	2927
(7) Sell an instant bingo ticket or card to a person under	2928
eighteen years of age;	2929
(8) Fail to keep unsold instant bingo tickets or cards for	2930
less than three years;	2931
(9) Pay any compensation to a bingo game operator for	2932
conducting instant bingo that is conducted by the organization	2933
or for preparing, selling, or serving food or beverages at the	2934
site of the instant bingo game, permit any auxiliary unit or	2935
society of the organization to pay compensation to any bingo	2936
game operator who prepares, sells, or serves food or beverages	2937
at an instant bingo game conducted by the organization, or	2938
permit any auxiliary unit or society of the organization to	2939
prepare, sell, or serve food or beverages at an instant bingo	2940
game conducted by the organization, if the auxiliary unit or	2941
society pays any compensation to the bingo game operators who	2942
prepare, sell, or serve the food or beverages;	2943
(10) Pay fees to any person for any services performed in	2944

relation to an instant bingo game, except as provided in 2945
division (D) of section 2915.093 of the Revised Code; 2946

(11) Pay fees to any person who provides refreshments to 2947
the participants in an instant bingo game; 2948

(12) (a) Allow instant bingo tickets or cards to be sold to 2949
bingo game operators at a premises at which the organization 2950
sells instant bingo tickets or cards or to be sold to employees 2951
of a D permit holder who are working at a premises at which 2952
instant bingo tickets or cards are sold; 2953

(b) Division (A) (12) (a) of this section does not prohibit 2954
a licensed charitable organization or a bingo game operator from 2955
giving any person an instant bingo ticket as a prize in place of 2956
a cash prize won by a participant in an instant bingo game. In 2957
no case shall an instant bingo ticket or card be sold or 2958
provided for a price different from the price printed on it by 2959
the manufacturer on either the instant bingo ticket or card or 2960
on the game flare. 2961

(13) Fail to display its bingo license, and the serial 2962
numbers of the deal of instant bingo tickets or cards to be 2963
sold, conspicuously at each premises at which it sells instant 2964
bingo tickets or cards; 2965

(14) Possess a deal of instant bingo tickets or cards that 2966
was not purchased from a distributor licensed under section 2967
2915.081 of the Revised Code as reflected on an invoice issued 2968
by the distributor that contains all of the information required 2969
by division (E) of section 2915.10 of the Revised Code; 2970

(15) Fail, once it opens a deal of instant bingo tickets 2971
or cards, to continue to sell the tickets or cards in that deal 2972
until the tickets or cards with the top two highest tiers of 2973

prizes in that deal are sold; 2974

(16) Possess bingo supplies that were not obtained in 2975
accordance with ~~sections 2915.01 to 2915.13 of the Revised Code~~ 2976
this chapter. 2977

(B) A charitable organization may purchase, lease, or use 2978
instant bingo ticket dispensers to sell instant bingo tickets or 2979
cards. 2980

(C) The attorney general may adopt rules in accordance 2981
with Chapter 119. of the Revised Code that govern the conduct of 2982
instant bingo by charitable organizations. Before those rules 2983
are adopted, the attorney general shall reference the 2984
recommended standards for opacity, randomization, minimum 2985
information, winner protection, color, and cutting for instant 2986
bingo tickets or cards, seal cards, and punch boards established 2987
by the North American gaming regulators association. 2988

(D) Whoever violates division (A) of this section or a 2989
rule adopted under division (C) of this section is guilty of 2990
illegal instant bingo conduct. Except as otherwise provided in 2991
this division, illegal instant bingo conduct is a misdemeanor of 2992
the first degree. If the offender previously has been convicted 2993
of a violation of division (A) of this section or of such a 2994
rule, illegal instant bingo conduct is a felony of the fifth 2995
degree. 2996

Sec. 2915.093. (A) As used in this section, "retail income 2997
from all commercial activity" means the income that a person 2998
receives from the provision of goods, services, or activities 2999
that are provided at the location where instant bingo other than 3000
at a bingo session is conducted, including the sale of instant 3001
bingo tickets. A religious organization that is exempt from 3002

federal income taxation under subsection 501(a) and described in 3003
subsection 501(c)(3) of the Internal Revenue Code, at not more 3004
than one location at which it conducts its charitable programs, 3005
may include donations from its members and guests as retail 3006
income. 3007

(B) (1) If a charitable instant bingo organization conducts 3008
instant bingo other than at a bingo session under a type III 3009
license issued under section 2915.08 of the Revised Code, the 3010
charitable instant bingo organization shall enter into a written 3011
contract with the owner or lessor of the location at which the 3012
instant bingo is conducted to allow the owner or lessor to 3013
assist in the conduct of instant bingo other than at a bingo 3014
session, identify each location where the instant bingo other 3015
than at a bingo session is being conducted, and identify the 3016
owner or lessor of each location. 3017

(2) A charitable instant bingo organization that conducts 3018
instant bingo other than at a bingo session under a type III 3019
license issued under section 2915.08 of the Revised Code is not 3020
required to enter into a written contract with the owner or 3021
lessor of the location at which the instant bingo is conducted, 3022
provided that the owner or lessor is not assisting in the 3023
conduct of the instant bingo other than at a bingo session and 3024
provided that the conduct of the instant bingo other than at a 3025
bingo session at that location is not more than five days per 3026
calendar year and not more than ten hours per day. 3027

(C) Except as provided in division (F) of this section, no 3028
charitable instant bingo organization shall conduct instant 3029
bingo other than at a bingo session at a location where the 3030
primary source of retail income from all commercial activity at 3031
that location is the sale of instant bingo tickets. 3032

(D) The owner or lessor of a location that enters into a contract pursuant to division (B) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this division.

As used in this division, "expenses" means those items provided for in divisions (GG) (4), (5), (6), (7), (8), (12), and (13) of section 2915.01 of the Revised Code and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses," in the aggregate, shall not exceed six per cent of the total gross receipts of any deal of instant bingo tickets.

As used in this division, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(E) A charitable instant bingo organization shall provide the attorney general with all of the following information:

(1) That the charitable instant bingo organization has terminated a contract entered into pursuant to division (B) of

this section with an owner or lessor of a location; 3062

(2) That the charitable instant bingo organization has 3063
entered into a written contract pursuant to division (B) of this 3064
section with a new owner or lessor of a location; 3065

(3) That the charitable instant bingo organization is 3066
aware of conduct by the owner or lessor of a location at which 3067
instant bingo is conducted that is in violation of this chapter. 3068

(F) Division (C) of this section does not apply to a 3069
volunteer firefighter's organization that is exempt from federal 3070
income taxation under subsection 501(a) and described in 3071
subsection 501(c)(3) of the Internal Revenue Code, that conducts 3072
instant bingo other than at a bingo session on the premises 3073
where the organization conducts firefighter training, that has 3074
conducted instant bingo continuously for at least five years 3075
prior to July 1, 2003, and that, during each of those five 3076
years, had gross receipts of at least one million five hundred 3077
thousand dollars. 3078

Sec. 2915.095. The attorney general, by rule adopted 3079
pursuant to section 111.15 of the Revised Code, shall establish 3080
a standard contract to be used by a charitable instant bingo 3081
organization, a veteran's organization, ~~a~~ fraternal 3082
organization, or a sporting organization for the conduct of 3083
instant bingo, electronic instant bingo, or both other than at a 3084
bingo session under a type III license issued under section 3085
2915.08 of the Revised Code. The terms of the contract shall be 3086
limited to the provisions in Chapter 2915. of the Revised Code. 3087

Sec. 2915.10. (A) No charitable organization that conducts 3088
bingo or a game of chance pursuant to division (D) of section 3089
2915.02 of the Revised Code shall fail to maintain the following 3090

records for at least three years from the date on which the 3091
bingo or game of chance is conducted: 3092

(1) An itemized list of the gross receipts of each bingo 3093
session, each game of instant bingo by serial number, each 3094
electronic instant bingo game by serial number, each raffle, 3095
each punch board game, and each game of chance, and an itemized 3096
list of the gross profits of each game of instant bingo by 3097
serial number and each electronic instant bingo game by serial 3098
number; 3099

(2) An itemized list of all expenses, other than prizes, 3100
that are incurred in conducting bingo ~~or instant bingo~~, the name 3101
of each person to whom the expenses are paid, and a receipt for 3102
all of the expenses; 3103

(3) A list of all prizes awarded during each bingo 3104
session, each raffle, each punch board game, and each game of 3105
chance conducted by the charitable organization, the total 3106
prizes awarded from each game of instant bingo by serial number 3107
and each electronic instant bingo game by serial number, and the 3108
name, address, and social security number of all persons who are 3109
winners of prizes of six hundred dollars or more in value; 3110

(4) An itemized list of the recipients of the net profit 3111
of the bingo or game of chance, including the name and address 3112
of each recipient to whom the money is distributed, and if the 3113
organization uses the net profit of bingo, or the money or 3114
assets received from a game of chance, for any charitable or 3115
other purpose set forth in division (V) of section 2915.01, 3116
division (D) of section 2915.02, or section 2915.101 of the 3117
Revised Code, a list of each purpose and an itemized list of 3118
each expenditure for each purpose; 3119

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization; 3120
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(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from gross receipts under division (T) of section 2915.01 of the Revised Code; 3123
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(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo or electronic instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses. 3127
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(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the attorney general of the location at which those records are kept. 3134
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(C) The gross profit from each bingo session or game described in division (O) (1) or (2) of section 2915.01 of the Revised Code shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account. 3139
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(D) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of 3147
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November of each year. 3149

(E) The attorney general may adopt rules in accordance 3150
with Chapter 119. of the Revised Code that establish standards 3151
of accounting, record keeping, and reporting to ensure that 3152
gross receipts from bingo or games of chance are properly 3153
accounted for. 3154

(F) A distributor shall maintain, for a period of three 3155
years after the date of its sale or other provision, a record of 3156
each instance of its selling or otherwise providing to another 3157
person bingo supplies for use in this state. The record shall 3158
include all of the following for each instance: 3159

(1) The name of the manufacturer from which the 3160
distributor purchased the bingo supplies and the date of the 3161
purchase; 3162

(2) The name and address of the charitable organization or 3163
other distributor to which the bingo supplies were sold or 3164
otherwise provided; 3165

(3) A description that clearly identifies the bingo 3166
supplies; 3167

(4) Invoices that include the nonrepeating serial numbers 3168
of all paper bingo cards and sheets and all instant bingo deals 3169
sold or otherwise provided to each charitable organization. 3170

(G) A manufacturer shall maintain, for a period of three 3171
years after the date of its sale or other provision, a record of 3172
each instance of its selling or otherwise providing bingo 3173
supplies for use in this state. The record shall include all of 3174
the following for each instance: 3175

(1) The name and address of the distributor to whom the 3176

bingo supplies were sold or otherwise provided;	3177
(2) A description that clearly identifies the bingo supplies, including serial numbers;	3178 3179
(3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.	3180 3181 3182
(H) The attorney general or any law enforcement agency may do all of the following:	3183 3184
(1) Investigate any charitable organization, <u>distributor, or manufacturer</u> or any officer, agent, trustee, member, or employee of the organization, <u>distributor, or manufacturer;</u>	3185 3186 3187
(2) Examine the accounts and records of the <u>charitable organization, distributor, or manufacturer or of any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;</u>	3188 3189 3190 3191
(3) Conduct inspections, audits, and observations of bingo or games of chance;	3192 3193
(4) Conduct inspections of the premises where bingo or games of chance are conducted <u>or where bingo supplies are manufactured or distributed;</u>	3194 3195 3196
(5) Take any other necessary and reasonable action to determine if a violation of any provision of sections 2915.01 to 2915.13 of the Revised Code <u>this chapter</u> has occurred and to determine whether section 2915.11 of the Revised Code has been complied with.	3197 3198 3199 3200 3201
If any law enforcement agency has reasonable grounds to believe that a charitable organization, <u>distributor, or manufacturer</u> or an officer, agent, trustee, member, or employee	3202 3203 3204

of the organization, distributor, or manufacturer has violated 3205
any provision of this chapter, the law enforcement agency may 3206
proceed by action in the proper court to enforce this chapter, 3207
provided that the law enforcement agency shall give written 3208
notice to the attorney general when commencing an action as 3209
described in this division. 3210

(I) No person shall destroy, alter, conceal, withhold, or 3211
deny access to any accounts or records of a charitable 3212
organization, distributor, or manufacturer that have been 3213
requested for examination, or obstruct, impede, or interfere 3214
with any inspection, audit, or observation of bingo or a game of 3215
chance ~~or, of premises~~ where bingo or a game of chance is 3216
conducted, or of premises where bingo supplies are manufactured 3217
or distributed, or refuse to comply with any reasonable request 3218
of, or obstruct, impede, or interfere with any other reasonable 3219
action undertaken by, the attorney general or a law enforcement 3220
agency pursuant to division (H) of this section. 3221

(J) Whoever violates division (A) or (I) of this section 3222
is guilty of a misdemeanor of the first degree. 3223

Sec. 2915.101. Except as otherwise provided by law, a 3224
charitable organization that conducts instant bingo or 3225
electronic instant bingo shall distribute the net profit from 3226
the proceeds of the sale of instant bingo or electronic instant 3227
bingo as follows: 3228

(A) (1) If a veteran's organization, a fraternal 3229
organization, or a sporting organization conducted the instant 3230
bingo or electronic instant bingo, the organization shall 3231
distribute the net profit from the proceeds of the sale of 3232
instant bingo or electronic instant bingo, as follows: 3233

(a) For the first two hundred fifty thousand dollars, or a greater amount prescribed by the attorney general to adjust for changes in prices as measured by the consumer price index as defined in section 325.18 of the Revised Code and other factors affecting the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, or less of net profit from the proceeds of the sale of instant bingo or electronic instant bingo generated in a calendar year:

(i) At least twenty-five per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(b) For any net profit from the proceeds of the sale of instant bingo or electronic instant bingo of more than two hundred fifty thousand dollars or an adjusted amount generated in a calendar year:

(i) A minimum of fifty per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Five per cent may be distributed for the organization's own charitable purposes or to a community action agency.

(iii) Forty-five per cent may be deducted and retained by

the organization for reimbursement of or for the organization's 3263
expenses, as defined in division (GG) of section 2915.01 of the 3264
Revised Code, in conducting the instant bingo or electronic 3265
instant bingo game. 3266

(2) If a veteran's organization, a fraternal organization, 3267
or a sporting organization does not distribute the full 3268
percentages specified in divisions (A) (1) (a) and (b) of this 3269
section for the purposes specified in those divisions, the 3270
organization shall distribute the balance of the net profit from 3271
the proceeds of the sale of instant bingo or electronic instant 3272
bingo not distributed or retained for those purposes to an 3273
organization described in division (V) (1) of section 2915.01 of 3274
the Revised Code. 3275

(B) If a charitable organization other than a veteran's 3276
organization, a fraternal organization, or a sporting 3277
organization conducted the instant bingo or electronic instant 3278
bingo, the organization shall distribute one hundred per cent of 3279
the net profit from the proceeds of the sale of instant bingo or 3280
electronic instant bingo to an organization described in 3281
division (V) (1) of section 2915.01 of the Revised Code or to a 3282
department or agency of the federal government, the state, or 3283
any political subdivision. 3284

(C) Nothing in this section prohibits a veteran's 3285
organization, a fraternal organization, or a sporting 3286
organization from distributing any net profit from the proceeds 3287
of the sale of instant bingo or electronic instant bingo to an 3288
organization that is described in subsection 501(c) (3) of the 3289
Internal Revenue Code when the organization that is described in 3290
subsection 501(c) (3) of the Internal Revenue Code is one that 3291
makes donations to other organizations and permits donors to 3292

advise or direct such donations so long as the donations comply 3293
with requirements established in or pursuant to subsection 3294
501(c) (3) of the Internal Revenue Code. 3295

Sec. 2915.12. (A) Sections 2915.07 to ~~2915.11~~ 2915.15 of 3296
the Revised Code do not apply to bingo games that are conducted 3297
for the purpose of amusement only. A bingo game is conducted for 3298
the purpose of amusement only if it complies with all of the 3299
requirements specified in either division (A) (1) or (2) of this 3300
section: 3301

(1) (a) The participants do not pay any money or any other 3302
thing of value including an admission fee, or any fee for bingo 3303
cards or sheets, objects to cover the spaces, or other devices 3304
used in playing bingo, for the privilege of participating in the 3305
bingo game, or to defray any costs of the game, or pay tips or 3306
make donations during or immediately before or after the bingo 3307
game. 3308

(b) All prizes awarded during the course of the game are 3309
nonmonetary, and in the form of merchandise, goods, or 3310
entitlements to goods or services only, and the total value of 3311
all prizes awarded during the game is less than one hundred 3312
dollars. 3313

(c) No commission, wages, salary, reward, tip, donation, 3314
gratuity, or other form of compensation, either directly or 3315
indirectly, and regardless of the source, is paid to any bingo 3316
game operator for work or labor performed at the site of the 3317
bingo game. 3318

(d) The bingo game is not conducted either during or 3319
within ten hours of any of the following: 3320

(i) A bingo session during which a charitable bingo game 3321

is conducted pursuant to sections 2915.07 to ~~2915.11~~2915.15 of 3322
the Revised Code; 3323

(ii) A scheme or game of chance, or bingo described in 3324
division (O) (2) of section 2915.01 of the Revised Code. 3325

(e) The number of players participating in the bingo game 3326
does not exceed fifty. 3327

(2) (a) The participants do not pay money or any other 3328
thing of value as an admission fee, and no participant is 3329
charged more than twenty-five cents to purchase a bingo card or 3330
sheet, objects to cover the spaces, or other devices used in 3331
playing bingo. 3332

(b) The total amount of money paid by all of the 3333
participants for bingo cards or sheets, objects to cover the 3334
spaces, or other devices used in playing bingo does not exceed 3335
one hundred dollars. 3336

(c) All of the money paid for bingo cards or sheets, 3337
objects to cover spaces, or other devices used in playing bingo 3338
is used only to pay winners monetary and nonmonetary prizes and 3339
to provide refreshments. 3340

(d) The total value of all prizes awarded during the game 3341
does not exceed one hundred dollars. 3342

(e) No commission, wages, salary, reward, tip, donation, 3343
gratuity, or other form of compensation, either directly or 3344
indirectly, and regardless of the source, is paid to any bingo 3345
game operator for work or labor performed at the site of the 3346
bingo game. 3347

(f) The bingo game is not conducted during or within ten 3348
hours of either of the following: 3349

(i) A bingo session during which a charitable bingo game 3350
is conducted pursuant to sections 2915.07 to ~~2915.11~~2915.15 of 3351
the Revised Code; 3352

(ii) A scheme of chance or game of chance, or bingo 3353
described in division (O) (2) of section 2915.01 of the Revised 3354
Code. 3355

(g) All of the participants reside at the premises where 3356
the bingo game is conducted. 3357

(h) The bingo games are conducted on different days of the 3358
week and not more than twice in a calendar week. 3359

(B) The attorney general or any local law enforcement 3360
agency may investigate the conduct of a bingo game that 3361
purportedly is conducted for purposes of amusement only if there 3362
is reason to believe that the purported amusement bingo game 3363
does not comply with the requirements of either division (A) (1) 3364
or (2) of this section. A local law enforcement agency may 3365
proceed by action in the proper court to enforce this section if 3366
the local law enforcement agency gives written notice to the 3367
attorney general when commencing the action. 3368

Sec. 2915.13. (A) ~~A~~Subject to the requirements of 3369
sections 2915.14 and 2915.15 of the Revised Code concerning 3370
electronic instant bingo, a veteran's organization, a fraternal 3371
organization, or a sporting organization authorized to conduct a 3372
bingo session pursuant to sections 2915.01 to 2915.12 of the 3373
Revised Code this chapter may conduct instant bingo, electronic 3374
instant bingo, or both other than at a bingo session under a 3375
type III license issued under section 2915.08 of the Revised 3376
Code if all of the following apply: 3377

(1) The veteran's organization, fraternal organization, or 3378

sporting organization limits the sale of instant bingo or 3379
electronic instant bingo to twelve hours during any day, 3380
provided that the sale does not begin earlier than ten a.m. and 3381
ends not later than two a.m. 3382

(2) The veteran's organization, fraternal organization, or 3383
sporting organization limits the sale of instant bingo or 3384
electronic instant bingo to its own premises and to its own 3385
members and invited guests. 3386

(3) The veteran's organization, fraternal organization, or 3387
sporting organization is raising money for an organization that 3388
is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 3389
the Internal Revenue Code and is either a governmental unit or 3390
an organization that maintains its principal place of business 3391
in this state, that is exempt from federal income taxation under 3392
subsection 501(a) and described in subsection 501(c)(3) of the 3393
Internal Revenue Code, and that is in good standing in this 3394
state and executes a written contract with that organization as 3395
required in division (B) of this section. 3396

(B) If a veteran's organization, fraternal organization, 3397
or sporting organization authorized to conduct instant bingo or 3398
electronic instant bingo pursuant to division (A) of this 3399
section is raising money for another organization that is 3400
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 3401
the Internal Revenue Code and is either a governmental unit or 3402
an organization that maintains its principal place of business 3403
in this state, that is exempt from federal income taxation under 3404
subsection 501(a) and described in subsection 501(c)(3) of the 3405
Internal Revenue Code, and that is in good standing in this 3406
state, the veteran's organization, fraternal organization, or 3407
sporting organization shall execute a written contract with the 3408

organization that is described in subsection 509(a) (1), 509(a) 3409
(2), or 509(a) (3) of the Internal Revenue Code and is either a 3410
governmental unit or an organization that maintains its 3411
principal place of business in this state, that is exempt from 3412
federal income taxation under subsection 501(a) and described in 3413
subsection 501(c) (3) of the Internal Revenue Code, and that is 3414
in good standing in this state in order to conduct instant bingo 3415
or electronic instant bingo. That contract shall include a 3416
statement of the percentage of the net proceeds that the 3417
veteran's, fraternal, or sporting organization will be 3418
distributing to the organization that is described in subsection 3419
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 3420
and is either a governmental unit or an organization that 3421
maintains its principal place of business in this state, that is 3422
exempt from federal income taxation under subsection 501(a) and 3423
described in subsection 501(c) (3) of the Internal Revenue Code, 3424
and that is in good standing in this state. 3425

(C) (1) If a veteran's organization, fraternal 3426
organization, or sporting organization authorized to conduct 3427
instant bingo or electronic instant bingo pursuant to division 3428
(A) of this section has been issued a liquor permit under 3429
Chapter 4303. of the Revised Code, that permit may be subject to 3430
suspension, revocation, or cancellation if the veteran's 3431
organization, fraternal organization, or sporting organization 3432
violates a provision of this chapter. 3433

(2) No veteran's organization, fraternal organization, or 3434
sporting organization that enters into a written contract 3435
pursuant to division (B) of this section shall violate any 3436
provision of this chapter or permit, aid, or abet any other 3437
person in violating any provision of this chapter. 3438

(D) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony of the fifth degree.

Sec. 2915.14. (A) No charitable organization shall conduct electronic instant bingo unless all of the following are true:

(1) The organization is a veteran's organization described in division (J) of section 2915.01 of the Revised Code, or is a fraternal organization described in division (L) of section 2915.01 of the Revised Code, and the organization qualified as a veteran's organization or fraternal organization, as applicable, on or before June 30, 2021.

(2) The organization is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code or is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code.

(3) The organization has not conducted a raffle in

violation of division (B) of section 2915.092 of the Revised Code using an electronic raffle machine, as described in Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.

(B) No charitable organization that conducts electronic instant bingo shall do any of the following:

(1) Possess an electronic instant bingo system that was not obtained in accordance with this chapter or with any rule adopted under this chapter;

(2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under section 2915.08 of the Revised Code;

(3) Hold more than one valid license to conduct electronic instant bingo at any one time;

(4) Fail to display both of the following conspicuously at each premises in which the charitable organization conducts electronic instant bingo:

(a) The charitable organization's bingo license;

(b) The serial number of each deal of electronic instant bingo tickets being sold.

(5) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play electronic instant bingo;

(6) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable

organization may give a participant who wins an electronic 3496
instant bingo game an electronic instant bingo ticket as a prize 3497
in place of a cash prize; 3498

(7) Fail, once an electronic instant bingo deal is begun, 3499
to continue to sell tickets in that deal until all prizes have 3500
been awarded; 3501

(8) Permit any person whom the organization knows, or 3502
should have known, has been convicted of a felony or gambling 3503
offense in any jurisdiction to be a bingo game operator in the 3504
conduct of electronic instant bingo; 3505

(9) Permit a bingo game operator to play electronic 3506
instant bingo; 3507

(10) (a) Except as otherwise provided in division (B) (10) 3508
(b) of this section, pay compensation to a bingo game operator 3509
for conducting electronic instant bingo. 3510

(b) Division (B) (10) (a) of this section does not prohibit 3511
an employee of a veteran's organization or fraternal 3512
organization from redeeming electronic instant bingo tickets or 3513
vouchers for the organization's members or invited guests, so 3514
long as no portion of the employee's compensation is paid from 3515
any bingo receipts. 3516

(11) Pay consulting fees to any person in relation to 3517
electronic instant bingo. 3518

(C) No person shall sell, offer to sell, or otherwise 3519
provide or offer to provide an electronic instant bingo system 3520
to any person for use in this state unless the electronic 3521
instant bingo system has been approved under section 2915.15 of 3522
the Revised Code. 3523

(D) The attorney general shall adopt rules under Chapter 119. of the Revised Code to ensure the integrity of electronic instant bingo, including, but not limited to, rules governing all of the following: 3524
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(1) The requirements to receive a license or endorsement to conduct electronic instant bingo; 3528
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(2) The location and number of electronic instant bingo systems in use, which shall not exceed seven under any one license; 3530
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(3) The times when electronic instant bingo may be offered; 3533
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(4) Signage requirements in facilities where electronic instant bingo is offered; 3535
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(5) Electronic instant bingo device and system specifications, including reveal features and game themes; 3537
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(6) Procedures and standards for the review, approval, inspection, and monitoring of electronic instant bingo systems, as described in section 2915.15 of the Revised Code; 3539
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(7) Procedures and standards for the review and approval of any changes to technology, systems, or games licensed or permitted under this chapter; 3542
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(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems; 3545
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3547

(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to 3548
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3551

believe that the person or organization licensed to conduct 3552
electronic instant bingo, or the person or organization licensed 3553
to manufacture or distribute electronic instant bingo systems, 3554
or any of the organization's employees, officers, directors, 3555
agents, representatives, or partners, has violated this chapter 3556
or a rule adopted under this chapter. 3557

(E) Whoever knowingly violates division (A), (B), or (C) 3558
of this section or a rule adopted under division (D) of this 3559
section is guilty of illegal electronic instant bingo conduct. 3560
Illegal electronic instant bingo conduct is a misdemeanor of the 3561
first degree, except that if the offender previously has been 3562
convicted of a violation of division (A) or (B) of this section 3563
or of a rule adopted under division (D) of this section, illegal 3564
instant bingo conduct is a felony of the fifth degree. 3565

Sec. 2915.15. (A) (1) Before selling, offering to sell, or 3566
otherwise providing or offering to provide an electronic instant 3567
bingo system to any person for use in this state, a manufacturer 3568
shall submit the electronic instant bingo system to an 3569
independent testing laboratory that is licensed by the state 3570
lottery commission under section 3770.02 of the Revised Code, or 3571
that is certified under section 3772.31 of the Revised Code, for 3572
testing and evaluation to determine whether the electronic 3573
instant bingo system meets the requirements of this chapter and 3574
of rules adopted under this chapter. The manufacturer shall pay 3575
all costs of that testing and evaluation. 3576

(2) If the independent testing laboratory certifies that 3577
the electronic instant bingo system meets the requirements of 3578
this chapter and of rules adopted under this chapter, the 3579
manufacturer may submit the electronic instant bingo system, 3580
along with a copy of the laboratory's certification and a fee 3581

established by the attorney general by rule under Chapter 119. 3582
of the Revised Code, to the attorney general for review and 3583
approval. The manufacturer also shall submit a fee established 3584
by the attorney general by rule under Chapter 119. of the 3585
Revised Code, which the attorney general shall use to pay the 3586
cost of reviewing and approving electronic instant bingo systems 3587
under division (A) of this section. 3588

(3) The attorney general shall approve the system for use 3589
in this state if the attorney general determines that the 3590
electronic instant bingo system meets the requirements of this 3591
chapter and of the rules adopted under this chapter. The 3592
attorney general shall consult the Ohio casino control 3593
commission for assistance in determining whether an electronic 3594
instant bingo system is prohibited for use under this chapter on 3595
the ground that it is a slot machine. 3596

(4) An electronic instant bingo system shall be verified 3597
and sealed by the attorney general before the electronic instant 3598
bingo system is placed into service. 3599

(5) Before an electronic instant bingo system is removed 3600
from service, the attorney general's seal shall be removed by 3601
the attorney general's designee. If the seal is removed after an 3602
electronic instant bingo system is sealed by the attorney 3603
general but before the electronic instant bingo system is placed 3604
into service, or if the seal is removed before an electronic 3605
instant bingo system is removed from service, or if the seal is 3606
removed by someone other than the attorney general's designee, 3607
the electronic instant bingo system shall be returned to an 3608
independent testing laboratory described in division (A) (1) of 3609
this section. 3610

(B) Any electronic instant bingo system approved for use 3611

in this state shall have a central server located in Ohio which 3612
is accessible to the attorney general and shall include an 3613
internal report management system that records information 3614
concerning the operation of the system and that meets the 3615
requirements adopted by the attorney general by rule under 3616
Chapter 119. of the Revised Code. The internal report management 3617
system shall permit the attorney general or another person 3618
designated by the attorney general to access the internal report 3619
management system, monitor the electronic instant bingo system, 3620
and remotely deactivate the electronic instant bingo system or 3621
any aspect of the system. 3622

(C) The attorney general may inspect any electronic 3623
instant bingo system in use in this state at any time to ensure 3624
that the system is in compliance with this chapter and with the 3625
rules adopted under this chapter. If the attorney general 3626
determines that any person or any electronic instant bingo 3627
system is in violation of any provision of this chapter or of 3628
any rule adopted under this chapter, the attorney general may 3629
order that the violation immediately cease and may deactivate 3630
the electronic instant bingo system or any aspect of it. 3631

(D) The attorney general may establish by rule adopted 3632
under Chapter 119. of the Revised Code an annual fee to be paid 3633
by distributors licensed under section 2915.081 of the Revised 3634
Code who have electronic instant bingo distributor endorsements 3635
to their licenses in order to pay the cost of monitoring the 3636
systems under division (B) of this section and the cost of 3637
inspecting systems under division (C) of this section. 3638

Sec. 3123.89. (A) Subject to section 3770.071 of the 3639
Revised Code, a child support enforcement agency that determines 3640
that an obligor who is the recipient of a lottery prize award is 3641

subject to a final and enforceable determination of default made 3642
under sections 3123.01 to 3123.07 of the Revised Code shall 3643
issue an intercept directive to the director of the state 3644
lottery commission. A copy of this intercept directive shall be 3645
sent to the obligor. 3646

(B) The intercept directive shall require the director or 3647
the director's designee to transmit an amount or amounts from 3648
the proceeds of the specified lottery prize award to the office 3649
of child support in the department of job and family services. 3650
The intercept directive also shall contain all of the following 3651
information: 3652

(1) The name, address, and social security number or 3653
taxpayer identification number of the obligor; 3654

(2) A statement that the obligor has been determined to be 3655
in default under a support order; 3656

(3) The amount of the arrearage owed by the obligor as 3657
determined by the agency. 3658

(C) After receipt of an intercept directive and in 3659
accordance with section 3770.071 of the Revised Code, the 3660
director or the director's designee shall deduct the amount or 3661
amounts specified from the proceeds of the lottery prize award 3662
referred to in the directive and transmit the amounts to the 3663
office of child support. 3664

(D) The department of job and family services shall 3665
develop and implement a real time data match program with the 3666
state lottery commission and its lottery sales agents and 3667
lottery agents to identify obligors who are subject to a final 3668
and enforceable determination of default made under sections 3669
3123.01 to 3123.07 of the Revised Code in accordance with 3670

section 3770.071 of the Revised Code. 3671

(E) Upon the data match program's implementation, the 3672
department, in consultation with the commission, shall 3673
promulgate rules to facilitate withholding, in appropriate 3674
circumstances, by the commission or its lottery sales agents or 3675
lottery agents of an amount sufficient to satisfy any past due 3676
support owed by an obligor from a lottery prize award owed to 3677
the obligor up to the amount of the award. The rules shall 3678
describe an expedited method for withholding, and the time frame 3679
for transmission of the amount withheld to the department. 3680

(F) As used in this section, "lottery prize award" has the 3681
same meaning as in section 3770.10 of the Revised Code. 3682

Sec. 3123.90. (A) As used in this section, ~~"casino:~~ 3683

(1) "Casino facility," "casino operator," and "management 3684
company" have the meanings defined in section 3772.01 of the 3685
Revised Code. 3686

(2) "Sports gaming proprietor" has the meaning defined in 3687
section 3775.01 of the Revised Code. 3688

(B) The department of job and family services shall 3689
develop and implement a real time data match program with each 3690
casino facility's casino operator or management company and with 3691
each sports gaming proprietor to identify obligors who are 3692
subject to a final and enforceable determination of default made 3693
under sections 3123.01 to 3123.07 of the Revised Code. 3694

(C) Upon the data match program's implementation, if a 3695
~~person's~~ person receives a payout of winnings at a casino 3696
facility ~~are or from sports gaming in~~ an amount for which 3697
reporting to the internal revenue service of the amount is 3698
required by section 6041 of the Internal Revenue Code, as 3699

amended, the casino operator ~~or, management company, or sports~~ 3700
gaming proprietor shall refer to the data match program to 3701
determine if the person entitled to the winnings is in default 3702
under a support order. If the data match program indicates that 3703
the person is in default, the casino operator ~~or, management~~ 3704
company, or sports gaming proprietor shall withhold from the 3705
person's winnings an amount sufficient to satisfy any past due 3706
support owed by the obligor identified in the data match up to 3707
the amount of the winnings. 3708

(D) Not later than ~~seven~~fourteen days after withholding 3709
the amount, the casino operator ~~or, management company, or~~ 3710
sports gaming proprietor shall transmit any amount withheld to 3711
the department as payment on the support obligation. 3712

(E) The department, in consultation with the Ohio casino 3713
control commission, may adopt rules under Chapter 119. of the 3714
Revised Code as are necessary for implementation of this 3715
section. 3716

Sec. 3376.01. As used in this chapter: 3717

(A) "State institution of higher education" has the same 3718
meaning as in section 3345.011 of the Revised Code. 3719

(B) "Private college" has the same meaning as in section 3720
3365.01 of the Revised Code. 3721

Sec. 3376.02. No state institution of higher education or 3722
private college shall uphold any rule, requirement, standard, or 3723
other limitation that prevents a student of that institution or 3724
college from fully participating in intercollegiate athletics 3725
because the student earns compensation as a result of the use of 3726
the student's name, image, or likeness. Earning compensation 3727
from the use of a student's name, image, or likeness shall not 3728

affect the student's scholarship eligibility or renewal. 3729

Sec. 3376.03. An athletic association, conference, or 3730
other group or organization with authority over intercollegiate 3731
athletics, including the national collegiate athletic 3732
association or its successor organization, shall not do either 3733
of the following: 3734

(A) Prevent a student of a state institution of higher 3735
education or private college from fully participating in 3736
intercollegiate athletics because the student earns compensation 3737
as a result of the use of the student's name, image, or 3738
likeness; 3739

(B) Prevent a state institution of higher education or 3740
private college from fully participating in intercollegiate 3741
athletics because a student of that institution or college 3742
participating in intercollegiate athletics does either of the 3743
following: 3744

(1) Uses the student's name, image, or likeness; 3745

(2) Obtains professional representation in relation to 3746
contracts or legal matters regarding opportunities to earn 3747
compensation for use of the student's name, image, or likeness. 3748

Sec. 3376.04. No state institution of higher education, 3749
private college, athletic association, conference, or other 3750
group or organization with authority over intercollegiate 3751
athletics shall do any of the following: 3752

(A) Provide a prospective student who intends to 3753
participate in intercollegiate athletics with compensation in 3754
relation to the prospective student's name, image, or likeness; 3755

(B) Prevent a student who resides in this state and 3756

participates in intercollegiate athletics from obtaining 3757
professional representation in relation to contracts or legal 3758
matters regarding opportunities to be compensated for use of the 3759
student's name, image, or likeness; 3760

(C) Interfere with or prevent a student from fully 3761
participating in intercollegiate athletics because the student 3762
obtains professional representation in relation to contracts or 3763
legal matters regarding opportunities to earn compensation for 3764
use of the student's name, image, or likeness. 3765

Sec. 3376.05. A scholarship from a state institution of 3766
higher education or private college at which a student is 3767
enrolled is not compensation for use of the student's name, 3768
image, or likeness for purposes of this chapter. No state 3769
institution of higher education or private college shall revoke 3770
or reduce a scholarship as a result of a student earning 3771
compensation for use of the student's name, image, or likeness 3772
if the student earns that compensation in accordance with this 3773
chapter. 3774

Sec. 3376.06. (A) As used in this section: 3775

(1) "Official team activities" means all games, practices, 3776
exhibitions, scrimmages, team appearances, team photograph 3777
sessions, sports camps sponsored by the institution or college, 3778
and other team-organized activities, regardless of whether the 3779
activity takes place on or off campus, including individual 3780
photograph sessions and news media interviews. 3781

(2) "Student" means an individual enrolled at a state 3782
institution of higher education or private college who 3783
participates in intercollegiate athletics. 3784

(B) A state institution of higher education's or private 3785

college's contract with a student shall not prevent the student 3786
from using the student's name, image, or likeness for a 3787
commercial purpose when the student is not engaged in official 3788
team activities. 3789

(C) A student shall not enter into a contract providing 3790
compensation to the student for use of the student's name, 3791
image, or likeness that requires the student to display a 3792
sponsor's product, or otherwise advertise for a sponsor, during 3793
official team activities or any other time if that requirement 3794
is in conflict with a provision of a contract to which a state 3795
institution of higher education or private college is a party. 3796

(D) (1) A student who intends to enter into a verbal or 3797
written contract providing compensation to the student for use 3798
of the student's name, image, or likeness shall disclose the 3799
proposed contract to an official of the state institution of 3800
higher education or private college for review by the 3801
institution or college. The institution or college shall 3802
designate an official to whom the student is to disclose the 3803
proposed contract. 3804

(2) If a state institution of higher education or private 3805
college identifies a conflict between the proposed verbal or 3806
written contract described in division (D) (1) of this section 3807
and any existing provisions of a contract to which the 3808
institution or college is a party, the institution or college 3809
shall communicate to the student the relevant contract provision 3810
that is in conflict. The student shall not enter into the 3811
proposed contract, but the student may negotiate a revision to 3812
the proposed contract to avoid the conflict. The revised 3813
proposed contract is subject to review by the institution or 3814
college to ensure compliance with this chapter. 3815

(E) A state institution of higher education or private college may establish reasonable policies or standards to address a student's failure to provide the disclosure required under division (D) (1) of this section or any other failure to comply with the requirements of this chapter. 3816
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Sec. 3376.07. A state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics may prohibit a student who participates in intercollegiate athletics from entering into a contract providing compensation to the student for use of the student's name, image, or likeness if under the contract the student's name, image, or likeness is associated with any of the following: 3821
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(A) Any company that manufactures, markets, or sells, or brand that is associated with, a controlled substance, marihuana product, medical marijuana product, alcoholic product, tobacco product, electronic smoking device, vapor product, or product or device that consists of or contains nicotine that can be ingested into the body; 3830
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(B) Any medical marijuana cultivator, processor, laboratory, or retail dispensary licensed under Chapter 3796. of the Revised Code or under the laws of another state; 3836
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(C) Any business engaged in the sale, rental, or exhibition for any form of consideration of adult entertainment that is characterized by an emphasis on the exposure or display of sexual activity; 3839
3840
3841
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(D) Any casino or entity that sponsors or promotes gambling activities; 3843
3844

(E) Any other category of companies, brands, or types of 3845
contracts that are similar to those described in divisions (A) 3846
to (D) of this section that the institution or college 3847
communicates to the student before the student enrolls at the 3848
institution or college. 3849

Sec. 3376.08. Nothing in this chapter does any of the 3850
following: 3851

(A) Requires a state institution of higher education, 3852
private college, athletic association, conference, or other 3853
group or organization with authority over intercollegiate 3854
athletics to identify, create, facilitate, negotiate, or 3855
otherwise enable opportunities for a student to earn 3856
compensation for use of the student's name, image, or likeness; 3857

(B) Establishes or grants to a student any right to use 3858
the name, trademarks, services marks, logos, symbols, or any 3859
other intellectual property, regardless of whether the 3860
intellectual property is registered with the appropriate 3861
authority, that belong to a state institution of higher 3862
education, private college, athletic association, conference, or 3863
other group or organization with authority over intercollegiate 3864
athletics, to further the student's opportunities to earn 3865
compensation for use of the student's name, image, or likeness; 3866

(C) Limits the rights of a state institution of higher 3867
education or private college to establish and enforce any of the 3868
following: 3869

(1) Academic standards, requirements, regulations, or 3870
obligations for its students; 3871

(2) Team rules of conduct or other rules of conduct; 3872

(3) Standards or policies regarding the governance or 3873

operation of or participation in intercollegiate varsity 3874
athletics; 3875

(4) Disciplinary rules and standards generally applicable 3876
to all students of the institution or college. 3877

Sec. 3770.071. (A) (1) If the amount of the prize money or 3878
the cost of goods or services awarded as a lottery prize award 3879
~~meets or exceeds the reportable winnings amounts set by 26-~~ 3880
~~U.S.C. 6041, or a subsequent analogous section of the Internal-~~ 3881
~~Revenue Code~~ is six hundred dollars or more, the director of the 3882
state lottery commission or the director's designee shall 3883
require the person entitled to the prize award to affirm in 3884
writing, under oath, or by electronic means, whether or not the 3885
person is in default under a support order. The director or the 3886
director's designee also may take any additional appropriate 3887
steps to determine if the person entitled to the prize award is 3888
in default under a support order. If the person entitled to the 3889
prize award affirms that the person is in default under a 3890
support order, or if the director or the director's designee 3891
determines that the person is in default under a support order, 3892
the director or the director's designee shall temporarily 3893
withhold payment of the prize award and notify the child support 3894
enforcement agency that administers the support order that the 3895
person is entitled to a prize award, of the amount of the prize 3896
award, and, if the prize award is to be paid in annual 3897
installments, of the number of installments. 3898

(2) Upon receipt of the notice from the director or the 3899
director's designee, the child support enforcement agency shall 3900
conduct an investigation to determine whether the person 3901
entitled to the lottery prize award is subject to a final and 3902
enforceable determination of default made under sections 3123.01 3903

to 3123.07 of the Revised Code. If the agency determines that 3904
the person is so subject, it shall issue an intercept directive 3905
as described in section 3123.89 of the Revised Code to the 3906
director at lottery commission headquarters requiring the 3907
director or the director's designee to deduct from any unpaid 3908
prize award or any annual installment payment of an unpaid prize 3909
award, a specified amount for support in satisfaction of the 3910
support order under which the person is in default. To the 3911
extent possible, the amount specified to be deducted under the 3912
intercept directive shall satisfy the amount ordered for support 3913
in the support order under which the person is in default. 3914

A child support enforcement agency shall issue an 3915
intercept directive within thirty days from the date the 3916
director or the director's designee notifies the agency under 3917
division (A)(1) of this section. Within thirty days after the 3918
date on which the agency issues the intercept directive, the 3919
director or the director's designee shall pay the amount 3920
specified in the intercept directive to the office of child 3921
support in the department of job and family services. But, if 3922
the prize award is to be paid in annual installments, the 3923
director or the director's designee, on the date the next 3924
installment payment is due, shall deduct the amount specified in 3925
the intercept directive from that installment and, if necessary, 3926
any subsequent annual installments, at the time those 3927
installments become due and owing to the prize winner, and pay 3928
the amount to the office of child support. 3929

(B) As used in this section: 3930

(1) "Support order" has the same meaning as in section 3931
3119.01 of the Revised Code. 3932

(2) "Default" has the same meaning as in section 3121.01 3933

of the Revised Code. 3934

(C) No person shall knowingly make a false affirmation or 3935
oath required by division (A) of this section. 3936

Sec. 3770.073. (A) If a person is entitled to a lottery 3937
prize award and is indebted to the state for the payment of any 3938
tax, workers' compensation premium, unemployment contribution, 3939
payment in lieu of unemployment contribution, certified claim 3940
under section 131.02 or 131.021 of the Revised Code, or is 3941
indebted to a political subdivision that has a certified claim 3942
under section 131.02 of the Revised Code, lottery sales receipts 3943
held in trust on behalf of the state lottery commission as 3944
described in division (H) (4) of section 3770.05 of the Revised 3945
Code, or charge, penalty, or interest arising from these debts 3946
and if the amount of the prize money or the cost of goods or 3947
services awarded as a lottery prize award is ~~five thousand six~~ 3948
hundred dollars or more, the director of the state lottery 3949
commission, or the director's designee, shall do either of the 3950
following: 3951

(1) If the prize award will be paid in a lump sum, deduct 3952
from the prize award and pay to the attorney general an amount 3953
in satisfaction of the debt and pay any remainder to that 3954
person. If the amount of the prize award is less than the amount 3955
of the debt, the entire amount of the prize award shall be 3956
deducted and paid in partial satisfaction of the debt. 3957

(2) If the prize award will be paid in annual 3958
installments, on the date the initial installment payment is 3959
due, deduct from that installment and pay to the attorney 3960
general an amount in satisfaction of the debt and, if necessary 3961
to collect the full amount of the debt, do the same for any 3962
subsequent annual installments, at the time the installments 3963

become due and owing to the person, until the debt is fully 3964
satisfied. 3965

(B) If a person entitled to a lottery prize award owes 3966
more than one debt, any debt owed to the state shall be 3967
satisfied first, subject to both section 5739.33 and division 3968
(G) of section 5747.07 of the Revised Code having first 3969
priority, and subject to division (C) of this section. 3970

(C) Any debt owed under section 3770.071 of the Revised 3971
Code shall be satisfied with first priority over debts owed 3972
under this section. 3973

(D) Except as provided in section 131.021 of the Revised 3974
Code, this section applies only to debts that have become final. 3975

Sec. 3772.01. As used in this chapter: 3976

(A) "Applicant" means any person who applies to the 3977
commission for a license under this chapter. 3978

(B) "Casino control commission fund" means the casino 3979
control commission fund described in Section 6(C)(3)(d) of 3980
Article XV, Ohio Constitution, the money in which shall be used 3981
to fund the commission and its related affairs. 3982

(C) "Casino facility" means a casino facility as defined 3983
in Section 6(C)(9) of Article XV, Ohio Constitution. 3984

(D) "Casino game" means any slot machine or table game as 3985
defined in this chapter. 3986

(E) "Casino gaming" means any type of slot machine or 3987
table game wagering, using money, casino credit, or any 3988
representative of value, authorized in any of the states of 3989
Indiana, Michigan, Pennsylvania, and West Virginia as of January 3990
1, 2009, and includes slot machine and table game wagering 3991

subsequently authorized by, but shall not be limited by, 3992
subsequent restrictions placed on such wagering in such states. 3993
"Casino gaming" does not include bingo, as authorized in Section 3994
6 of Article XV, Ohio Constitution and conducted as of January 3995
1, 2009~~, or~~; horse racing where the pari-mutuel system of 3996
wagering is conducted, as authorized under the laws of this 3997
state as of January 1, 2009; or sports gaming. 3998

(F) "Casino gaming employee" means any employee of a 3999
casino operator or management company, but not a key employee, 4000
and as further defined in section 3772.131 of the Revised Code. 4001

(G) "Casino operator" means any person, trust, 4002
corporation, partnership, limited partnership, association, 4003
limited liability company, or other business enterprise that 4004
directly or indirectly holds an ownership or leasehold interest 4005
in a casino facility. "Casino operator" does not include an 4006
agency of the state, any political subdivision of the state, any 4007
person, trust, corporation, partnership, limited partnership, 4008
association, limited liability company, or other business 4009
enterprise that may have an interest in a casino facility, but 4010
who is legally or contractually restricted from conducting 4011
casino gaming. 4012

(H) "Central system" means a computer system that provides 4013
the following functions related to casino gaming equipment used 4014
in connection with casino gaming authorized under this chapter: 4015
security, auditing, data and information retrieval, and other 4016
purposes deemed necessary and authorized by the commission. 4017

(I) "Cheat" means to alter the result of a casino game, 4018
the element of chance, the operation of a machine used in a 4019
casino game, or the method of selection of criteria that 4020
determines (a) the result of the casino game, (b) the amount or 4021

frequency of payment in a casino game, (c) the value of a 4022
wagering instrument, or (d) the value of a wagering credit. 4023
"Cheat" does not include an individual who, without the 4024
assistance of another individual or without the use of a 4025
physical aid or device of any kind, uses the individual's own 4026
ability to keep track of the value of cards played and uses 4027
predictions formed as a result of the tracking information in 4028
the individual's playing and betting strategy. 4029

(J) "Commission" means the Ohio casino control commission. 4030

(K) "Gaming agent" means a peace officer employed by the 4031
commission that is vested with duties to enforce this chapter 4032
and conduct other investigations into the conduct of the casino 4033
gaming and the maintenance of the equipment that the commission 4034
considers necessary and proper and is in compliance with section 4035
109.77 of the Revised Code. 4036

(L) "Gaming-related vendor" means any individual, 4037
partnership, corporation, association, trust, or any other group 4038
of individuals, however organized, who supplies gaming-related 4039
equipment, goods, or services to a casino operator or management 4040
company, that are directly related to or affect casino gaming 4041
authorized under this chapter, including, but not limited to, 4042
the manufacture, sale, distribution, or repair of slot machines 4043
and table game equipment. 4044

(M) "Holding company" means any corporation, firm, 4045
partnership, limited partnership, limited liability company, 4046
trust, or other form of business organization not a natural 4047
person which directly or indirectly does any of the following: 4048

(1) Has the power or right to control a casino operator, 4049
management company, or gaming-related vendor license applicant 4050

or licensee; 4051

(2) Holds an ownership interest of five per cent or more, 4052
as determined by the commission, in a casino operator, 4053
management company, or gaming-related vendor license applicant 4054
or licensee; 4055

(3) Holds voting rights with the power to vote five per 4056
cent or more of the outstanding voting rights of a casino 4057
operator, management company, or gaming-related vendor applicant 4058
or licensee. 4059

(N) "Initial investment" includes costs related to 4060
demolition, engineering, architecture, design, site preparation, 4061
construction, infrastructure improvements, land acquisition, 4062
fixtures and equipment, insurance related to construction, and 4063
leasehold improvements. 4064

(O) "Institutional investor" means any of the following 4065
entities owning five per cent or more, but less than ~~fifteen~~ 4066
twenty-five per cent, of an ownership interest in a casino 4067
facility, casino operator, management company, or holding 4068
company: a corporation, bank, insurance company, pension fund or 4069
pension fund trust, retirement fund, including funds 4070
administered by a public agency, employees' profit-sharing fund 4071
or employees' profit-sharing trust, any association engaged, as 4072
a substantial part of its business or operations, in purchasing 4073
or holding securities, including a hedge fund, mutual fund, or 4074
private equity fund, or any trust in respect of which a bank is 4075
trustee or cotrustee, investment company registered under the 4076
"Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., 4077
collective investment trust organized by banks under Part Nine 4078
of the Rules of the Comptroller of the Currency, closed-end 4079
investment trust, chartered or licensed life insurance company 4080

or property and casualty insurance company, investment advisor 4081
registered under the "Investment Advisors Act of 1940," 15 4082
U.S.C. 80 b-1 et seq., and such other persons as the commission 4083
may reasonably determine to qualify as an institutional investor 4084
for reasons consistent with this chapter, and that does not 4085
exercise control over the affairs of a licensee and its 4086
ownership interest in a licensee is for investment purposes 4087
only, as set forth in division (F) of section 3772.10 of the 4088
Revised Code. 4089

(P) "Key employee" means any executive, employee, agent, 4090
or other individual who has the power to exercise significant 4091
influence over decisions concerning any part of the operation of 4092
a person that has applied for or holds a casino operator, 4093
management company, or gaming-related vendor license or the 4094
operation of a holding company of a person that has applied for 4095
or holds a casino operator, management company, or gaming- 4096
related vendor license, including: 4097

(1) An officer, director, trustee, partner, or an 4098
equivalent fiduciary; 4099

(2) An individual who holds a direct or indirect ownership 4100
interest of five per cent or more; 4101

(3) An individual who performs the function of a principal 4102
executive officer, principal operating officer, principal 4103
accounting officer, or an equivalent officer; 4104

(4) Any other individual the commission determines to have 4105
the power to exercise significant influence over decisions 4106
concerning any part of the operation. 4107

(Q) "Licensed casino operator" means a casino operator 4108
that has been issued a license by the commission and that has 4109

been certified annually by the commission to have paid all 4110
applicable fees, taxes, and debts to the state. 4111

(R) "Majority ownership interest" in a license or in a 4112
casino facility, as the case may be, means ownership of more 4113
than fifty per cent of such license or casino facility, as the 4114
case may be. For purposes of the foregoing, whether a majority 4115
ownership interest is held in a license or in a casino facility, 4116
as the case may be, shall be determined under the rules for 4117
constructive ownership of stock provided in Treas. Reg. 1.409A- 4118
3(i) (5) (iii) as in effect on January 1, 2009. 4119

(S) "Management company" means an organization retained by 4120
a casino operator to manage a casino facility and provide 4121
services such as accounting, general administration, 4122
maintenance, recruitment, and other operational services. 4123

(T) "Ohio law enforcement training fund" means the state 4124
law enforcement training fund described in Section 6(C) (3) (f) of 4125
Article XV, Ohio Constitution, the money in which shall be used 4126
to enhance public safety by providing additional training 4127
opportunities to the law enforcement community. 4128

(U) "Person" includes, but is not limited to, an 4129
individual or a combination of individuals; a sole 4130
proprietorship, a firm, a company, a joint venture, a 4131
partnership of any type, a joint-stock company, a corporation of 4132
any type, a corporate subsidiary of any type, a limited 4133
liability company, a business trust, or any other business 4134
entity or organization; an assignee; a receiver; a trustee in 4135
bankruptcy; an unincorporated association, club, society, or 4136
other unincorporated entity or organization; entities that are 4137
disregarded for federal income tax purposes; and any other 4138
nongovernmental, artificial, legal entity that is capable of 4139

engaging in business. 4140

(V) "Problem casino gambling and addictions fund" means 4141
the state problem gambling and addictions fund described in 4142
Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money 4143
in which shall be used for treatment of problem gambling and 4144
substance abuse, and for related research. 4145

(W) "Promotional gaming credit" means a slot machine or 4146
table game credit, discount, or other similar item issued to a 4147
patron to enable the placement of, or increase in, a wager at a 4148
slot machine or table game. 4149

(X) "Slot machine" means any mechanical, electrical, or 4150
other device or machine which, upon insertion of a coin, token, 4151
ticket, or similar object, or upon payment of any consideration, 4152
is available to play or operate, the play or operation of which, 4153
whether by reason of the skill of the operator or application of 4154
the element of chance, or both, makes individual prize 4155
determinations for individual participants in cash, premiums, 4156
merchandise, tokens, or any thing of value, whether the payoff 4157
is made automatically from the machine or in any other manner, 4158
but does not include any device that is a skill-based amusement 4159
machine, or an electronic instant bingo system, as defined in 4160
section 2915.01 of the Revised Code. 4161

(Y) "Table game" means any game played with cards, dice, 4162
or any mechanical, electromechanical, or electronic device or 4163
machine for money, casino credit, or any representative of 4164
value. "Table game" does not include slot machines. 4165

(Z) "Upfront license" means the first plenary license 4166
issued to a casino operator. 4167

(AA) "Voluntary exclusion program" means a program 4168

provided by the commission that allows persons to voluntarily 4169
exclude themselves from the gaming areas of facilities under the 4170
jurisdiction of the commission by placing their name on a 4171
voluntary exclusion list and following the procedures set forth 4172
by the commission. 4173

(BB) "Sports gaming," "sports gaming proprietor," "sports 4174
gaming facility," "mobile management services provider," and 4175
"management services provider" have the same meanings as in 4176
section 3775.01 of the Revised Code. 4177

Sec. 3772.02. (A) There is hereby created the Ohio casino 4178
control commission described in Section 6(C)(4) of Article XV, 4179
Ohio Constitution. 4180

(B) The commission shall consist of seven members 4181
appointed within one month of September 10, 2010, by the 4182
governor with the advice and consent of the senate. The governor 4183
shall forward all appointments to the senate within twenty-four 4184
hours. 4185

(1) Each commission member is eligible for reappointment 4186
at the discretion of the governor. No commission member shall be 4187
appointed for more than three terms in total. 4188

(2) Each commission member shall be a resident of Ohio. 4189

(3) At least one commission member shall be experienced in 4190
law enforcement and criminal investigation. 4191

(4) At least one commission member shall be a certified 4192
public accountant experienced in accounting and auditing. 4193

(5) At least one commission member shall be an attorney 4194
admitted to the practice of law in Ohio. 4195

(6) At least one commission member shall be a resident of 4196

a county where one of the casino facilities is located. 4197

(7) Not more than four commission members shall be of the 4198
same political party. 4199

(8) No commission member shall have any affiliation with 4200
an Ohio casino operator or facility or with a sports gaming 4201
proprietor, mobile management services provider, or management 4202
services provider licensed under Chapter 3775. of the Revised 4203
Code. 4204

(C) Commission members shall serve four-year terms, except 4205
that when the governor makes initial appointments to the 4206
commission under this chapter, the governor shall appoint three 4207
members to serve four-year terms with not more than two such 4208
members from the same political party, two members to serve 4209
three-year terms with such members not being from the same 4210
political party, and two members to serve two-year terms with 4211
such members not being from the same political party. 4212

(D) Each commission member shall hold office from the date 4213
of appointment until the end of the term for which the member 4214
was appointed. Any member appointed to fill a vacancy occurring 4215
before the expiration of the term for which the member's 4216
predecessor was appointed shall hold office for the remainder of 4217
the unexpired term. Any member shall continue in office after 4218
the expiration date of the member's term until the member's 4219
successor takes office, or until a period of sixty days has 4220
elapsed, whichever occurs first. A vacancy in the commission 4221
membership shall be filled in the same manner as the original 4222
appointment. 4223

(E) The governor shall select one member to serve as 4224
chairperson and the commission members shall select one member 4225

from a different party than the chairperson to serve as vice- 4226
chairperson. The governor may remove and replace the chairperson 4227
at any time. No such member shall serve as chairperson for more 4228
than six successive years. The vice-chairperson shall assume the 4229
duties of the chairperson in the absence of the chairperson. The 4230
chairperson and vice-chairperson shall perform but shall not be 4231
limited to additional duties as are prescribed by commission 4232
rule. 4233

(F) A commission member is not required to devote the 4234
member's full time to membership on the commission. Beginning on 4235
September 29, 2015, each member of the commission shall receive 4236
compensation of fifty thousand dollars per year. Beginning July 4237
1, 2016, each member of the commission shall receive 4238
compensation of forty thousand dollars per year. Beginning July 4239
1, 2017, each member of the commission shall receive 4240
compensation of thirty thousand dollars per year. Each member 4241
shall receive the member's actual and necessary expenses 4242
incurred in the discharge of the member's official duties. 4243

(G) The governor shall not appoint an individual to the 4244
commission, and an individual shall not serve on the commission, 4245
if the individual ~~has been convicted of or pleaded guilty or no-~~ 4246
~~contest to a disqualifying offense as defined in~~ is ineligible 4247
to be appointed or retained under section 3772.07 of the Revised 4248
Code. ~~Members coming~~ A member who comes under indictment or bill 4249
of information of ~~a disqualifying~~ an offense that, if the member 4250
were convicted of the offense, would make the member ineligible 4251
to be appointed or retained under that section shall resign from 4252
the commission immediately upon indictment. 4253

(H) At least five commission members shall be present for 4254
the commission to meet. The concurrence of four members is 4255

necessary for the commission to take any action. All members 4256
shall vote on the adoption of rules, and the approval of, and 4257
the suspension or revocation of, the licenses of casino 4258
operators or management companies, unless a member has a written 4259
leave of absence filed with and approved by the chairperson. 4260

(I) A commission member may be removed or suspended from 4261
office in accordance with section 3.04 of the Revised Code. 4262

(J) Each commission member, before entering upon the 4263
discharge of the member's official duties, shall make an oath to 4264
uphold the Ohio Constitution and laws of the state of Ohio and 4265
shall give a bond, payable by the commission, to the treasurer 4266
of state, in the sum of ten thousand dollars with sufficient 4267
sureties to be approved by the treasurer of state, which bond 4268
shall be filed with the secretary of state. 4269

(K) The commission shall hold one regular meeting each 4270
month and shall convene other meetings at the request of the 4271
chairperson or a majority of the members. A member who fails to 4272
attend at least three-fifths of the regular and special meetings 4273
of the commission during any two-year period forfeits membership 4274
on the commission. All meetings of the commission shall be open 4275
meetings under section 121.22 of the Revised Code except as 4276
otherwise allowed by law. 4277

(L) Pursuant to divisions (A) (3) and (9) of section 101.82 4278
of the Revised Code, the commission is exempt from the 4279
requirements of sections 101.82 to 101.87 of the Revised Code. 4280

Sec. 3772.03. (A) To ensure the integrity of casino 4281
gaming, the commission shall have authority to complete the 4282
functions of licensing, regulating, investigating, and 4283
penalizing casino operators, management companies, holding 4284

companies, key employees, casino gaming employees, and gaming- 4285
related vendors. The commission also shall have jurisdiction 4286
over all persons participating in casino gaming authorized by 4287
Section 6(C) of Article XV, Ohio Constitution, and this chapter. 4288

(B) All rules adopted by the commission under this chapter 4289
shall be adopted under procedures established in Chapter 119. of 4290
the Revised Code. The commission may contract for the services 4291
of experts and consultants to assist the commission in carrying 4292
out its duties under this section. 4293

(C) The commission shall adopt rules as are necessary for 4294
completing the functions stated in division (A) of this section 4295
and for addressing the subjects enumerated in division (D) of 4296
this section. 4297

(D) The commission shall adopt, and as advisable and 4298
necessary shall amend or repeal, rules that include all of the 4299
following: 4300

(1) The prevention of practices detrimental to the public 4301
interest; 4302

(2) Prescribing the method of applying, and the form of 4303
application, that an applicant for a license under this chapter 4304
must follow as otherwise described in this chapter; 4305

(3) Prescribing the information to be furnished by an 4306
applicant or licensee as described in section 3772.11 of the 4307
Revised Code; 4308

(4) Describing the certification standards and duties of 4309
an independent testing laboratory certified under section 4310
3772.31 of the Revised Code and the relationship between the 4311
commission, the laboratory, the gaming-related vendor, and the 4312
casino operator; 4313

(5) The minimum amount of insurance that must be 4314
maintained by a casino operator, management company, holding 4315
company, or gaming-related vendor; 4316

(6) The approval process for a significant change in 4317
ownership or transfer of control of a licensee as provided in 4318
section 3772.091 of the Revised Code; 4319

(7) The design of gaming supplies, devices, and equipment 4320
to be distributed by gaming-related vendors; 4321

(8) Identifying the casino gaming that is permitted, 4322
identifying the gaming supplies, devices, and equipment, that 4323
are permitted, defining the area in which the permitted casino 4324
gaming may be conducted, and specifying the method of operation 4325
according to which the permitted casino gaming is to be 4326
conducted as provided in section 3772.20 of the Revised Code, 4327
and requiring gaming devices and equipment to meet the standards 4328
of this state; 4329

(9) Tournament play in any casino facility; 4330

(10) Establishing and implementing a voluntary exclusion 4331
program that provides all of the following: 4332

(a) Except as provided by commission rule, a person who 4333
participates in the program shall agree to refrain from entering 4334
a casino facility. 4335

(b) The name of a person participating in the program 4336
shall be included on a list of persons excluded from all casino 4337
facilities. 4338

(c) Except as provided by commission rule, no person who 4339
participates in the program shall petition the commission for 4340
admittance into a casino facility. 4341

(d) The list of persons participating in the program and 4342
the personal information of those persons shall be confidential 4343
and shall only be disseminated by the commission to a casino 4344
~~operator and the operators, sports gaming proprietors, and their~~ 4345
agents and employees ~~of the casino operator~~ for purposes of 4346
enforcement and to other entities, upon request of the 4347
participant and agreement by the commission. 4348

(e) A casino operator shall make all reasonable attempts 4349
as determined by the commission to cease all direct marketing 4350
efforts to a person participating in the program. 4351

(f) A casino operator shall not cash the check of a person 4352
participating in the program or extend credit to the person in 4353
any manner. However, the program shall not exclude a casino 4354
operator from seeking the payment of a debt accrued by a person 4355
before participating in the program. 4356

(g) Any and all locations at which a person may register 4357
as a participant in the program shall be published. 4358

(11) Requiring the commission to adopt standards regarding 4359
the marketing materials of a licensed casino operator, including 4360
allowing the commission to prohibit marketing materials that are 4361
contrary to the adopted standards; 4362

(12) Requiring that the records, including financial 4363
statements, of any casino operator, management company, holding 4364
company, and gaming-related vendor be maintained in the manner 4365
prescribed by the commission and made available for inspection 4366
upon demand by the commission, but shall be subject to section 4367
3772.16 of the Revised Code; 4368

(13) Permitting a licensed casino operator, management 4369
company, key employee, or casino gaming employee to question a 4370

person suspected of violating this chapter; 4371

(14) The chips, tokens, tickets, electronic cards, or 4372
similar objects that may be purchased by means of an agreement 4373
under which credit is extended to a wagerer by a casino 4374
operator; 4375

(15) Establishing standards for provisional key employee 4376
licenses for a person who is required to be licensed as a key 4377
employee and is in exigent circumstances and standards for 4378
provisional licenses for casino gaming employees who submit 4379
complete applications and are compliant under an instant 4380
background check. A provisional license shall be valid not 4381
longer than three months. A provisional license may be renewed 4382
one time, at the commission's discretion, for an additional 4383
three months. In establishing standards with regard to instant 4384
background checks the commission shall take notice of criminal 4385
records checks as they are conducted under section 311.41 of the 4386
Revised Code using electronic fingerprint reading devices. 4387

(16) Establishing approval procedures for third-party 4388
engineering or accounting firms, as described in section 3772.09 4389
of the Revised Code; 4390

(17) Prescribing the manner in which winnings, 4391
compensation from casino gaming, and gross revenue must be 4392
computed and reported by a licensee as described in Chapter 4393
5753. of the Revised Code; 4394

(18) Prescribing conditions under which a licensee's 4395
license may be suspended or revoked as described in section 4396
3772.04 of the Revised Code; 4397

(19) Prescribing the manner and procedure of all hearings 4398
to be conducted by the commission or by any hearing examiner; 4399

(20) Prescribing technical standards and requirements that 4400
are to be met by security and surveillance equipment that is 4401
used at and standards and requirements to be met by personnel 4402
who are employed at casino facilities, and standards and 4403
requirements for the provision of security at and surveillance 4404
of casino facilities; 4405

(21) Prescribing requirements for a casino operator to 4406
provide unarmed security services at a casino facility by 4407
licensed casino employees, and the training that shall be 4408
completed by these employees; 4409

(22) Prescribing standards according to which casino 4410
operators shall keep accounts and standards according to which 4411
casino accounts shall be audited, and establish means of 4412
assisting the tax commissioner in levying and collecting the 4413
gross casino revenue tax levied under section 5753.02 of the 4414
Revised Code; 4415

(23) Defining penalties for violation of commission rules 4416
and a process for imposing such penalties; 4417

(24) Establishing standards for decertifying contractors 4418
that violate statutes or rules of this state or the federal 4419
government; 4420

(25) Establishing standards for the repair of casino 4421
gaming equipment; 4422

(26) Establishing procedures to ensure that casino 4423
operators, management companies, and holding companies are 4424
compliant with the compulsive and problem gambling plan 4425
submitted under section 3772.18 of the Revised Code; 4426

(27) Prescribing, for institutional investors in or 4427
holding companies of a casino operator, management company, 4428

holding company, or gaming-related vendor that fall below the 4429
threshold needed to be considered an institutional investor or a 4430
holding company, standards regarding what any employees, 4431
members, or owners of those investors or holding companies may 4432
do and shall not do in relation to casino facilities and casino 4433
gaming in this state, which standards shall rationally relate to 4434
the need to proscribe conduct that is inconsistent with passive 4435
institutional investment status; 4436

(28) Providing for any other thing necessary and proper 4437
for successful and efficient regulation of casino gaming under 4438
this chapter. 4439

(E) The commission shall employ and assign gaming agents 4440
as necessary to assist the commission in carrying out the duties 4441
of this chapter and ~~Chapter~~ Chapters 2915. and 3775. of the 4442
Revised Code. In order to maintain employment as a gaming agent, 4443
the gaming agent shall successfully complete all continuing 4444
training programs required by the commission and shall not have 4445
been convicted of or pleaded guilty or no contest to a 4446
disqualifying an offense as defined in that makes the gaming 4447
agent ineligible for appointment or retention under section 4448
3772.07 of the Revised Code. 4449

(F) The commission, as a law enforcement agency, and its 4450
gaming agents, as law enforcement officers as defined in section 4451
2901.01 of the Revised Code, shall have authority with regard to 4452
the detection and investigation of, the seizure of evidence 4453
allegedly relating to, and the apprehension and arrest of 4454
persons allegedly committing violations of this chapter or 4455
gambling offenses as defined in section 2915.01 of the Revised 4456
Code or violations of any other law of this state that may 4457
affect the integrity of casino gaming ~~or,~~ the operation of 4458

skill-based amusement machines, or the operation of sports 4459
gaming, and shall have access to casino facilities and, skill- 4460
based amusement machine facilities, and sports gaming facilities 4461
to carry out the requirements of this chapter and Chapter 3775. 4462
of the Revised Code. 4463

(G) The commission may eject or exclude or authorize the 4464
ejection or exclusion of and a gaming agent may eject a person 4465
from a casino facility for any of the following reasons: 4466

(1) The person's name is on the list of persons 4467
voluntarily excluding themselves from all casinos in a program 4468
established according to rules adopted by the commission; 4469

(2) The person violates or conspires to violate this 4470
chapter or a rule adopted thereunder; or 4471

(3) The commission determines that the person's conduct or 4472
reputation is such that the person's presence within a casino 4473
facility may call into question the honesty and integrity of the 4474
casino gaming operations or interfere with the orderly conduct 4475
of the casino gaming operations. 4476

(H) A person, other than a person participating in a 4477
voluntary exclusion program, may petition the commission for a 4478
public hearing on the person's ejection or exclusion under this 4479
chapter. 4480

(I) A casino operator or management company shall have the 4481
same authority to eject or exclude a person from the management 4482
company's casino facilities as authorized in division (G) of 4483
this section. The licensee shall immediately notify the 4484
commission of an ejection or exclusion. 4485

(J) The commission shall submit a written annual report 4486
with the governor, president and minority leader of the senate, 4487

and the speaker and minority leader of the house of 4488
representatives before the first day of September each year. The 4489
annual report shall cover the previous fiscal year and shall 4490
include all of the following: 4491

(1) A statement describing the receipts and disbursements 4492
of the commission; 4493

(2) Relevant financial data regarding casino gaming, 4494
including gross revenues and disbursements made under this 4495
chapter; 4496

(3) Actions taken by the commission; 4497

(4) An update on casino operators', management companies', 4498
and holding companies' compulsive and problem gambling plans and 4499
the voluntary exclusion program and list; 4500

(5) Information regarding prosecutions for conduct 4501
described in division (H) of section 3772.99 of the Revised 4502
Code, including, but not limited to, the total number of 4503
prosecutions commenced and the name of each person prosecuted; 4504

(6) Any additional information that the commission 4505
considers useful or that the governor, president or minority 4506
leader of the senate, speaker or minority leader of the house of 4507
representatives requests. 4508

(K) To ensure the integrity of skill-based amusement 4509
machine operations, the commission shall have jurisdiction over 4510
all persons conducting or participating in the conduct of skill- 4511
based amusement machine operations authorized by this chapter 4512
and Chapter 2915. of the Revised Code, including the authority 4513
to complete the functions of licensing, regulating, 4514
investigating, and penalizing those persons in a manner that is 4515
consistent with the commission's authority to do the same with 4516

respect to casino gaming. To carry out this division, the 4517
commission may adopt rules under Chapter 119. of the Revised 4518
Code, including rules establishing fees and penalties related to 4519
the operation of skill-based amusement machines. 4520

(L) To ensure the integrity of fantasy contests, the 4521
commission shall have jurisdiction over all persons conducting 4522
or participating in the conduct of a fantasy contest authorized 4523
by Chapter 3774. of the Revised Code, including the authority to 4524
license, regulate, investigate, and penalize those persons in a 4525
manner that is consistent with the commission's authority to do 4526
the same with respect to skill-based amusement machines. To 4527
carry out this division, the commission may adopt rules under 4528
Chapter 119. of the Revised Code, including rules establishing 4529
fees and penalties related to the operation of fantasy contests. 4530

(M) All fees imposed pursuant to the rules adopted under 4531
divisions (K) and (L) of this section shall be deposited into 4532
the casino control commission fund. 4533

Sec. 3772.062. (A) (1) The executive director of the 4534
commission shall enter into an agreement with the department of 4535
mental health and addiction services under which the department 4536
provides a program of gambling and addiction services, including 4537
services to alleviate problem sports gaming, on behalf of the 4538
commission. 4539

(2) The commission shall use the moneys in the problem 4540
sports gaming fund established under section 5753.031 of the 4541
Revised Code for the purpose of paying the costs of program 4542
services to alleviate problem sports gaming in this state. 4543

(B) The executive director of the commission, in 4544
conjunction with the department of mental health and addiction 4545

services and the state lottery commission, shall establish, 4546
operate, and publicize an in-state, toll-free telephone number 4547
Ohio residents may call to obtain basic information about 4548
problem gambling, the gambling addiction services available to 4549
problem gamblers, and how a problem gambler may obtain help. The 4550
telephone number shall be staffed twenty-four hours per day, 4551
seven days a week, to respond to inquiries and provide that 4552
information. The costs of establishing, operating, and 4553
publicizing the telephone number shall be paid for with money in 4554
the problem casino gambling and addictions fund. 4555

Sec. 3772.07. The following appointing or licensing 4556
authorities shall obtain a criminal records check of the person 4557
who is to be appointed or licensed: 4558

(A) The governor, before appointing an individual as a 4559
member of the commission; 4560

(B) The commission, before appointing an individual as 4561
executive director or a gaming agent; 4562

(C) The commission, before issuing a license for a key 4563
employee or casino gaming employee, and before issuing a license 4564
for each investor, except an institutional investor, for a 4565
casino operator, management company, holding company, or gaming- 4566
related vendor; 4567

(D) The executive director, before appointing an 4568
individual as a professional, technical, or clerical employee of 4569
the commission. 4570

Thereafter, such an appointing or licensing authority 4571
shall obtain a criminal records check of the same individual at 4572
three-year intervals. 4573

The appointing or licensing authority shall make available 4574

to each person of whom a criminal records check is required a 4575
copy of the form and the standard fingerprint impression sheet 4576
prescribed under divisions (C) (1) and (2) of section 109.572 of 4577
the Revised Code. The person shall complete the form and 4578
impression sheet and return them as directed by the appointing 4579
or licensing authority. If a person fails to complete and return 4580
the form and impression sheet within a reasonable time, the 4581
person is ineligible to be appointed or licensed or to continue 4582
in the appointment or licensure. 4583

The appointing or licensing authority shall cause the 4584
completed form and impression sheet to be forwarded to the 4585
superintendent of the bureau of criminal identification and 4586
investigation. The appointing or licensing authority shall 4587
request the superintendent also to obtain information from the 4588
federal bureau of investigation, including fingerprint-based 4589
checks of the national crime information databases, and from 4590
other states and the federal government under the national crime 4591
prevention and privacy compact as part of the criminal records 4592
check. 4593

For all criminal records checks conducted under this 4594
section, the applicant for a casino operator, management 4595
company, holding company, gaming-related vendor, key employee, 4596
or casino gaming employee license shall pay the fee charged by 4597
the bureau of criminal identification and investigation or by a 4598
vendor approved by the bureau to conduct a criminal records 4599
check based on the applicant's fingerprints in accordance with 4600
division (A) (15) of section 109.572 of the Revised Code. If the 4601
applicant for a key employee or casino gaming employee license 4602
is applying at the request of a casino operator, management 4603
company, holding company, or gaming-related vendor, the casino 4604
operator, management company, holding company, or gaming-related 4605

vendor shall pay the fee charged for all criminal records checks 4606
conducted under this section. 4607

The appointing or licensing authority shall review the 4608
results of a criminal records check. An appointee for a 4609
commission member shall forward the results of the criminal 4610
records check to the president of the senate before the senate 4611
advises and consents to the appointment of the commission 4612
member. The appointing authority shall not appoint or retain the 4613
appointment of a person a criminal records check discloses has 4614
been convicted of or has pleaded guilty or no contest to any 4615
gambling offense, any theft offense, any offense having an 4616
element of fraud or misrepresentation, any offense having an 4617
element of moral turpitude, and any felony not otherwise 4618
included in the foregoing list, except as otherwise provided in 4619
section 3772.10 of the Revised Code. The licensing authority 4620
shall not license a person if a criminal records check discloses 4621
that the person has been convicted of a disqualifying offense. 4622
As used in this section, "disqualifying offense" means a 4623
disqualifying offense as determined by the licensing authority 4624
under section 9.79 of the Revised Code. 4625

The report of a criminal records check is not a public 4626
record that is open to public inspection and copying. The 4627
commission shall not make the report available to any person 4628
other than the person who was the subject of the criminal 4629
records check; an appointing or licensing authority; a member, 4630
the executive director, or an employee of the commission; or any 4631
court or agency, including a hearing examiner, in a judicial or 4632
administrative proceeding relating to the person's employment or 4633
application for a license under this chapter. 4634

Sec. 3772.37. (A) Pursuant to section 131.02 of the 4635

Revised Code, the attorney general shall develop and implement a 4636
real time data match program and make it available to each 4637
casino operator and management company to identify patrons who 4638
owe amounts to the state or a political subdivision. 4639

(B) (1) Before disbursing any casino winnings to a patron 4640
in an amount for which reporting to the internal revenue service 4641
of the amount is required by section 6041 of the Internal 4642
Revenue Code, as amended, a casino operator or management 4643
company shall consult the data match program to determine 4644
whether the patron owes any amounts to the state or a political 4645
subdivision. If the data match program indicates that the patron 4646
owes any amounts to the state or a political subdivision, the 4647
casino operator or management company shall withhold from the 4648
patron's winnings an amount sufficient to satisfy those amounts, 4649
up to the amount of the winnings. 4650

(2) If the data match program described in section 3123.90 4651
of the Revised Code indicates that the patron also is in default 4652
under a support order, the casino operator or management company 4653
shall transmit to the department of job and family services an 4654
amount sufficient to satisfy any past due support owed by the 4655
patron, up to the amount of the winnings, before transmitting 4656
any remaining amount to the attorney general under division (C) 4657
of this section. 4658

(C) (1) Not later than fourteen days after withholding an 4659
amount under division (B) of this section, the casino operator 4660
or management company shall transmit to the attorney general any 4661
amount withheld and not already disbursed to the department of 4662
job and family services under section 3123.90 of the Revised 4663
Code as payment on the amount owed. 4664

(2) If the patron owes more than one amount to the state 4665

or a political subdivision as identified by the data match 4666
program described in this section, the amount owed to the state 4667
shall be satisfied first, except that any amounts owed under 4668
section 5739.33 and division (G) of section 5747.07 of the 4669
Revised Code shall have first priority. 4670

(D) Except as otherwise provided in section 131.021 of the 4671
Revised Code, this section applies only to amounts owed that 4672
have become final. 4673

(E) The attorney general, in consultation with the 4674
commission, may adopt rules under Chapter 119. of the Revised 4675
Code as necessary to implement this section. 4676

Sec. 3775.01. As used in this chapter: 4677

(A) "Casino operator" has the same meaning as in section 4678
3772.01 of the Revised Code. 4679

(B) "Collegiate sport or athletic event" means a sport or 4680
athletic event offered or sponsored by, or played in connection 4681
with, a public or private institution that offers educational 4682
services beyond the secondary level. 4683

(C) "Commission" means the Ohio casino control commission. 4684

(D) (1) "Mobile management services provider" means a 4685
person that contracts with a type A sports gaming proprietor 4686
under section 3775.05 of the Revised Code to operate sports 4687
gaming on behalf of the sports gaming proprietor and that is 4688
licensed by the Ohio casino control commission as a mobile 4689
management services provider under that section. 4690

(2) "Management services provider" means a person that 4691
contracts with a type B sports gaming proprietor under section 4692
3775.051 of the Revised Code to operate sports gaming on behalf 4693

of the sports gaming proprietor and that is licensed by the Ohio 4694
casino control commission as a management services provider 4695
under that section. 4696

(E) "Official league data" means statistics, results, 4697
outcomes, and other data related to a sporting event provided by 4698
the appropriate sports governing body or its designee. 4699

(F) "Online sports pool" means sports gaming in which a 4700
wager on a sporting event is made through a computer or mobile 4701
device and accepted through an online gaming web site that is 4702
operated by a type A sports gaming proprietor or mobile 4703
management services provider. 4704

(G) "Professional sport or athletic event" means an event 4705
at which two or more persons participate in sports or athletic 4706
events and receive compensation, or the potential for 4707
compensation based on their performance, in excess of actual 4708
expenses for their participation in the event. 4709

(H) "Professional sports organization" means any of the 4710
following: 4711

(1) The owner of a professional sports team in this state 4712
that is a member of the national football league, the national 4713
hockey league, major league baseball, major league soccer, or 4714
the national basketball association; 4715

(2) The owner of a sports facility in this state that 4716
hosts an annual tournament on the professional golf association 4717
tour; 4718

(3) A promoter of a national association for stock car 4719
auto racing national touring race conducted in this state. 4720

(I) "Promotional gaming credit" means a credit, discount, 4721

or other similar item issued to a patron to enable the placement 4722
of, or increase in, a wager on a sporting event. 4723

(J) "Proposition bet" means a wager on a sporting event 4724
that is based in whole or in part on an outcome other than the 4725
final score or outcome of the sporting event. 4726

(K) (1) Except as otherwise provided in divisions (K) (2) 4727
and (3) of this section, "sporting event" means any professional 4728
sport or athletic event, any collegiate sport or athletic event, 4729
any Olympic or international sports competition event, any motor 4730
race event, any horse race, or any other special event the Ohio 4731
casino control commission authorizes for sports gaming, the 4732
individual performance statistics of athletes or participants in 4733
such an event, or a combination of those. 4734

(2) "Sporting event" does not include an event for primary 4735
or secondary school students, whether conducted or sponsored by 4736
a primary or secondary school or by another person, or the 4737
individual performance statistics of athletes or participants in 4738
such an event. 4739

(3) "Sporting event" includes an event that involves 4740
athletes or participants who are under eighteen years of age, or 4741
the individual performance statistics of athletes or 4742
participants in the event, only if the Ohio casino control 4743
commission authorizes the event for sports gaming. 4744

(L) (1) "Sports gaming" means the business of accepting 4745
wagers on sporting events. 4746

(2) (a) With respect to sports gaming offered by a type A 4747
or type B sports gaming proprietor, except as otherwise provided 4748
in division (L) (3) of this section, "sports gaming" includes any 4749
system or method of wagering on sporting events that the Ohio 4750

casino control commission approves, including exchange wagering, 4751
parlays, spreads, over-under, moneyline, in-game wagering, 4752
single game bets, teaser bets, in-play bets, proposition bets, 4753
pools, pari-mutuel sports wagering pools, or straight bets. 4754

(b) With respect to sports gaming offered by a type C 4755
sports gaming proprietor, "sports gaming" includes only spread, 4756
over-under, and moneyline wagering on sporting events, as 4757
approved by the Ohio casino control commission. 4758

(3) "Sports gaming" does not include any of the following: 4759

(a) Pari-mutuel betting on the outcome of a horse race, as 4760
authorized under Chapter 3769. of the Revised Code; 4761

(b) Lottery games authorized under Chapter 3770. of the 4762
Revised Code, including video lottery terminals; 4763

(c) Casino gaming authorized under division (C) of Section 4764
6 of Article XV, Ohio Constitution and Chapter 3772. of the 4765
Revised Code; 4766

(d) Fantasy contests authorized under Chapter 3774. of the 4767
Revised Code. 4768

(M) "Sports gaming equipment" means any of the following 4769
that directly relate to or affect, or are used or consumed in, 4770
the operation of sports gaming: 4771

(1) Any mechanical, electronic, or other device, 4772
mechanism, or equipment, including a self-service sports gaming 4773
terminal; 4774

(2) Any software, application, components, or other goods; 4775

(3) Anything to be installed or used on a patron's 4776
personal device. 4777

(N) "Sports gaming facility" means a designated area of a building or structure in which patrons may place wagers on sporting events with a type B sports gaming proprietor either in person or using self-service sports gaming terminals. 4778
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(O) "Sports gaming license" means a sports gaming proprietor license, a mobile management services provider license, a management services provider license, a sports gaming occupational license, a type C sports gaming host license, or a sports gaming supplier license issued by the Ohio casino control commission under this chapter. 4782
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(P) "Sports gaming licensee" means a person who holds a valid sports gaming license. 4788
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(Q) "Sports gaming proprietor" means a person licensed by the Ohio casino control commission to offer sports gaming in this state as a type A, type B, or type C sports gaming proprietor. 4790
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(R) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code. 4794
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(S) (1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports gaming proprietor, mobile management services provider, or management services provider, including providing services, directly or indirectly, that are necessary to create a betting market or to determine bet outcomes. 4796
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(2) A sports gaming supplier that provides sports gaming equipment or services to be used through a sports gaming proprietor, mobile management services provider, or management services provider is not considered a sports gaming proprietor, mobile management services provider, or management services 4802
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provider solely on that basis. 4807

(3) A sports governing body that provides official league data concerning its own sporting event to a sports gaming proprietor, mobile management services provider, management services provider, or sports gaming supplier is not considered a sports gaming supplier solely on that basis. 4808
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(T) "Sports governing body" means a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event. 4813
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(U) "Type A sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through an online sports pool. 4817
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(V) "Type B sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming at a sports gaming facility. 4820
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(W) "Type C sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through self-service sports gaming terminals located at type C sports gaming hosts' facilities. 4823
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(X) "Type C sports gaming host" means the owner of a facility with a D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of the Revised Code who is licensed by the Ohio casino control commission to offer sports gaming at the facility through a type C sports gaming proprietor. 4827
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(Y) "Video lottery sales agent" means an agent of the state lottery authorized to operate video lottery terminals under section 3770.21 of the Revised Code. 4832
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(Z) "Wager" or "bet" means to risk a sum of money or thing 4835
of value on an uncertain occurrence. 4836

Sec. 3775.02. (A) The Ohio casino control commission shall 4837
have jurisdiction over all persons conducting or participating 4838
in the conduct of sports gaming authorized by this chapter, 4839
including the authority to license, regulate, investigate, and 4840
penalize those persons in a manner that is consistent with the 4841
commission's authority with respect to casino gaming. In all 4842
cases in which this chapter requires or allows the commission to 4843
adopt rules concerning sports gaming, the commission shall adopt 4844
those rules under Chapter 119. of the Revised Code. 4845

(B) The commission shall adopt rules that include all of 4846
the following: 4847

(1) Procedures for a sports gaming proprietor to accept 4848
wagers on a sporting event or series of sporting events; 4849

(2) The types of wagering tickets sports gaming 4850
proprietors are to use; 4851

(3) The manner in which sports gaming proprietors are to 4852
issue tickets; 4853

(4) The type of records sports gaming licensees are to 4854
keep; 4855

(5) The system to be used to place a wager with a sports 4856
gaming proprietor; 4857

(6) The manner in which sports gaming proprietors must 4858
verify that their patrons are at least twenty-one years of age; 4859

(7) Protections for a player placing a wager with a sports 4860
gaming proprietor; 4861

<u>(8) Measures to promote responsible sports gaming;</u>	4862
<u>(9) Penalties and fines for violating this section or</u>	4863
<u>rules adopted under this section;</u>	4864
<u>(10) Restrictions to ensure that sports gaming</u>	4865
<u>proprietors' advertisements for sports gaming meet all of the</u>	4866
<u>following requirements:</u>	4867
<u>(a) They do not target individuals under twenty-one years</u>	4868
<u>of age, other individuals who are ineligible to participate in</u>	4869
<u>sports gaming, problem gamblers, or other vulnerable</u>	4870
<u>individuals;</u>	4871
<u>(b) They disclose the identity of the sports gaming</u>	4872
<u>proprietor;</u>	4873
<u>(c) They provide information about how to access resources</u>	4874
<u>related to problem gambling;</u>	4875
<u>(d) They are not false, misleading, or deceptive to a</u>	4876
<u>reasonable consumer.</u>	4877
<u>(11) Requirements concerning the size, furnishings, and</u>	4878
<u>equipment of a sports gaming facility and the minimum capital</u>	4879
<u>investment in a sports gaming facility that is necessary to</u>	4880
<u>ensure that it generates strong economic development;</u>	4881
<u>(12) Any other procedure or thing the commission</u>	4882
<u>determines necessary to ensure the integrity of sports gaming</u>	4883
<u>regulated by the commission.</u>	4884
<u>(C) (1) The commission may, independently or at the request</u>	4885
<u>of any person, including a sports governing body, adopt rules to</u>	4886
<u>prohibit or restrict sports gaming proprietors from accepting</u>	4887
<u>wagers on a particular sporting event or to prohibit or restrict</u>	4888
<u>sports gaming proprietors from accepting a particular type of</u>	4889

wager. 4890

(2) The commission shall adopt rules prescribing a process 4891
by which the commission may prohibit or restrict sports gaming 4892
proprietors from accepting wagers on a particular sporting event 4893
or prohibit or restrict sports gaming proprietors from accepting 4894
a particular type of wager on a temporary emergency basis 4895
instead of by rule. 4896

(3) (a) A sports governing body may formally request the 4897
commission to prohibit or restrict sports gaming proprietors 4898
from accepting wagers on a particular sporting event or to 4899
prohibit or restrict sports gaming proprietors from accepting a 4900
particular type of wager. The sports governing body shall submit 4901
the formal request in the form and manner prescribed by the 4902
commission. Upon receiving the request, the commission promptly 4903
shall send written notice of the request to every sports gaming 4904
proprietor and shall consider any timely response submitted by a 4905
sports gaming proprietor. 4906

(b) If the commission determines that the sports governing 4907
body has shown good cause through its formal request to grant 4908
the requested prohibition or restriction, the commission 4909
promptly shall adopt the prohibition or restriction. 4910

(c) If the commission determines that the sports governing 4911
body has not shown good cause through its formal request to 4912
grant the requested prohibition or restriction, the commission 4913
promptly shall provide the sports governing body with notice and 4914
an opportunity for a hearing to offer further evidence in 4915
support of granting the requested prohibition or restriction. 4916

(D) The commission shall adopt rules establishing minimum 4917
internal control standards for the administration of sports 4918

gaming proprietors' operations, sports gaming equipment, 4919
systems, or other items used by sports gaming proprietors to 4920
conduct sports gaming, and the maintenance of sports gaming 4921
proprietors' financial records and other required records. The 4922
commission may approve minimum internal control standards 4923
proposed by sports gaming proprietors. 4924

(E) (1) The commission shall approve all sports gaming 4925
equipment and each form, variation, or composite of sports 4926
gaming to be used by sports gaming proprietors. 4927

(2) (a) Before approving a piece of sports gaming equipment 4928
or a form, variation, or composite of sports gaming, the 4929
commission shall require it to undergo scientific testing or 4930
technical evaluation, as the commission determines appropriate. 4931
The commission may require the testing or evaluation to be 4932
conducted at the expense of the sports gaming supplier or sports 4933
gaming proprietor, as applicable, by an independent testing 4934
laboratory certified by the commission. 4935

(b) The commission may certify an independent testing 4936
laboratory to test and evaluate sports gaming equipment and 4937
forms, variations, or composites of sports gaming if both of the 4938
following apply: 4939

(i) The laboratory is competent and qualified to 4940
scientifically test and technically evaluate sports gaming 4941
equipment and forms, variations, or composites of sports gaming 4942
for compliance with this chapter and with the rules of the 4943
commission and otherwise to perform the functions assigned to 4944
the laboratory by the commission; 4945

(ii) The laboratory is not owned or controlled by, is not 4946
affiliated with, and does not have any interest in a sports 4947

gaming proprietor, mobile management services provider, 4948
management services provider, sports gaming supplier, or sports 4949
governing body. 4950

(c) The commission shall adopt rules prescribing the 4951
certification standards, fees, and duties that apply to a 4952
certified independent testing laboratory under division (E) of 4953
this section. 4954

(3) The commission shall adopt rules requiring sports 4955
gaming licensees and sports gaming facilities to use only 4956
approved sports gaming equipment acquired from a licensed sports 4957
gaming supplier and to use only approved forms, variations, or 4958
composites of sports gaming. 4959

(F) (1) The commission shall determine a person's 4960
eligibility to hold or renew a sports gaming license under this 4961
chapter, shall issue all sports gaming licenses, and shall 4962
maintain a record of all sports gaming licenses issued under 4963
this chapter. 4964

(2) The commission shall conduct a complete investigation 4965
of each applicant for a sports gaming license to determine 4966
whether the applicant meets the requirements of this chapter and 4967
of the commission's rules each time the applicant applies for an 4968
initial or renewed sports gaming license. The commission may 4969
initiate an additional licensing investigation or adjudication 4970
or reopen an existing licensing investigation or adjudication at 4971
any time. 4972

(G) (1) Except as otherwise provided in division (G) (2) of 4973
this section, the commission shall levy and collect all fees and 4974
surcharges imposed under this chapter and rules adopted under 4975
this chapter and shall deposit all moneys collected in the 4976

casino control commission fund created under section 5753.03 of 4977
the Revised Code. 4978

(2) The commission shall levy and collect fines for 4979
noncriminal violations of the provisions of this chapter and of 4980
rules adopted under this chapter. The commission shall deposit 4981
all such fines, along with the license fees described in 4982
division (D) of section 3775.04, division (B) (3) of section 4983
3775.05, and division (B) (3) of section 3775.051 of the Revised 4984
Code, in the sports gaming revenue fund created under section 4985
5753.031 of the Revised Code. 4986

(H) The commission, in an adjudication conducted under 4987
Chapter 119. of the Revised Code, may penalize, limit, 4988
condition, restrict, suspend, revoke, deny, or refuse to renew 4989
any sports gaming license. The commission may take into account 4990
any relevant aggravating or mitigating factors without in any 4991
manner limiting the commission's authority to impose the level 4992
and type of discipline the commission considers appropriate. 4993

(I) (1) The commission shall monitor all sports gaming 4994
conducted in this state by sports gaming proprietors, or shall 4995
contract with an independent integrity monitoring provider for 4996
that purpose, in order to identify any unusual betting 4997
activities or patterns that may indicate a need for further 4998
investigation. The commission shall require each sports gaming 4999
proprietor to participate in the monitoring system as part of 5000
the minimum internal control standards described in division (D) 5001
of this section. 5002

(2) The information in the monitoring system described in 5003
division (I) (1) of this section is not a public record. The 5004
commission may disclose the information in the monitoring system 5005
only as necessary for investigative or law enforcement purposes, 5006

as permitted under division (I)(3) of this section, or pursuant 5007
to a court order. 5008

(3) If a sports governing body believes that the integrity 5009
of one of its sporting events is in question, the sports 5010
governing body may formally request the commission to make 5011
anonymized sports gaming data concerning the sporting event 5012
available to the sports governing body, as soon after each bet 5013
is placed as is commercially reasonable, through the monitoring 5014
system described in division (I)(1) of this section. If the 5015
commission determines that the sports governing body has shown 5016
good cause to believe that the integrity of the sporting event 5017
is in question, the commission shall make that data available to 5018
the sports governing body, provided that the commission shall 5019
not be required to provide any information to a sports governing 5020
body that would jeopardize an ongoing criminal investigation. 5021

(J)(1) The executive director of the commission promptly 5022
shall report to the commission any facts or circumstances 5023
related to the operation of a sports gaming licensee that 5024
constitute a violation of state or federal law and immediately 5025
report any suspicious wagering to the appropriate state or 5026
federal authorities. 5027

(2) The commission shall cooperate with any investigation 5028
conducted by a law enforcement agency or sports governing body, 5029
including by providing, or facilitating the provision of, 5030
wagering information and audio or video files related to persons 5031
placing wagers, provided that the commission shall not be 5032
required to provide any information to a sports governing body 5033
that would jeopardize an ongoing criminal investigation. 5034

(3) A sheriff, chief of police, or prosecuting attorney 5035
shall furnish to the commission, on forms prescribed by the 5036

commission, any information obtained concerning any apparent 5037
violation of this chapter or rules adopted under this chapter. 5038
If the information is considered a confidential law enforcement 5039
investigatory record under section 149.43 of the Revised Code, 5040
the commission shall not disclose the information to the public. 5041

(K) (1) The attorney general has a civil cause of action to 5042
restrain any violation of this chapter or of rules adopted under 5043
this chapter. Upon the request of the commission or its 5044
executive director, the attorney general shall commence and 5045
prosecute such an action to completion. The court shall give 5046
priority to such an action over all other civil actions. 5047

(2) An action brought under division (K) (1) of this 5048
section does not preclude an administrative or criminal 5049
proceeding on the same facts. 5050

(3) The attorney general may enter into an agreement with 5051
a state or local law enforcement agency to carry out the duties 5052
described in division (K) (1) of this section. 5053

Sec. 3775.03. (A) Except as permitted under section 5054
3770.23 of the Revised Code, no person shall operate, conduct, 5055
or assist in operating or conducting sports gaming in this state 5056
without first obtaining an appropriate sports gaming license 5057
from the Ohio casino control commission. 5058

(B) Each person applying for an initial or renewed sports 5059
gaming license issued under this chapter, and each individual 5060
who has control of the applicant as described in division (C) of 5061
this section, shall submit two complete sets of fingerprints to 5062
the commission for the purpose of conducting a criminal records 5063
check, including obtaining any available information from the 5064
federal bureau of investigation. The person shall provide the 5065

fingerprints using a method the superintendent of the bureau of 5066
criminal identification and investigation prescribes pursuant to 5067
division (C)(2) of section 109.572 of the Revised Code and fill 5068
out the form the superintendent of the bureau of criminal 5069
identification and investigation prescribes pursuant to division 5070
(C)(1) of section 109.572 of the Revised Code. Upon receiving an 5071
application under this section, the executive director of the 5072
Ohio casino control commission shall request the superintendent 5073
of the bureau of criminal identification and investigation, or a 5074
vendor approved by the bureau, to conduct a criminal records 5075
check based on the fingerprint impressions in accordance with 5076
division (A)(19) of section 109.572 of the Revised Code. Any fee 5077
required under division (C)(3) of section 109.572 of the Revised 5078
Code shall be paid by the applicant, or in the case of an 5079
occupational license, by the applicant's employer. Any applicant 5080
convicted of any disqualifying offense, as defined in section 5081
3772.07 of the Revised Code, shall not be issued a license. 5082

(C) The Ohio casino control commission shall not grant a 5083
sports gaming proprietor, mobile management services provider, 5084
or management services provider license until it has determined 5085
that each person who has control of the applicant has met the 5086
qualifications for sports gaming licensure established in this 5087
chapter and in rules adopted by the commission. All of the 5088
following persons are considered to have control of an 5089
applicant: 5090

(1) Each person associated with a corporate applicant, 5091
including any corporate holding company, parent company, or 5092
subsidiary company of the applicant, that has the ability to 5093
control the activities of the corporate applicant or elect a 5094
majority of the board of directors of that corporation, other 5095
than any bank or other licensed lending institution that holds a 5096

mortgage or other lien acquired in the ordinary course of 5097
business; 5098

(2) Each person associated with a noncorporate applicant 5099
that directly or indirectly holds a beneficial or proprietary 5100
interest in the applicant's business operation or that the 5101
commission otherwise determines has the ability to control the 5102
applicant; 5103

(3) Key personnel of an applicant, including any 5104
executive, employee, or agency, having the power to exercise 5105
significant influence over decisions concerning any part of the 5106
applicant's business operation. 5107

(D) A sports gaming proprietor, mobile management services 5108
provider, or management services provider shall display its 5109
license conspicuously in its place of business or have the 5110
license available for inspection by any agent of the Ohio casino 5111
control commission or any law enforcement agency. Each holder of 5112
an occupational license issued under section 3775.06 of the 5113
Revised Code shall have an indicator of licensure prominently 5114
displayed when present in a sports gaming facility at all times, 5115
in accordance with the rules of the commission. Each type C 5116
sports gaming host shall display its license conspicuously in 5117
its place of business. 5118

(E) A sports gaming licensee shall give the Ohio casino 5119
control commission written notice within ten days of any 5120
material change to any information provided in the licensee's 5121
application for a license or renewal. The commission shall 5122
specify by rule which changes to that information it considers 5123
to be material. 5124

Sec. 3775.04. (A) (1) A type A sports gaming proprietor 5125

license authorizes a sports gaming proprietor to offer sports gaming through one or more online sports pools. 5126
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(2) The Ohio casino control commission shall license not more than twenty-five type A sports gaming proprietors at any one time. 5128
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(3) A type A sports gaming proprietor shall meet at least one of the following requirements at all times: 5131
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(a) The type A sports gaming proprietor also shall operate a sports gaming facility under a type B sports gaming proprietor license. 5133
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(b) The type A sports gaming proprietor shall maintain at least one place of business in this state, including a secure facility to house the servers responsible for accepting wagers through the sports gaming proprietor's online sports pools. 5136
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(4) The commission shall adopt by rule a procedure allowing the commission to revoke a type A sports gaming proprietor license if the licensee does not offer sports gaming to patrons under the license for a continuous period of one year or more. 5140
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(B) (1) A type B sports gaming proprietor license authorizes a sports gaming proprietor to offer sports gaming at one sports gaming facility at a location specified on the license. 5145
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(2) The commission shall license not more than forty type B sports gaming proprietors at any one time. 5149
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(3) (a) No sports gaming facility shall be located in a county with a population of less than one hundred thousand, as determined by the 2010 federal decennial census. 5151
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(b) Not more than one sports gaming facility shall be 5154
located in a county with a population of one hundred thousand or 5155
more, but less than four hundred thousand, as determined by the 5156
2010 federal decennial census, at any one time. 5157

(c) Not more than three sports gaming facilities shall be 5158
located in a county with a population of four hundred thousand 5159
or more, but less than eight hundred thousand, as determined by 5160
the 2010 federal decennial census, at any one time. 5161

(d) Not more than five sports gaming facilities shall be 5162
located in a county with a population of eight hundred thousand 5163
or more, as determined by the 2010 federal decennial census, at 5164
any one time. 5165

(4) The commission shall issue an initial type B sports 5166
gaming proprietor license only to a person who conducts 5167
significant economic activity in the county in which the sports 5168
gaming facility is to be located, as determined by the 5169
commission in consultation with the development services agency. 5170

(C) (1) A type C sports gaming proprietor license 5171
authorizes a sports gaming proprietor to offer sports gaming 5172
through self-service sports gaming terminals located at one or 5173
more type C sports gaming hosts' facilities. 5174

(2) The commission shall license at least three, and not 5175
more than twenty, type C sports gaming proprietors at any one 5176
time. 5177

(D) An applicant for an initial or renewed type A, type B, 5178
or type C sports gaming proprietor license shall do all of the 5179
following: 5180

(1) Submit a written application on a form furnished by 5181
the commission. 5182

(a) If the application is for an initial type B sports gaming proprietor license, the application shall specify the intended location of the sports gaming facility or, at a minimum, the county in which the sports gaming facility is to be located if the license is granted. 5183
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(b) If the application is for a renewed type B sports gaming proprietor license, the application shall specify one of the following, as applicable: 5188
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(i) If the sports gaming proprietor does not intend to relocate the sports gaming facility, the location of the sports gaming facility; 5191
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(ii) If the sports gaming proprietor intends to relocate the sports gaming facility, the intended new location of the sports gaming facility or, at a minimum, the county in which the sports gaming facility is to be located if the renewal is granted. 5194
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(2) Pay the fee required under division (C) (3) of section 109.572 of the Revised Code, along with a nonrefundable application fee in an amount prescribed by the commission by rule; 5199
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(3) Submit an audit of the applicant's financial transactions and the condition of the applicant's total operations for the previous fiscal year prepared by a certified public accountant in accordance with generally accepted accounting principles and state and federal laws; 5203
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(4) Satisfy any other requirements for licensure under this chapter and rules adopted under this chapter. 5208
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(E) Upon receiving an initial or renewed sports gaming proprietor license, the applicant shall pay the following 5210
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nonrefundable license fee, as applicable, and shall give to the 5212
state a surety bond, in an amount and in the form approved by 5213
the commission, to guarantee that the applicant faithfully makes 5214
all payments required by this chapter and rules adopted under 5215
this chapter during the period of the license: 5216

(1) (a) For an initial or renewed type A sports gaming 5217
proprietor license: 5218

(i) If the type A sports gaming proprietor is a 5219
professional sports organization, five hundred thousand dollars; 5220

(ii) If the type A sports gaming proprietor is not a 5221
professional sports organization, one million dollars. 5222

(b) Not later than one year after an initial or renewed 5223
type A sports gaming proprietor license is issued, the sports 5224
gaming proprietor shall pay a nonrefundable interim license fee 5225
as follows: 5226

(i) If the type A sports gaming proprietor is a 5227
professional sports organization, two hundred fifty thousand 5228
dollars; 5229

(ii) If the type A sports gaming proprietor is not a 5230
professional sports organization, five hundred thousand dollars. 5231

(c) Not later than two years after an initial or renewed 5232
type A sports gaming proprietor license is issued, the sports 5233
gaming proprietor shall pay a second nonrefundable interim 5234
license fee as follows: 5235

(i) If the type A sports gaming proprietor is a 5236
professional sports organization, two hundred fifty thousand 5237
dollars; 5238

(ii) If the type A sports gaming proprietor is not a 5239

professional sports organization, five hundred thousand dollars. 5240

(2) (a) For an initial type B sports gaming proprietor license, one hundred thousand dollars; 5241
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(b) For a renewed type B sports gaming proprietor license, twenty-five thousand dollars; 5243
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(3) (a) For an initial type C sports gaming proprietor license, one hundred thousand dollars; 5245
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(b) For a renewed type C sports gaming proprietor license, twenty-five thousand dollars. 5247
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(F) (1) A sports gaming proprietor license shall be valid for a term of three years. 5249
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(2) Upon the expiration of a sports gaming proprietor license, the sports gaming proprietor may apply to renew the license in the same manner as for an initial license, unless the license is suspended or revoked or the commission determines that the sports gaming proprietor is not in compliance with this chapter and the rules adopted under this chapter. 5251
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Sec. 3775.041. (A) In issuing initial and renewed type A and type B sports gaming proprietor licenses, the Ohio casino control commission shall give preference to applicants that are professional sports organizations, casino operators, or video lottery sales agents, subject to the factors described in divisions (B), (C), and (D) of this section, as applicable. The commission shall give equal preference to professional sports organizations, casino operators, and video lottery sales agents for that purpose. 5257
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(B) In issuing initial and renewed type A, type B, and type C sports gaming proprietor licenses, the commission shall 5266
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consider all of the following factors, in addition to all other 5268
requirements for licensure specified under this chapter and in 5269
the rules of the commission: 5270

(1) The reputation, experience, and financial integrity of 5271
the applicant and any person that controls the applicant, as 5272
determined under division (C) of section 3775.03 of the Revised 5273
Code; 5274

(2) The total amount of taxable income the applicant pays, 5275
or will pay, to its employees in this state; 5276

(3) The financial ability of the applicant to purchase and 5277
maintain adequate liability and casualty insurance and to 5278
provide an adequate surety bond; 5279

(4) The past and present compliance of the applicant and 5280
its affiliates or affiliated companies with gambling-related 5281
licensing requirements in this state or any other jurisdiction, 5282
including whether the applicant has a history of noncompliance 5283
with those requirements; 5284

(5) Whether the applicant has been charged with, indicted 5285
for, or convicted of any felony or misdemeanor criminal offense 5286
under the laws of any jurisdiction, not including any traffic 5287
violation; 5288

(6) Whether the applicant has filed, or had filed against 5289
it, a proceeding for bankruptcy, or has ever been involved in 5290
any formal process to adjust, defer, suspend, or otherwise work 5291
out the payment of any debt; 5292

(7) Whether the applicant has been served with a complaint 5293
or other notice filed with any public body regarding a payment 5294
of any tax required under federal, state, or local law that has 5295
been delinquent for one or more years; 5296

<u>(8) Whether the applicant is or has been a defendant in</u>	5297
<u>litigation involving its business practices;</u>	5298
<u>(9) Whether awarding a license would undermine the</u>	5299
<u>public's confidence in the sports gaming industry in this state.</u>	5300
<u>(C) In the case of a type A sports gaming proprietor</u>	5301
<u>license, the Ohio casino control commission also shall consider</u>	5302
<u>all of the following:</u>	5303
<u>(1) The nature of the applicant's current or intended</u>	5304
<u>physical presence in this state, including any expenditures for</u>	5305
<u>physical infrastructure;</u>	5306
<u>(2) The length of time, if any, for which the applicant</u>	5307
<u>has been doing any kind of business in this state;</u>	5308
<u>(3) Whether the total taxable income the applicant pays to</u>	5309
<u>its employees in this state each year has been, or will be, at</u>	5310
<u>least ten million dollars;</u>	5311
<u>(4) The applicant's current or intended local and</u>	5312
<u>statewide economic involvement in this state;</u>	5313
<u>(5) The applicant's other current or intended</u>	5314
<u>contributions to this state, including promoting tourism.</u>	5315
<u>(D) In the case of a type B sports gaming proprietor</u>	5316
<u>license, the Ohio casino control commission also shall consider</u>	5317
<u>whether the current or proposed locations of sports gaming</u>	5318
<u>facilities are distributed equitably among all regions of the</u>	5319
<u>state.</u>	5320
<u>(E) Notwithstanding any contrary provision of division</u>	5321
<u>(A), (B), (C), or (D) of this section, the Ohio casino control</u>	5322
<u>commission shall not give preference to an applicant for a</u>	5323
<u>sports gaming proprietor license on the basis that any of the</u>	5324

following persons currently contract, or have contracted, with 5325
the state lottery commission or any other agency of this state: 5326

(1) The applicant; 5327

(2) A person that has control over the applicant, as 5328
determined under division (C) of section 3775.03 of the Revised 5329
Code; 5330

(3) A person over which the applicant has control, as 5331
determined under that division. 5332

Sec. 3775.05. (A) (1) (a) A type A sports gaming proprietor 5333
that is a professional sports organization may contract with not 5334
more than one mobile management services provider to offer 5335
sports gaming on the sports gaming proprietor's behalf, in a 5336
manner authorized under the contract. 5337

(b) A type A sports gaming proprietor that is not a 5338
professional sports organization may contract with not more than 5339
two mobile management services providers to offer sports gaming 5340
on the sports gaming proprietor's behalf, in a manner authorized 5341
under the contract. 5342

(2) (a) The holder of a type A sports gaming proprietor 5343
license that is a member of a league, association, or 5344
organization that prevents the holder from being subject to the 5345
regulatory control of the Ohio casino control commission or from 5346
otherwise operating under the license may contractually appoint 5347
a designee operator that is considered the mobile management 5348
services provider for all aspects of commission oversight and 5349
operating under the license. The sports gaming proprietor shall 5350
not have control over the mobile management services provider, 5351
and the mobile management services provider shall not have 5352
control over the sports gaming proprietor, as determined by the 5353

commission under division (C) of section 3775.03 of the Revised 5354
Code. 5355

(b) A sports gaming proprietor and a mobile management 5356
services provider described in division (A)(2)(a) of this 5357
section shall not exchange any information that may compromise 5358
the integrity of sporting events or of sports gaming. The 5359
commission shall adopt by rule procedures for the sports gaming 5360
proprietor and the mobile management services provider to follow 5361
to ensure the integrity of sporting events and of sports gaming, 5362
including procedures to prevent any exchange of information or 5363
conflict of interest between the sports gaming proprietor and 5364
the mobile management services provider. 5365

(3) A mobile management services provider may offer sports 5366
gaming only in accordance with this chapter, with the rules 5367
adopted by the Ohio casino control commission under this 5368
chapter, and with the nature of the sports gaming proprietor's 5369
license. 5370

(B)(1) A mobile management services provider shall be 5371
licensed under this section before entering into a contract with 5372
a type A sports gaming proprietor as described in division (A) 5373
of this section. An applicant for an initial or renewed mobile 5374
management services provider license shall meet all requirements 5375
for licensure established by the commission by rule and shall 5376
pay the fee required under division (C)(3) of section 109.572 of 5377
the Revised Code, along with a nonrefundable application fee in 5378
an amount determined by the commission by rule. 5379

(2) The commission may accept another jurisdiction's 5380
license, if the commission determines it has similar licensing 5381
requirements, as evidence that the applicant meets the 5382
requirements for a license issued under this section. 5383

(3) (a) Upon receiving an initial or renewed mobile management services provider license, the applicant shall pay a nonrefundable license fee of one million dollars. 5384
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(b) Not later than one year after the initial or renewed mobile management services provider license is issued, the mobile management services provider shall pay a nonrefundable interim license fee as follows: 5387
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(i) If the mobile management services provider contracts with a type A sports gaming proprietor that is a professional sports organization, one million dollars; 5391
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(ii) If the mobile management services provider does not contract with a type A sports gaming proprietor that is a professional sports organization, five hundred thousand dollars. 5394
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(c) Not later than two years after the initial or renewed mobile management services provider license is issued, the mobile management services provider shall pay a second nonrefundable interim license fee as follows: 5397
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(i) If the mobile management services provider contracts with a type A sports gaming proprietor that is a professional sports organization, one million dollars; 5401
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(ii) If the mobile management services provider does not contract with a type A sports gaming proprietor that is a professional sports organization, five hundred thousand dollars. 5404
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(C) A mobile management services provider license shall be valid for a term of three years. In order to renew a mobile management services provider license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license. 5407
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(D) In order to permit a mobile management services provider to offer sports gaming on behalf of a type A sports gaming proprietor, the sports gaming proprietor and the mobile management services provider shall enter into a written contract that has been approved by the commission. If the sports gaming proprietor and the mobile management services provider wish to make a material change to the contract, the sports gaming proprietor first shall submit the change to the commission for its approval or rejection. The sports gaming proprietor or the mobile management services provider shall not assign, delegate, subcontract, or transfer the mobile management service provider's duties and responsibilities under the contract to a third party. 5412
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(E) (1) Subject to division (E) (2) of this section, the provisions of this chapter concerning a type A sports gaming proprietor apply to a mobile management services provider that contracts with the sports gaming proprietor with respect to all rights, duties, and liabilities of the sports gaming proprietor assigned, delegated, subcontracted, or transferred to the mobile management services provider as though the mobile management services provider were a type A sports gaming proprietor. Unless the context requires otherwise, references in the Revised Code to a sports gaming proprietor apply to a mobile management services provider to the extent that the mobile management services provider is acting on behalf of a type A sports gaming proprietor pursuant to the contract. 5425
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(2) Division (E) (1) of this section does not permit a mobile management services provider to operate sports gaming other than pursuant to a contract with a type A sports gaming proprietor to operate sports gaming on behalf of the sports gaming proprietor. 5438
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(F) The commission shall adopt a rule setting a maximum 5443
number of contracts a mobile management services provider may 5444
have with type A sports gaming proprietors under this section at 5445
any one time. 5446

Sec. 3775.051. (A) (1) A type B sports gaming proprietor 5447
may contract with one management services provider to offer 5448
sports gaming at a sports gaming facility on the sports gaming 5449
proprietor's behalf, in a manner authorized under the contract. 5450

(2) (a) The holder of a type B sports gaming proprietor 5451
license that is a member of a league, association, or 5452
organization that prevents the holder from being subject to the 5453
regulatory control of the Ohio casino control commission or from 5454
otherwise operating under the license may contractually appoint 5455
a designee operator that is considered the management services 5456
provider for all aspects of commission oversight and operating 5457
under the license. The sports gaming proprietor shall not have 5458
control over the management services provider, and the 5459
management services provider shall not have control over the 5460
sports gaming proprietor, as determined by the commission under 5461
division (C) of section 3775.03 of the Revised Code. 5462

(b) A sports gaming proprietor and a management services 5463
provider described in division (A) (2) (a) of this section shall 5464
not exchange any information that may compromise the integrity 5465
of sporting events or of sports gaming. The commission shall 5466
adopt by rule procedures for the sports gaming proprietor and 5467
the management services provider to follow to ensure the 5468
integrity of sporting events and of sports gaming, including 5469
procedures to prevent any exchange of information or conflict of 5470
interest between the sports gaming proprietor and the management 5471
services provider. 5472

(3) A type C sports gaming proprietor shall not contract 5473
with a mobile management services provider or a management 5474
services provider to offer sports gaming under the type C sports 5475
gaming proprietor license on the sports gaming proprietor's 5476
behalf. 5477

(4) A management services provider may offer sports gaming 5478
only in accordance with this chapter, with the rules adopted by 5479
the Ohio casino control commission under this chapter, and with 5480
the nature of the sports gaming proprietor's license. 5481

(B)(1) A management services provider shall be licensed 5482
under this section before entering into a contract with a type B 5483
sports gaming proprietor as described in division (A) of this 5484
section. An applicant for an initial or renewed management 5485
services provider license shall meet all requirements for 5486
licensure established by the commission by rule and shall pay 5487
the fee required under division (C)(3) of section 109.572 of the 5488
Revised Code, along with a nonrefundable application fee in an 5489
amount determined by the commission by rule. 5490

(2) The commission may accept another jurisdiction's 5491
license, if the commission determines it has similar licensing 5492
requirements, as evidence that the applicant meets the 5493
requirements for a license issued under this section. 5494

(3)(a) Upon receiving an initial management services 5495
provider license, the applicant shall pay a nonrefundable 5496
license fee of one hundred thousand dollars. 5497

(b) Upon receiving a renewed management services provider 5498
license, the applicant shall pay a nonrefundable license fee of 5499
twenty-five thousand dollars. 5500

(C) A management services provider license shall be valid 5501

for a term of three years. In order to renew a management 5502
services provider license, the licensee shall apply to the 5503
commission for a renewed license in the same manner as for an 5504
initial license. 5505

(D) In order to permit a management services provider to 5506
offer sports gaming on behalf of a type B sports gaming 5507
proprietor, the sports gaming proprietor and the management 5508
services provider shall enter into a written contract that has 5509
been approved by the commission. If the sports gaming proprietor 5510
and the management services provider wish to make a material 5511
change to the contract, the sports gaming proprietor first shall 5512
submit the change to the commission for its approval or 5513
rejection. The sports gaming proprietor or the management 5514
services provider shall not assign, delegate, subcontract, or 5515
transfer the management service provider's duties and 5516
responsibilities under the contract to a third party. 5517

(E)(1) Subject to division (E)(2) of this section, the 5518
provisions of this chapter concerning a type B sports gaming 5519
proprietor apply to a management services provider that 5520
contracts with the sports gaming proprietor with respect to all 5521
rights, duties, and liabilities of the sports gaming proprietor 5522
assigned, delegated, subcontracted, or transferred to the 5523
management services provider as though the management services 5524
provider were a type B sports gaming proprietor. Unless the 5525
context requires otherwise, references in the Revised Code to a 5526
sports gaming proprietor apply to a management services provider 5527
to the extent that the management services provider is acting on 5528
behalf of a type B sports gaming proprietor pursuant to the 5529
contract. 5530

(2) Division (E)(1) of this section does not permit a 5531

management services provider to operate sports gaming other than 5532
pursuant to a contract with a type B sports gaming proprietor to 5533
operate sports gaming on behalf of the sports gaming proprietor. 5534

(F) The commission shall adopt a rule setting a maximum 5535
number of contracts a management services provider may have with 5536
type B sports gaming proprietors under this section at any one 5537
time. 5538

Sec. 3775.06. (A) (1) An individual whose duties include 5539
any of the following shall hold an appropriate and valid sports 5540
gaming occupational license issued by the Ohio casino control 5541
commission at all times: 5542

(a) Accepting wagers on sporting events on behalf of a 5543
sports gaming proprietor; 5544

(b) Handling money as part of operating sports gaming on 5545
behalf of a sports gaming proprietor, including a cashier, 5546
change person, count team, or coin wrapper; 5547

(c) Providing security for the operation of sports gaming 5548
by a sports gaming proprietor, including a guard or observer, 5549
other than providing general security at a type C sports gaming 5550
host's facility; 5551

(d) Performing other duties such that the individual has 5552
the ability to alter material aspects of sports gaming conducted 5553
by a sports gaming proprietor. 5554

(2) An individual is not required to have a sports gaming 5555
occupational license if the individual's duties are related 5556
solely to nongaming activities such as entertainment, 5557
maintenance, or preparing or serving food or beverages, 5558
including an individual who is, or is employed by, a type C 5559
sports gaming host. 5560

(3) The commission shall issue a sports gaming 5561
occupational license to an individual who meets the requirements 5562
of this chapter and of the commission's rules, provided that the 5563
commission's rules shall not require an applicant for a sports 5564
gaming occupational license who currently holds a video lottery 5565
license issued under Chapter 3770. or a license issued under 5566
Chapter 3772. of the Revised Code to take action to satisfy any 5567
additional requirement for the sports gaming occupational 5568
license that is substantially similar to any requirement the 5569
applicant previously has satisfied in order to obtain or renew 5570
the applicant's video lottery license or license issued under 5571
Chapter 3772. of the Revised Code. 5572

(B) A sports gaming occupational license permits the 5573
licensee to be employed in the capacity the commission 5574
designates during the duration of the license. The commission 5575
may establish by rule job classifications with different 5576
requirements. 5577

(C)(1) An applicant for an initial or renewed sports 5578
gaming occupational license shall apply for the license on a 5579
form prescribed by the commission and shall pay the fee required 5580
under division (C)(3) of section 109.572 of the Revised Code, 5581
along with a nonrefundable application fee of one hundred 5582
dollars. The commission may annually increase the amount of the 5583
application fee in an amount that does not exceed the percentage 5584
increase in the consumer price index for the previous year, as 5585
necessary to cover the cost of processing the application. As 5586
used in this division, "consumer price index" means the consumer 5587
price index for all urban consumers or its successive 5588
equivalent, as determined by the United States department of 5589
labor, bureau of labor statistics, or its successor in 5590
responsibility, for all items, Series A. 5591

(2) Upon receiving an initial or renewed sports gaming occupational license, the applicant shall pay a nonrefundable license fee of fifty dollars. 5592
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(3) An applicant's employer may pay the fees described in divisions (C) (1) and (2) of this section on behalf of the applicant. 5595
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(D) The commission may adopt rules allowing an individual who holds a sports gaming occupational license from another jurisdiction to be licensed in this state by reciprocity, so long as that jurisdiction's requirements to receive that license and the activities authorized by the license are substantially similar to those of this state with respect to the license the individual seeks. 5598
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(E) A sports gaming occupational license shall be valid for a term of three years. In order to renew a sports gaming occupational license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license. 5605
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Sec. 3775.07. (A) (1) The owner of a facility with a D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of the Revised Code who offers sports gaming through a type C sports gaming proprietor using self-service sports gaming terminals located at the facility shall hold an appropriate and valid type C sports gaming host license issued by the Ohio casino control commission at all times. 5610
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(2) The commission shall issue a type C sports gaming host license to a person or entity that meets the requirements of this chapter and of the commission's rules. 5617
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(B) (1) An applicant for an initial or renewed type C 5620

sports gaming host license shall apply for the license on a form 5621
prescribed by the commission and shall pay the fee required 5622
under division (C) (3) of section 109.572 of the Revised Code, 5623
along with a nonrefundable application fee in an amount 5624
prescribed by the commission by rule. 5625

(2) The application shall identify the type C sports 5626
gaming proprietor through which the applicant intends to offer 5627
sports gaming. 5628

(C) Upon receiving an initial or renewed type C sports 5629
gaming host license, the applicant shall pay a nonrefundable 5630
license fee of two thousand dollars. 5631

(D) (1) Subject to division (D) (2) of this section, a type 5632
C sports gaming proprietor and a type C sports gaming host may 5633
enter into an agreement specifying the terms under which the 5634
type C sports gaming host offers sports gaming through the type 5635
C sports gaming proprietor, such as terms requiring the type C 5636
sports gaming proprietor and the type C sports gaming host to 5637
share the proceeds of sports gaming conducted at the type C 5638
sports gaming host's facility. 5639

(2) A type C sports gaming proprietor shall not require a 5640
type C sports gaming host or the state lottery commission to pay 5641
any portion of the cost of acquiring, installing, operating, 5642
adapting, or maintaining any self-service sports gaming terminal 5643
in a type C sports gaming host's facility. 5644

(3) Subject to the terms of the type C sports gaming 5645
hosts's agreement with a type C sports gaming proprietor, a type 5646
C sports gaming host may offer sports gaming through a different 5647
type C sports gaming proprietor than the one identified in the 5648
type C sports gaming host's license application during the 5649

period of the license. The type C sports gaming host shall 5650
notify the commission of the change before the change takes 5651
effect, in accordance with the rules of the commission. 5652

(E) A type C sports gaming host license shall be valid for 5653
a term of three years. In order to renew a type C sports gaming 5654
host license, the licensee shall apply to the commission for a 5655
renewed license in the same manner as for an initial license. 5656

Sec. 3775.08. (A) A sports gaming supplier shall hold an 5657
appropriate and valid sports gaming supplier license issued by 5658
the Ohio casino control commission at all times. The commission 5659
may accept another jurisdiction's license, if the commission 5660
determines it has similar licensing requirements, as evidence 5661
that the applicant meets the requirements for a license issued 5662
under this section. The commission shall issue a sports gaming 5663
supplier license to a person or entity that meets the 5664
requirements of this chapter and of the commission's rules, 5665
provided that the commission's rules shall not require an 5666
applicant for a sports gaming supplier license who currently 5667
holds a video lottery license issued under Chapter 3770. or a 5668
license issued under Chapter 3772. of the Revised Code to take 5669
action to satisfy any additional requirement for the sports 5670
gaming supplier license that is substantially similar to any 5671
requirement the applicant previously has satisfied in order to 5672
obtain or renew the applicant's video lottery license or license 5673
issued under Chapter 3772. of the Revised Code. 5674

(B) An applicant for an initial or renewed sports gaming 5675
supplier license shall apply for the license on a form 5676
prescribed by the commission and shall pay the fee required 5677
under division (C) (3) of section 109.572 of the Revised Code, 5678
along with a nonrefundable application fee of ten thousand 5679

dollars. The commission may annually increase the amount of the 5680
application fee in an amount that does not exceed the percentage 5681
increase in the consumer price index for the previous year, as 5682
necessary to cover the cost of processing the application. As 5683
used in this division, "consumer price index" means the consumer 5684
price index for all urban consumers or its successive 5685
equivalent, as determined by the United States department of 5686
labor, bureau of labor statistics, or its successor in 5687
responsibility, for all items, Series A. 5688

(C) Upon receiving an initial or renewed sports gaming 5689
supplier license, the applicant shall pay a nonrefundable 5690
license fee of fifteen thousand dollars. 5691

(D) A sports gaming supplier license shall be valid for a 5692
term of three years. In order to renew a sports gaming supplier 5693
license, the licensee shall apply to the commission for a 5694
renewed license in the same manner as for an initial license. 5695

Sec. 3775.09. (A) An applicant for a sports gaming license 5696
shall establish the applicant's suitability for the license by 5697
clear and convincing evidence. 5698

(B) The Ohio casino control commission shall not grant a 5699
sports gaming license to an applicant if evidence satisfactory 5700
to the commission exists that the applicant has done any of the 5701
following: 5702

(1) Knowingly made a false statement to the commission; 5703

(2) Been suspended from operating a gambling game, gaming 5704
device, or gaming operation, or had a license revoked by any 5705
governmental unit of a national, state, or local body exercising 5706
governmental functions; 5707

(3) Been convicted of a disqualifying offense, as defined 5708

in section 3772.07 of the Revised Code; 5709

(4) Been directly involved in or employed by any offshore 5710
wagering market that illegally serviced the United States or 5711
otherwise accepted illegal wagers from individuals located in 5712
the United States on or after April 16, 2015. 5713

(C) The commission may deny a sports gaming proprietor, 5714
mobile management services provider, or management services 5715
provider license to any applicant, reprimand any sports gaming 5716
proprietor, mobile management services provider, or management 5717
services provider, or suspend or revoke a sports gaming 5718
proprietor, mobile management services provider, or management 5719
services provider license if any of the following are true: 5720

(1) The applicant or licensee has not demonstrated to the 5721
commission's satisfaction financial responsibility sufficient to 5722
adequately meet the requirements of the enterprise. 5723

(2) The applicant or licensee is not the true owner of the 5724
business or is not the sole owner and has not disclosed the 5725
existence or identity of other persons who have an ownership 5726
interest in the business. 5727

(3) The applicant or licensee is a corporation that sells 5728
more than five per cent of the corporation's voting stock, or 5729
more than five per cent of the voting stock of a corporation 5730
that controls the corporation, or sells the corporation's 5731
assets, other than those bought and sold in the ordinary course 5732
of business, or any interest in the assets, to any person who, 5733
under division (C) of section 3775.03 of the Revised Code, must 5734
meet the qualifications of a sports gaming proprietor, mobile 5735
management services provider, or management services provider, 5736
as applicable, and who has not already been determined by the 5737

commission to have met the applicable qualifications. 5738

(D) (1) The commission shall revoke a sports gaming 5739
proprietor license that was issued or renewed because of the 5740
preference described in division (A) of section 3775.041 of the 5741
Revised Code if the sports gaming proprietor ceases to qualify 5742
as a professional sports organization, if the casino operator 5743
ceases to be a casino operator, or if the video lottery sales 5744
agent ceases to be a video lottery sales agent, as applicable. 5745

(2) The commission shall revoke a type C sports gaming 5746
host license if the licensee ceases to hold a valid class D 5747
liquor permit for the facility issued under Chapter 4303. of the 5748
Revised Code. 5749

(E) The commission shall not grant a sports gaming license 5750
to any of the following persons: 5751

(1) A nonprofit corporation or organization; 5752

(2) An individual who is under twenty-one years of age; 5753

(3) An employee of the commission. 5754

Sec. 3775.10. (A) A sports gaming proprietor shall do all 5755
of the following: 5756

(1) Conduct all sports gaming activities and functions in 5757
a manner that does not pose a threat to the public health, 5758
safety, or welfare of the citizens of this state; 5759

(2) Adopt comprehensive house rules for game play 5760
governing sports gaming transactions with its patrons, including 5761
rules that specify the amounts to be paid on winning wagers and 5762
the effect of schedule changes, and submit them to the Ohio 5763
casino control commission for approval before implementing them. 5764
The sports gaming proprietor shall publish its house rules as 5765

part of its minimum internal control standards, shall display 5766
the house rules, together with any other information the 5767
commission considers appropriate, conspicuously in each sports 5768
gaming facility and in any other place or manner prescribed by 5769
the commission, and shall make copies of its house rules readily 5770
available to patrons. 5771

(3) Keep current in all payments and obligations to the 5772
commission; 5773

(4) Provide a secure location for the placement, 5774
operation, and use of sports gaming equipment; 5775

(5) Prevent any person from tampering with or interfering 5776
with the operation of sports gaming; 5777

(6) Employ commercially reasonable methods to prevent the 5778
sports gaming proprietor and its agents and employees from 5779
disclosing any confidential information in the possession of the 5780
sports gaming proprietor that could affect the conduct of sports 5781
gaming; 5782

(7) Maintain the confidentiality of any confidential 5783
information provided to the sports gaming proprietor by a sports 5784
governing body, except as otherwise required by law or by order 5785
of the commission; 5786

(8) Ensure that sports gaming conducted at a sports gaming 5787
facility is within the sight and control of designated employees 5788
of the sports gaming proprietor and that sports gaming is 5789
conducted under continuous observation by security equipment in 5790
conformity with the specifications and requirements of the 5791
commission; 5792

(9) Ensure that sports gaming occurs only in the locations 5793
and manner approved by the commission; 5794

(10) Ensure that all sports gaming is monitored in accordance with division (I) of section 3775.02 of the Revised Code; 5795
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(11) Use official league data as required under section 3775.101 of the Revised Code; 5798
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(12) Maintain sufficient funds and other supplies to conduct sports gaming at all times; 5800
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(13) Maintain daily records showing the sports gaming proprietor's sports gaming receipts and timely file with the commission any additional reports required by rule or by other provisions of the Revised Code; 5802
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(14) Withhold amounts from patrons' sports gaming winnings as required under sections 718.031, 3123.90, 3775.17, and 5747.063 of the Revised Code; 5806
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(15) Submit to the commission, each fiscal year, an audit of the sports gaming proprietor's financial transactions and the condition of the sports gaming proprietor's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable state and federal laws. 5809
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(B) A sports gaming proprietor immediately shall report to the commission any information in the sports gaming proprietor's possession related to any of the following: 5815
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(1) Any wager in violation of this chapter or rules adopted under this chapter or of federal law; 5818
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(2) Abnormal sports gaming activity or patterns that may indicate a concern regarding the integrity of a sporting event; 5820
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(3) Suspicious wagering activities; 5822

(4) Any conduct that corrupts a wagering outcome of a sporting event for purposes of financial gain; 5823
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(5) Any criminal or disciplinary proceedings commenced against the sports gaming proprietor by any person other than the commission in connection with the sports gaming proprietor's operations. 5825
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(C) A sports gaming proprietor may manage risk associated with wagers by rejecting or pooling one or more wagers or by laying off one or more wagers with another sports gaming proprietor. 5829
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(D) A sports gaming proprietor may employ a system that offsets loss or manages risk in the operation of sports gaming under this chapter through the use of a liquidity pool in another jurisdiction in which the sports gaming proprietor or an affiliate or other third party also holds licensure, provided that at all times adequate protections are maintained to ensure sufficient funds are available to pay patrons. 5833
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(E) A sports gaming proprietor may provide promotional gaming credits to patrons, subject to oversight by the commission. 5840
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(F) If a sports gaming patron does not claim a winning wager from a sports gaming proprietor within one year from the last day on which the sporting event is held, the sports gaming proprietor's obligation to pay the winnings shall expire, and the sports gaming proprietor shall remit the winnings to the commission, which shall deposit them in the sports gaming revenue fund. 5843
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(G) A sports gaming proprietor is not liable under the laws of this state to any party, including a patron, for 5850
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disclosing information as required under this chapter or for 5852
refusing to disclose information that is not required by law to 5853
be disclosed. 5854

Sec. 3775.101. (A) (1) A sports governing body may submit a 5855
written notice to the Ohio casino control commission, on a form 5856
prescribed by the commission, that the sports governing body 5857
wishes to require sports gaming proprietors to use official 5858
league data to determine the outcomes of proposition bets on 5859
sporting events over which the sports governing body has 5860
ultimate authority. The commission may, by rule, require sports 5861
governing bodies to pay a fee or to meet other qualifications 5862
prescribed by the commission before submitting a notice under 5863
this division. 5864

(2) A sports governing body that has submitted a notice to 5865
the commission under division (A) (1) of this section may submit 5866
a written revocation of the notice at any time, on a form 5867
prescribed by the commission. 5868

(3) Not later than five days after receiving a notice or 5869
revocation from a sports governing body under division (A) (1) or 5870
(2) of this section, the commission shall transmit a copy of the 5871
notice to each sports gaming proprietor, along with an 5872
explanation of the requirements of this section. 5873

(B) (1) Except as otherwise provided in division (B) of 5874
this section, beginning on the sixtieth day after a sports 5875
gaming proprietor receives a notice under division (A) (3) of 5876
this section, the sports gaming proprietor shall use official 5877
league data to determine the outcomes of proposition bets on 5878
sporting events that are subject to the notice. 5879

(2) A sports gaming proprietor may begin using official 5880

league data later than the sixtieth day after the sports gaming 5881
proprietor receives the notice under division (A) (3) of this 5882
section pursuant to an agreement with the sports governing body. 5883

(3) A sports gaming proprietor is not required to use 5884
official league data to determine the outcome of a proposition 5885
bet if any of the following apply: 5886

(a) The appropriate sports governing body or its designee 5887
cannot provide the necessary official league data for that 5888
purpose. 5889

(b) The commission has granted the sports gaming 5890
proprietor an exemption with respect to the appropriate sports 5891
governing body under division (C) of this section. 5892

(c) The sports gaming proprietor's request for such an 5893
exemption is pending with the commission. 5894

(C) (1) The commission may exempt a sports gaming 5895
proprietor from the requirements of division (B) (1) of this 5896
section with respect to a sports governing body if the sports 5897
gaming proprietor files a written request with the commission 5898
and demonstrates that the appropriate sports governing body or 5899
its designee does not make the official league data available to 5900
the sports gaming proprietor on commercially reasonable terms. 5901
For purposes of this section, a requirement that an agreement 5902
between a sports gaming proprietor and a sports governing body 5903
for the use of official league data be for a term of longer than 5904
two years is not commercially reasonable. 5905

(2) The commission shall grant or deny the requested 5906
exemption not later than sixty days after the sports gaming 5907
proprietor files the request under division (C) (1) of this 5908
section. 5909

(3) In determining whether a sports governing body or its designee makes official league data available to a sports gaming proprietor on commercially reasonable terms, the commission may consider any of the following factors, along with any other factor it considers appropriate: 5910
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(a) The quantity and quality of the official league data, including their accuracy and reliability and the speed with which they arrive, as compared to similar data available from other sources; 5915
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(b) The qualities and complexity of the process used to collect and distribute the official league data, as compared to similar data available from other sources; 5919
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(c) The availability of the official league data to the sports gaming proprietor and the terms under which they are available; 5922
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(d) Whether the official league data are available to the sports gaming proprietor from more than one authorized source; 5925
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(e) The price and other terms under which similar data are available to sports gaming proprietors in this state and in other jurisdictions; 5927
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(f) Whether sports gaming proprietors in this state or other jurisdictions have entered into agreements to receive the same or similar official league data on the same or similar terms, particularly in jurisdictions in which sports gaming proprietors are not required to use official league data or are required to do so only if they are available on commercially reasonable terms. 5930
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Sec. 3775.11. (A) A type A sports gaming proprietor may operate one or more online sports pool web sites and 5937
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accompanying mobile applications through which the sports gaming 5939
proprietor accepts wagers from individuals who are at least 5940
twenty-one years of age and who are physically located in this 5941
state. The sports gaming proprietor shall use location based 5942
technology to prohibit individuals who are not physically 5943
present in this state from participating in sports gaming 5944
through an online sports pool. 5945

(B) (1) As used in division (B) of this section, "sports 5946
gaming account" means an electronic account that an individual 5947
may establish for the purpose of sports gaming, including making 5948
deposits and withdrawals, wagering amounts, and receiving 5949
payouts on winning wagers. 5950

(2) A sports gaming proprietor may accept a wager from an 5951
individual through an online sports pool only using the 5952
individual's sports gaming account. The sports gaming account 5953
shall be in the individual's full legal name and shall not be in 5954
the name of any beneficiary, custodian, joint trust, 5955
corporation, partnership, or other organization or entity. 5956

(3) A sports gaming account may be established and funded 5957
in person through employees or sales agents of a sports gaming 5958
proprietor or, pursuant to rules adopted by the Ohio casino 5959
control commission, over the internet through a sports gaming 5960
proprietor's web site or mobile application in a manner that 5961
complies with the sports gaming proprietor's internal controls. 5962

(C) The server responsible for accepting wagers through an 5963
online sports pool shall be located in a secure facility in this 5964
state. 5965

(D) An online sports pool web site and its accompanying 5966
mobile application shall include the name or logo of each of the 5967

following in a conspicuous manner: 5968

(1) The type A sports gaming proprietor; 5969

(2) The mobile management services provider that operates 5970
the online sports pool on behalf of the type A sports gaming 5971
proprietor, if applicable. 5972

Sec. 3775.12. (A) A type B sports gaming proprietor may 5973
accept wagers on sporting events that are made in person only 5974
from individuals who are at least twenty-one years of age and 5975
who are physically present in a sports gaming facility. 5976

(B) (1) Except as otherwise provided in division (B) (2) of 5977
this section, before accepting any wager on a sporting event, a 5978
type B sports gaming proprietor shall require the individual to 5979
register with the sports gaming proprietor, provide the 5980
individual's full legal name and any other information required 5981
by the Ohio casino control commission or requested by the sports 5982
gaming proprietor, and place all wagers on sporting events 5983
placed with the sports gaming proprietor through that 5984
registration. 5985

(2) A type B sports gaming proprietor may accept an 5986
anonymous wager from an individual, so long as the amount of the 5987
wager does not exceed a dollar limit determined by the 5988
commission by rule. 5989

(C) Except as provided in divisions (C) (1) and (2) of this 5990
section, no individual who is under twenty-one years of age 5991
shall enter a sports gaming facility. 5992

(1) An employee of a sports gaming proprietor who is 5993
eighteen, nineteen, or twenty years of age may be present in a 5994
sports gaming facility, so long as the employee's duties are not 5995
related to sports gaming. 5996

(2) An individual who is under twenty-one years of age may enter a sports gaming facility in order to pass to another area where sports gaming is not being conducted, but only if the individual is personally escorted by an employee of the sports gaming proprietor who remains in close proximity to the individual at all times in accordance with the rules of the commission. 5997
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Sec. 3775.13. (A) A type C sports gaming proprietor may accept wagers on sporting events that are made in person through self-service sports gaming terminals located at one or more type C sports gaming hosts' facilities only from individuals who are at least twenty-one years of age and who are physically present in the facility. 6004
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(B) All of the following apply concerning self-service sports gaming terminals operated by a type C sports gaming proprietor: 6010
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(1) No more than two terminals shall be located in any type C sports gaming host's facility. 6013
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(2) If individuals who are under twenty-one years of age may be present in the type C sports gaming host's facility, all terminals shall be located within an area of the facility with clearly marked boundaries designed to prevent those individuals from entering the area, in accordance with the rules of the commission. 6015
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(3) A terminal may offer only spread, over-under, and moneyline wagering on sporting events, as approved by the Ohio casino control commission. 6021
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(4) A terminal shall not accept cash wagers, and shall accept wagers only by credit card, debit card, or electronic 6024
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payment account.

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(5) A terminal shall not accept wagers aggregating more than two hundred dollars in a day that are paid using the same credit card, debit card, or electronic payment account.

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(6) The type C sports gaming proprietor shall pay out all winnings to patrons on wagers made through a terminal through the patron's credit card, debit card, or electronic payment account, without involving the type C sports gaming host in any financial transaction.

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(C) (1) The state lottery commission, in consultation with the Ohio casino control commission and in accordance with the rules of the Ohio casino control commission, shall work with type C sports gaming proprietors and type C sports gaming hosts to implement and promote sports gaming conducted under this section. The state lottery commission may adopt rules under Chapter 119. of the Revised Code for that purpose.

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(2) A type C sports gaming proprietor may adapt existing self-service lottery terminals owned or operated by the sports gaming proprietor also to serve as self-service sports gaming terminals under this section, subject to the rules of the Ohio casino control commission and any applicable rules adopted by the state lottery commission under division (C) (1) of this section.

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Sec. 3775.14. (A) The Ohio casino control commission may exclude any individual from entering a sports gaming facility or the grounds of a sports gaming facility or from participating in the play or operation of sports gaming conducted by a sports gaming proprietor. The commission shall keep a list of all excluded individuals and shall make that list available to each

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sports gaming proprietor. No individual who is on the Ohio 6055
casino control commission's exclusion list shall enter a sports 6056
gaming facility or the grounds of a sports gaming facility or 6057
participate in the play or operation of sports gaming conducted 6058
by a sports gaming proprietor. A sports gaming proprietor shall 6059
employ commercially reasonable methods to prevent an individual 6060
who is on the commission's exclusion list from engaging in 6061
sports gaming conducted by the sports gaming proprietor. 6062

(B) (1) A sports gaming proprietor may exclude any 6063
individual from entering a sports gaming facility, or the 6064
grounds of a sports gaming facility, that is under the control 6065
of the sports gaming proprietor and may exclude any individual 6066
from participating in the play or operation of sports gaming 6067
conducted by the sports gaming proprietor. The sports gaming 6068
proprietor shall keep a list of all excluded individuals. No 6069
individual who is on a sports gaming proprietor's exclusion list 6070
shall enter a sports gaming facility, or the grounds of a sports 6071
gaming facility, that is under the control of the sports gaming 6072
proprietor or participate in the play or operation of sports 6073
gaming conducted by the sports gaming proprietor under this 6074
chapter. 6075

(2) If a sports gaming proprietor excludes an individual 6076
because the sports gaming proprietor determines that the 6077
individual engaged or attempted to engage in any sports gaming 6078
related activity that is prohibited under this chapter or under 6079
the commission's rules, the sports gaming proprietor shall 6080
report that fact to the Ohio casino control commission. 6081

(C) No person who is on the voluntary exclusion list 6082
described in section 3772.01 of the Revised Code shall 6083
participate in the play or operation of sports gaming conducted 6084

by a sports gaming proprietor. A sports gaming proprietor shall 6085
employ commercially reasonable methods to prevent the person 6086
from engaging in sports gaming conducted by the sports gaming 6087
proprietor. 6088

(D) No sports gaming proprietor, no director, officer, 6089
agent, or employee of a sports gaming proprietor, no other 6090
person who has a financial interest in a sports gaming 6091
proprietor, and no person living in the same household as any of 6092
those persons, shall engage in any sports gaming conducted by 6093
the sports gaming proprietor, other than as part of operating 6094
sports gaming or as part of the employee's employment. A sports 6095
gaming proprietor shall employ commercially reasonable methods 6096
to prevent those persons, and any other person who has access to 6097
confidential information held by the sports gaming proprietor, 6098
from engaging in sports gaming conducted by the sports gaming 6099
proprietor. 6100

(E) No member or employee of the Ohio casino control 6101
commission shall knowingly participate in sports gaming 6102
conducted by a sports gaming proprietor in this state or 6103
participate in sports gaming with any person or entity located 6104
outside this state that is directly or indirectly owned or 6105
operated by a sports gaming proprietor. A sports gaming 6106
proprietor shall employ commercially reasonable methods to 6107
prevent such a person from engaging in sports gaming conducted 6108
by the sports gaming proprietor. 6109

(F) (1) A sports gaming proprietor shall employ 6110
commercially reasonable methods to prevent any person involved 6111
in a sporting event with respect to which sports gaming is 6112
permitted from engaging in any sports gaming with the sports 6113
gaming proprietor, based on publicly available information and 6114

any information provided by a sports governing body under 6115
division (F) (2) of this section. 6116

(2) The Ohio casino control commission shall adopt rules 6117
specifying a procedure for a sports governing body to provide to 6118
the commission a list of persons who are involved in sporting 6119
events, including those persons' full legal names, dates of 6120
birth, and social security numbers, for the purpose of 6121
preventing those persons from engaging in sports gaming. The 6122
commission shall make the list available to each sports gaming 6123
proprietor. The Ohio casino control commission and each sports 6124
gaming proprietor shall keep the information in the list 6125
confidential. 6126

(3) For purposes of division (F) of this section, a person 6127
is considered to be involved in a sporting event if the person 6128
is an athlete, participant, coach, referee, team owner, or 6129
sports governing body with respect to the sporting event; any 6130
agent or employee of such an athlete, participant, coach, 6131
referee, team owner, or sports governing body; and any agent or 6132
employee of an athlete, participant, or referee union with 6133
respect to the sporting event. 6134

(G) A sports gaming proprietor shall employ commercially 6135
reasonable methods to prevent any person from placing a wager 6136
with the sports gaming proprietor on behalf of another person. 6137

Sec. 3775.15. (A) Notwithstanding any contrary provision 6138
of section 149.43 of the Revised Code, the Ohio casino control 6139
commission shall not disclose to the public any of the 6140
following: 6141

(1) Any of the following information or documents 6142
concerning a person who has applied for or been issued a license 6143

<u>under this chapter or the person's spouse, dependent, or</u>	6144
<u>employee, unless the person authorizes the commission to</u>	6145
<u>disclose the information:</u>	6146
<u>(a) A social security number, passport number, or federal</u>	6147
<u>tax identification number;</u>	6148
<u>(b) A home address, telephone number, or electronic mail</u>	6149
<u>address;</u>	6150
<u>(c) A birth certificate;</u>	6151
<u>(d) A driver's license or state identification card</u>	6152
<u>number;</u>	6153
<u>(e) The name or address of a previous spouse;</u>	6154
<u>(f) A date or place of birth;</u>	6155
<u>(g) Any personal financial information or records,</u>	6156
<u>including personal tax returns and information and records of</u>	6157
<u>criminal proceedings;</u>	6158
<u>(h) Any information concerning a minor child;</u>	6159
<u>(i) Any information concerning a person the commission has</u>	6160
<u>reason to know is a victim of domestic violence, sexual assault,</u>	6161
<u>or stalking;</u>	6162
<u>(j) Any trade secret, medical records, or patents or</u>	6163
<u>exclusive licenses;</u>	6164
<u>(k) Security information, including risk prevention plans,</u>	6165
<u>detection and countermeasures, location of count rooms or other</u>	6166
<u>money storage areas, emergency management plans, security and</u>	6167
<u>surveillance plans, equipment and usage protocols, and theft and</u>	6168
<u>fraud prevention plans and countermeasures;</u>	6169
<u>(l) Any other information that the commission receives</u>	6170

from another jurisdiction relating to an applicant who holds, 6171
held, or has applied for a license under this chapter. 6172

(2) Any information in a list provided to the commission 6173
by a sports governing body under division (F)(2) of section 6174
3775.14 of the Revised Code. 6175

(B) Except as otherwise provided in division (A) of this 6176
section, all of the following information is subject to 6177
disclosure as a public record under section 149.43 of the 6178
Revised Code: 6179

(1) The information a sports gaming proprietor or an 6180
applicant for a sports gaming proprietor, mobile management 6181
services provider, or management services provider license has 6182
submitted to the commission as part of applying for or renewing 6183
a sports gaming proprietor, mobile management services provider, 6184
or management services provider license; 6185

(2) The name, place of employment, job title, and gaming 6186
experience of a person who has applied for or been issued a 6187
license under this chapter; 6188

(3) The commission's reasons for denying or revoking a 6189
license under this chapter or for taking other disciplinary 6190
action under this chapter. 6191

(C) Division (A) of this section does not prohibit the 6192
commission from disclosing information and documents described 6193
in that division to the state lottery commission or to the 6194
inspector general, a prosecuting authority, a law enforcement 6195
agency, or any other appropriate governmental entity or 6196
licensing agency, provided that the recipient shall not disclose 6197
the information and documents to the public. 6198

Sec. 3775.16. (A) All shipments of gambling devices, 6199

including any sports gaming equipment, to sports gaming 6200
proprietors, mobile management services providers, management 6201
services providers, sports gaming suppliers, or type C sports 6202
gaming hosts in this state are legal shipments of gambling 6203
devices into this state, as long as the supplier has completed 6204
the registering, recording, and labeling of the equipment in 6205
accordance with the "Gambling Devices Act of 1962," 15 U.S.C. 6206
1171 to 1178. 6207

(B) This state is exempt from section 2 of the "Gambling 6208
Devices Act of 1962," 15 U.S.C. 1172. 6209

Sec. 3775.17. (A) Pursuant to section 131.02 of the 6210
Revised Code, the attorney general shall develop and implement a 6211
real time data match program and make it available to each 6212
sports gaming proprietor to identify patrons who owe amounts to 6213
the state or a political subdivision. 6214

(B) (1) Before disbursing any sports gaming winnings to a 6215
patron in an amount for which reporting to the internal revenue 6216
service of the amount is required under the Internal Revenue 6217
Code, as amended, a sports gaming proprietor shall consult the 6218
data match program to determine whether the patron owes any 6219
amounts to the state or a political subdivision. If the data 6220
match program indicates that the patron owes any amounts to the 6221
state or a political subdivision, the sports gaming proprietor 6222
shall withhold from the patron's winnings an amount sufficient 6223
to satisfy those amounts, up to the amount of the winnings. 6224

(2) If the data match program described in section 3123.90 6225
of the Revised Code indicates that the patron also is in default 6226
under a support order, the sports gaming proprietor shall 6227
transmit to the department of job and family services an amount 6228
sufficient to satisfy any past due support owed by the patron, 6229

up to the amount of the winnings, before transmitting any 6230
remaining amount to the attorney general under division (C) of 6231
this section. 6232

(C) (1) Not later than fourteen days after withholding an 6233
amount under division (B) of this section, the sports gaming 6234
proprietor shall transmit to the attorney general any amount 6235
withheld and not already disbursed to the department of job and 6236
family services under section 3123.90 of the Revised Code as 6237
payment on the amount owed. 6238

(2) If the patron owes more than one amount to the state 6239
or a political subdivision as identified by the data match 6240
program described in this section, the amount owed to the state 6241
shall be satisfied first, except that any amounts owed under 6242
section 5739.33 and division (G) of section 5747.07 of the 6243
Revised Code shall have first priority. 6244

(D) Except as otherwise provided in section 131.021 of the 6245
Revised Code, this section applies only to amounts owed that 6246
have become final. 6247

(E) The attorney general, in consultation with the 6248
commission, may adopt rules under Chapter 119. of the Revised 6249
Code as necessary to implement this section. 6250

Sec. 3775.99. (A) Whoever knowingly does any of the 6251
following commits a misdemeanor of the first degree on the first 6252
offense and a felony of the fifth degree on a subsequent 6253
offense: 6254

(1) Makes a false statement on an application submitted 6255
under this chapter; 6256

(2) Permits an individual under twenty-one years of age to 6257
engage in sports gaming; 6258

(3) Aids, induces, or causes an individual under twenty- 6259
one years of age who is not an employee of the sports gaming 6260
proprietor to enter or attempt to enter a sports gaming 6261
facility; 6262

(4) Enters or attempts to enter a sports gaming facility 6263
while under twenty-one years of age, except as permitted under 6264
division (C) of section 3775.12 of the Revised Code; 6265

(5) Participates in sports gaming in violation of division 6266
(D) of section 3775.14 of the Revised Code, other than as part 6267
of operating sports gaming or as part of the employee's 6268
employment. 6269

(B) Whoever knowingly does any of the following commits a 6270
felony of the fifth degree on a first offense and a felony of 6271
the fourth degree on a subsequent offense. If the person is a 6272
sports gaming licensee under this chapter, the Ohio casino 6273
control commission shall revoke the person's license issued 6274
under this chapter after the first offense. 6275

(1) Offers, promises, or gives anything of value to anyone 6276
for the purpose of influencing the outcome of a sporting event 6277
or attempts to do so; 6278

(2) Places, increases, or decreases a wager after 6279
acquiring knowledge not available to the general public that 6280
anyone has been offered, promised, or given anything of value 6281
for the purpose of influencing the outcome of the sporting event 6282
upon which the wager is placed, increased, or decreased, or 6283
attempts to do so; 6284

(3) Manufactures, sells, or distributes any device that is 6285
intended by that person to be used to violate any provision of 6286
this chapter or the sports gaming laws of any other state; 6287

(4) Places a bet or aids any other person in placing a bet on a sporting event after unlawfully acquiring knowledge of the outcome on which winnings from that bet are contingent; 6288
6289
6290

(5) Claims, collects, or takes anything of value from a sports gaming proprietor with intent to defraud or attempts to do so without having made a wager in which the amount or value is legitimately won or owed; 6291
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(6) Places a wager using counterfeit currency or other counterfeit form of credit approved for wagering; 6295
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(7) Possesses any device intended to be used to violate this chapter or any rule adopted under this chapter, or any materials used to manufacture such a device. This division does not apply to a sports gaming proprietor or to an agent or employee of a sports gaming proprietor who is acting in furtherance of the sports gaming proprietor's interest. 6297
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(8) Changes or alters the normal outcome of any sports gaming conducted through an online sports pool, including any system used to monitor the online sports pool, or the way in which the outcome is reported to any patron; 6303
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6305
6306

(9) Operates sports gaming in a manner other than the manner required under this chapter. Premises or any internet web site used or occupied in violation of this division constitute a nuisance subject to abatement under Chapter 3767. of the Revised Code. 6307
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(C) Whoever knowingly does any of the following commits a felony of the third degree. If the person is a sports gaming licensee under this chapter, the commission shall revoke the person's license issued under this chapter after the first offense. If the person is a public servant or political party 6312
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official, the person is forever disqualified from holding any 6317
public office, employment, or position of trust in this state. 6318

(1) Offers, promises, or gives anything of value or 6319
benefit to a person who is connected with a sports gaming 6320
proprietor, an agent or employee of a sports gaming proprietor, 6321
or a member, agent, or employee of the Ohio casino control 6322
commission, under an agreement to influence, or with the intent 6323
to influence, the actions of the person to whom the offer, 6324
promise, or gift is made in order to affect or attempt to affect 6325
the outcome of sports gaming or an official action of a member, 6326
agent, or employee of the Ohio casino control commission; 6327

(2) Solicits, accepts, or receives a promise of anything 6328
of value or benefit while the person is connected with a sports 6329
gaming proprietor, an agent or employee of a sports gaming 6330
proprietor, or a member, agent, or employee of the Ohio casino 6331
control commission, under an agreement to influence, or with the 6332
intent to influence, the actions of the person to affect or 6333
attempt to affect the outcome of sports gaming or an official 6334
action of a member, agent, or employee of the Ohio casino 6335
control commission. 6336

(D) Whoever knowingly does any of the following while 6337
participating in sports gaming or otherwise transacting with a 6338
sports gaming proprietor as permitted under this chapter or 6339
Chapter 3770. of the Revised Code commits a felony of the fifth 6340
degree on a first offense and a felony of the fourth degree on a 6341
subsequent offense: 6342

(1) Causes or attempts to cause a sports gaming proprietor 6343
to fail to file a report required under 31 U.S.C. 5313(a) or 6344
5325 or any regulation prescribed thereunder or section 1315.53 6345
of the Revised Code, or to fail to file a report or maintain a 6346

record required by an order issued under section 21 of the 6347
"Federal Deposit Insurance Act" or section 123 of Pub. L. No. 6348
91-508; 6349

(2) Causes or attempts to cause a sports gaming proprietor 6350
to file a report under 31 U.S.C. 5313(a) or 5325 or any 6351
regulation prescribed thereunder or section 1315.53 of the 6352
Revised Code, to file a report or to maintain a record required 6353
by any order issued under 31 U.S.C. 3126, or to maintain a 6354
record required under any regulation prescribed under section 21 6355
of the "Federal Deposit Insurance Act" or section 123 of Pub. L. 6356
No. 91-508 that contains a material omission or misstatement of 6357
fact; 6358

(3) With one or more sports gaming proprietors, structures 6359
a transaction, is complicit in structuring a transaction, 6360
attempts to structure a transaction, or is complicit in an 6361
attempt to structure a transaction. As used in this division: 6362

(a) To be "complicit" means to engage in any conduct of a 6363
type described in divisions (A) (1) to (4) of section 2923.03 of 6364
the Revised Code. 6365

(b) "Structure a transaction" has the same meaning as in 6366
section 1315.51 of the Revised Code. 6367

Sec. 5703.21. (A) Except as provided in divisions (B) and 6368
(C) of this section, no agent of the department of taxation, 6369
except in the agent's report to the department or when called on 6370
to testify in any court or proceeding, shall divulge any 6371
information acquired by the agent as to the transactions, 6372
property, or business of any person while acting or claiming to 6373
act under orders of the department. Whoever violates this 6374
provision shall thereafter be disqualified from acting as an 6375

officer or employee or in any other capacity under appointment 6376
or employment of the department. 6377

(B) (1) For purposes of an audit pursuant to section 117.15 6378
of the Revised Code, or an audit of the department pursuant to 6379
Chapter 117. of the Revised Code, or an audit, pursuant to that 6380
chapter, the objective of which is to express an opinion on a 6381
financial report or statement prepared or issued pursuant to 6382
division (A) (7) or (9) of section 126.21 of the Revised Code, 6383
the officers and employees of the auditor of state charged with 6384
conducting the audit shall have access to and the right to 6385
examine any state tax returns and state tax return information 6386
in the possession of the department to the extent that the 6387
access and examination are necessary for purposes of the audit. 6388
Any information acquired as the result of that access and 6389
examination shall not be divulged for any purpose other than as 6390
required for the audit or unless the officers and employees are 6391
required to testify in a court or proceeding under compulsion of 6392
legal process. Whoever violates this provision shall thereafter 6393
be disqualified from acting as an officer or employee or in any 6394
other capacity under appointment or employment of the auditor of 6395
state. 6396

(2) For purposes of an internal audit pursuant to section 6397
126.45 of the Revised Code, the officers and employees of the 6398
office of internal audit in the office of budget and management 6399
charged with directing the internal audit shall have access to 6400
and the right to examine any state tax returns and state tax 6401
return information in the possession of the department to the 6402
extent that the access and examination are necessary for 6403
purposes of the internal audit. Any information acquired as the 6404
result of that access and examination shall not be divulged for 6405
any purpose other than as required for the internal audit or 6406

unless the officers and employees are required to testify in a 6407
court or proceeding under compulsion of legal process. Whoever 6408
violates this provision shall thereafter be disqualified from 6409
acting as an officer or employee or in any other capacity under 6410
appointment or employment of the office of internal audit. 6411

(3) As provided by section 6103(d)(2) of the Internal 6412
Revenue Code, any federal tax returns or federal tax information 6413
that the department has acquired from the internal revenue 6414
service, through federal and state statutory authority, may be 6415
disclosed to the auditor of state or the office of internal 6416
audit solely for purposes of an audit of the department. 6417

(4) For purposes of Chapter 3739. of the Revised Code, an 6418
agent of the department of taxation may share information with 6419
the division of state fire marshal that the agent finds during 6420
the course of an investigation. 6421

(C) Division (A) of this section does not prohibit any of 6422
the following: 6423

(1) Divulging information contained in applications, 6424
complaints, and related documents filed with the department 6425
under section 5715.27 of the Revised Code or in applications 6426
filed with the department under section 5715.39 of the Revised 6427
Code; 6428

(2) Providing information to the office of child support 6429
within the department of job and family services pursuant to 6430
section 3125.43 of the Revised Code; 6431

(3) Disclosing to the motor vehicle repair board any 6432
information in the possession of the department that is 6433
necessary for the board to verify the existence of an 6434
applicant's valid vendor's license and current state tax 6435

identification number under section 4775.07 of the Revised Code;	6436
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	6437 6438 6439
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	6440 6441 6442
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	6443 6444 6445 6446
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	6447 6448 6449 6450 6451 6452 6453 6454 6455
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	6456 6457 6458
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	6459 6460 6461 6462 6463
(10) Providing to a county auditor sales or use tax return	6464

or audit information under section 333.06 of the Revised Code; 6465

(11) Subject to section 4301.441 of the Revised Code, 6466
disclosing to the appropriate state agency information in the 6467
possession of the department of taxation that is necessary to 6468
verify a permit holder's gallonage or noncompliance with taxes 6469
levied under Chapter 4301. or 4305. of the Revised Code; 6470

(12) Disclosing to the department of natural resources 6471
information in the possession of the department of taxation that 6472
is necessary for the department of taxation to verify the 6473
taxpayer's compliance with section 5749.02 of the Revised Code 6474
or to allow the department of natural resources to enforce 6475
Chapter 1509. of the Revised Code; 6476

(13) Disclosing to the department of job and family 6477
services, industrial commission, and bureau of workers' 6478
compensation information in the possession of the department of 6479
taxation solely for the purpose of identifying employers that 6480
misclassify employees as independent contractors or that fail to 6481
properly report and pay employer tax liabilities. The department 6482
of taxation shall disclose only such information that is 6483
necessary to verify employer compliance with law administered by 6484
those agencies. 6485

(14) Disclosing to the Ohio casino control commission 6486
information in the possession of the department of taxation that 6487
is necessary to verify a casino operator's or sports gaming 6488
proprietor's compliance with section 5747.063 ~~or~~, 5753.02, or 6489
5753.021 of the Revised Code and sections related thereto; 6490

(15) Disclosing to the state lottery commission 6491
information in the possession of the department of taxation that 6492
is necessary to verify a lottery sales agent's compliance with 6493

section 5747.064 of the Revised Code. 6494

(16) Disclosing to the development services agency 6495
information in the possession of the department of taxation that 6496
is necessary to ensure compliance with the laws of this state 6497
governing taxation and to verify information reported to the 6498
development services agency for the purpose of evaluating 6499
potential tax credits, grants, or loans. Such information shall 6500
not include information received from the internal revenue 6501
service the disclosure of which is prohibited by section 6103 of 6502
the Internal Revenue Code. No officer, employee, or agent of the 6503
development services agency shall disclose any information 6504
provided to the development services agency by the department of 6505
taxation under division (C)(16) of this section except when 6506
disclosure of the information is necessary for, and made solely 6507
for the purpose of facilitating, the evaluation of potential tax 6508
credits, grants, or loans. 6509

(17) Disclosing to the department of insurance information 6510
in the possession of the department of taxation that is 6511
necessary to ensure a taxpayer's compliance with the 6512
requirements with any tax credit administered by the development 6513
services agency and claimed by the taxpayer against any tax 6514
administered by the superintendent of insurance. No officer, 6515
employee, or agent of the department of insurance shall disclose 6516
any information provided to the department of insurance by the 6517
department of taxation under division (C)(17) of this section. 6518

(18) Disclosing to the division of liquor control 6519
information in the possession of the department of taxation that 6520
is necessary for the division and department to comply with the 6521
requirements of sections 4303.26 and 4303.271 of the Revised 6522
Code. 6523

(19) Disclosing to the department of education, upon that department's request, information in the possession of the department of taxation that is necessary only to verify whether the family income of a student applying for or receiving a scholarship under the educational choice scholarship pilot program is equal to, less than, or greater than the income thresholds prescribed by section 3310.02 or 3310.032 of the Revised Code. The department of education shall provide sufficient information about the student and the student's family to enable the department of taxation to make the verification.

(20) Disclosing to the Ohio rail development commission information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the commission for the purpose of evaluating potential grants or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No member, officer, employee, or agent of the Ohio rail development commission shall disclose any information provided to the commission by the department of taxation under division (C) (20) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential grants or loans.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or

receiving income in this state, on every individual, trust, and 6555
estate earning or receiving lottery winnings, prizes, or awards 6556
pursuant to Chapter 3770. of the Revised Code, on every 6557
individual, trust, and estate earning or receiving winnings on 6558
casino or sports gaming, and on every individual, trust, and 6559
estate otherwise having nexus with or in this state under the 6560
Constitution of the United States, an annual tax measured as 6561
prescribed in divisions (A) (1) to (4) of this section. 6562

(1) In the case of trusts, the tax imposed by this section 6563
shall be measured by modified Ohio taxable income under division 6564
(D) of this section and levied in the same amount as the tax is 6565
imposed on estates as prescribed in division (A) (2) of this 6566
section. 6567

(2) In the case of estates, the tax imposed by this 6568
section shall be measured by Ohio taxable income. The tax shall 6569
be levied at the rate of one and forty-two thousand seven 6570
hundred forty-four hundred-thousandths per cent for the first 6571
twenty-one thousand seven hundred fifty dollars of such income 6572
and, for income in excess of that amount, the tax shall be 6573
levied at the same rates prescribed in division (A) (3) of this 6574
section for individuals. 6575

(3) In the case of individuals, the tax imposed by this 6576
section on income other than taxable business income shall be 6577
measured by Ohio adjusted gross income, less taxable business 6578
income and less an exemption for the taxpayer, the taxpayer's 6579
spouse, and each dependent as provided in section 5747.025 of 6580
the Revised Code. If the balance thus obtained is equal to or 6581
less than twenty-one thousand seven hundred fifty dollars, no 6582
tax shall be imposed on that balance. If the balance thus 6583
obtained is greater than twenty-one thousand seven hundred fifty 6584

dollars, the tax is hereby levied as follows: 6585

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A	OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES)	TAX
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B	More than \$21,750 but not more than \$43,450	\$310.47 plus 2.850% of the amount in excess of \$21,750
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C	More than \$43,450 but not more than \$86,900	\$928.92 plus 3.326% of the amount in excess of \$43,450
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D	More than \$86,900 but not more than \$108,700	\$2,374.07 plus 3.802% of the amount in excess of \$86,900
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E	More than \$108,700 but not more than \$217,400	\$3,202.91 plus 4.413% of the amount in excess of \$108,700
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F	More than \$217,400	\$7,999.84 plus 4.797% of the amount in excess of \$217,400
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(4) (a) In the case of individuals, the tax imposed by this 6587
section on taxable business income shall equal three per cent of 6588
the result obtained by subtracting any amount allowed under 6589
division (A) (4) (b) of this section from the individual's taxable 6590
business income. 6591

(b) If the exemptions allowed to an individual under 6592
division (A) (3) of this section exceed the taxpayer's Ohio 6593
adjusted gross income less taxable business income, the excess 6594
shall be deducted from taxable business income before computing 6595
the tax under division (A) (4) (a) of this section. 6596

(5) Except as otherwise provided in this division, in 6597
August of each year, the tax commissioner shall make a new 6598
adjustment to the income amounts prescribed in divisions (A) (2) 6599
and (3) of this section by multiplying the percentage increase 6600
in the gross domestic product deflator computed that year under 6601
section 5747.025 of the Revised Code by each of the income 6602
amounts resulting from the adjustment under this division in the 6603
preceding year, adding the resulting product to the 6604
corresponding income amount resulting from the adjustment in the 6605
preceding year, and rounding the resulting sum to the nearest 6606
multiple of fifty dollars. The tax commissioner also shall 6607
recompute each of the tax dollar amounts to the extent necessary 6608
to reflect the new adjustment of the income amounts. To 6609
recompute the tax dollar amount corresponding to the lowest tax 6610
rate in division (A) (3) of this section, the commissioner shall 6611
multiply the tax rate prescribed in division (A) (2) of this 6612
section by the income amount specified in that division and as 6613
adjusted according to this paragraph. The rates of taxation 6614
shall not be adjusted. 6615

The adjusted amounts apply to taxable years beginning in 6616
the calendar year in which the adjustments are made and to 6617
taxable years beginning in each ensuing calendar year until a 6618
calendar year in which a new adjustment is made pursuant to this 6619
division. The tax commissioner shall not make a new adjustment 6620
in any year in which the amount resulting from the adjustment 6621
would be less than the amount resulting from the adjustment in 6622

the preceding year. 6623

(B) If the director of budget and management makes a 6624
certification to the tax commissioner under division (B) of 6625
section 131.44 of the Revised Code, the amount of tax as 6626
determined under divisions (A) (1) to (3) of this section shall 6627
be reduced by the percentage prescribed in that certification 6628
for taxable years beginning in the calendar year in which that 6629
certification is made. 6630

(C) (1) The tax imposed by this section on a trust shall be 6631
computed by multiplying the Ohio modified taxable income of the 6632
trust by the rates prescribed by division (A) of this section. 6633

(2) A resident trust may claim a credit against the tax 6634
computed under division (C) of this section equal to the lesser 6635
of (a) the tax paid to another state or the District of Columbia 6636
on the resident trust's modified nonbusiness income, other than 6637
the portion of the resident trust's nonbusiness income that is 6638
qualifying investment income as defined in section 5747.012 of 6639
the Revised Code, or (b) the effective tax rate, based on 6640
modified Ohio taxable income, multiplied by the resident trust's 6641
modified nonbusiness income other than the portion of the 6642
resident trust's nonbusiness income that is qualifying 6643
investment income. The credit applies before any other 6644
applicable credits. 6645

(3) Any credit authorized against the tax imposed by this 6646
section applies to a trust subject to division (C) of this 6647
section only if the trust otherwise qualifies for the credit. To 6648
the extent that the trust distributes income for the taxable 6649
year for which a credit is available to the trust, the credit 6650
shall be shared by the trust and its beneficiaries. The tax 6651
commissioner and the trust shall be guided by applicable 6652

regulations of the United States treasury regarding the sharing 6653
of credits. 6654

(D) For the purposes of this section, "trust" means any 6655
trust described in Subchapter J of Chapter 1 of the Internal 6656
Revenue Code, excluding trusts that are not irrevocable as 6657
defined in division (I) (3) (b) of section 5747.01 of the Revised 6658
Code and that have no modified Ohio taxable income for the 6659
taxable year, charitable remainder trusts, qualified funeral 6660
trusts and preneed funeral contract trusts established pursuant 6661
to sections 4717.31 to 4717.38 of the Revised Code that are not 6662
qualified funeral trusts, endowment and perpetual care trusts, 6663
qualified settlement trusts and funds, designated settlement 6664
trusts and funds, and trusts exempted from taxation under 6665
section 501(a) of the Internal Revenue Code. 6666

(E) Nothing in division (A) (3) of this section shall 6667
prohibit an individual with an Ohio adjusted gross income, less 6668
taxable business income and exemptions, of twenty-one thousand 6669
seven hundred fifty dollars or less from filing a return under 6670
this chapter to receive a refund of taxes withheld or to claim 6671
any refundable credit allowed under this chapter. 6672

Sec. 5747.062. As used in this section, "transferee" has 6673
the same meaning as in section 3770.10 of the Revised Code, and 6674
"recipient" includes a transferee. 6675

(A) (1) ~~The~~ Before making any other deduction required by 6676
Chapter 3770. of the Revised Code, the state lottery commission 6677
shall deduct and withhold an amount equal to four per cent of 6678
the payment from each lottery prize award payment that ~~exceeds~~ 6679
~~five thousand dollars an amount equal to four per cent of the~~ 6680
~~payment, prior to making any other reduction required by Chapter~~ 6681
~~3770. of the Revised Code~~ is of an amount for which reporting to 6682

the internal revenue service of the amount is required by 6683
section 6041 of the Internal Revenue Code, as amended. 6684

(2) On or before the tenth day of each month, the state 6685
lottery commission, and each transferee required to deduct and 6686
withhold amounts pursuant to section 3770.072 of the Revised 6687
Code, shall file a return and remit to the tax commissioner all 6688
amounts deducted and withheld pursuant to this section during 6689
the preceding month. 6690

(3) On or before the thirty-first day of January of each 6691
year, the state lottery commission, and each transferee required 6692
to deduct and withhold amounts pursuant to section 3770.072 of 6693
the Revised Code, shall file with the commissioner an annual 6694
return, in the form prescribed by the tax commissioner, 6695
indicating the total amount deducted and withheld pursuant to 6696
this section or section 3770.072 of the Revised Code during the 6697
preceding calendar year. At the time of filing that return, the 6698
state lottery commission or transferee shall remit any amount 6699
deducted and withheld during the preceding calendar year that 6700
was not previously remitted. 6701

(4) The state lottery commission, and each transferee 6702
required to deduct and withhold amounts pursuant to section 6703
3770.072 of the Revised Code, shall issue to each person with 6704
respect to whom tax has been deducted and withheld by the 6705
commission or transferee pursuant to this section or section 6706
3770.072 of the Revised Code during the preceding calendar year, 6707
an information return in the form prescribed by the 6708
commissioner. 6709

(B) (1) Division (B) (1) of this section does not apply to 6710
persons classified for federal income tax purposes as 6711
associations taxable as corporations. 6712

Amounts withheld pursuant to this section or section 6713
3770.072 of the Revised Code shall be allowed as a credit 6714
against payment of the tax imposed pursuant to section 5747.02 6715
of the Revised Code upon the lottery prize award recipient, upon 6716
a beneficiary of such a recipient, or upon any investor in such 6717
a recipient if the recipient is a pass-through entity or 6718
disregarded entity, and shall be treated as taxes paid by the 6719
recipient, beneficiary, or investor for purposes of section 6720
5747.09 of the Revised Code. The credit is available to the 6721
recipient, beneficiary, or investor even if the commission or 6722
transferee does not remit to the tax commissioner the amount 6723
withheld. 6724

(2) Division (B)(2) of this section applies only to 6725
persons classified for federal income tax purposes as 6726
associations taxable as corporations. 6727

Amounts withheld pursuant to this section or section 6728
3770.072 of the Revised Code shall be treated as a credit 6729
against the tax imposed pursuant to section 5733.06 of the 6730
Revised Code for the tax year immediately following the date on 6731
which those amounts are deducted and withheld, upon the lottery 6732
prize award recipient, upon a beneficiary of such a recipient, 6733
or upon an investor in such a recipient if the recipient is a 6734
pass-through entity or disregarded entity, and shall be treated 6735
as paid by the recipient, beneficiary, or investor on the date 6736
on which those amounts are deducted and withheld. The credit is 6737
a refundable credit and shall be claimed in the order required 6738
under section 5733.98 of the Revised Code. The credit is 6739
available to the recipient, beneficiary, or investor even if the 6740
commission or transferee does not remit to the tax commissioner 6741
the amount withheld. 6742

(3) Nothing in division (B) (1) or (2) of this section 6743
shall be construed to allow more than one person to claim the 6744
credit for any portion of each amount deducted and withheld. 6745

(C) Failure of the commission or any transferee to deduct 6746
and withhold the required amounts from lottery prize awards or 6747
to remit amounts withheld as required by this section and 6748
section 3770.072 of the Revised Code shall not relieve a 6749
taxpayer described in division (B) of this section from 6750
liability for the tax imposed by section 5733.06 or 5747.02 of 6751
the Revised Code. 6752

Sec. 5747.063. The requirements imposed under this section 6753
are in addition to the municipal income tax withholding 6754
requirements under section 718.031 of the Revised Code. As used 6755
in this section, "sports gaming proprietor" and "sports gaming 6756
facility" have the same meanings as in section 3775.01 of the 6757
Revised Code. 6758

(A) (1) If a person's winnings ~~at a from casino facility~~ 6759
~~gaming or from sports gaming~~ are an amount for which reporting 6760
to the internal revenue service of the amount is required by 6761
section 6041 of the Internal Revenue Code, as amended, ~~the a~~ 6762
casino operator or sports gaming proprietor shall deduct and 6763
withhold Ohio income tax from the person's winnings at a rate of 6764
four per cent of the amount won. A person's amount of winnings 6765
from casino gaming shall be determined each time the person 6766
exchanges amounts won in tokens, chips, casino credit, or other 6767
prepaid representations of value for cash or a cash equivalent. 6768
The casino operator or sports gaming proprietor shall issue, to 6769
a person from whose winnings an amount has been deducted and 6770
withheld, a receipt for the amount deducted and withheld, and 6771
also shall obtain from the person additional information that 6772

will be necessary for the casino operator or sports gaming 6773
proprietor to prepare the returns required by this section. 6774

(2) If a person's winnings ~~at a from casino facility~~ 6775
gaming or sports gaming require reporting to the internal 6776
revenue service under division (A)(1) of this section, the 6777
casino operator or sports gaming proprietor also shall require 6778
the person to state in writing, under penalty of falsification, 6779
whether the person is in default under a support order. 6780

(B) Amounts deducted and withheld by a casino operator or 6781
sports gaming proprietor are held in trust for the benefit of 6782
the state. 6783

(1) On or before the tenth day of each month, the casino 6784
operator shall file a return electronically with the tax 6785
commissioner identifying the persons from whose winnings amounts 6786
were deducted and withheld, the amount of each such deduction 6787
and withholding during the preceding calendar month, the amount 6788
of the winnings from which each such amount was withheld, the 6789
type of casino gaming or sports gaming that resulted in such 6790
winnings, and any other information required by the tax 6791
commissioner. With the return, the casino operator or sports 6792
gaming proprietor shall remit electronically to the commissioner 6793
all the amounts deducted and withheld during the preceding 6794
month. 6795

(2) (a) A casino operator or sports gaming proprietor shall 6796
maintain a record of each written statement provided under 6797
division (A)(2) of this section in which a person admits to 6798
being in default under a support order. The casino operator or 6799
sports gaming proprietor shall make these records available to 6800
the director of job and family services upon request. 6801

(b) A casino operator or sports gaming proprietor shall 6802
maintain copies of receipts issued under division (A) (1) of this 6803
section and of written statements provided under division (A) (2) 6804
of this section and shall make these copies available to the tax 6805
commissioner upon request. 6806

(c) A casino operator or sports gaming proprietor shall 6807
maintain the information described in divisions (B) (2) (a) and 6808
(b) of this section in accordance with section 5747.17 of the 6809
Revised Code and any rules adopted pursuant thereto. 6810

(3) Annually, on or before the thirty-first day of 6811
January, a casino operator or sports gaming proprietor shall 6812
file an annual return electronically with the tax commissioner 6813
indicating the total amount deducted and withheld during the 6814
preceding calendar year. The casino operator or sports gaming 6815
proprietor shall remit electronically with the annual return any 6816
amount that was deducted and withheld and that was not 6817
previously remitted. If the identity of a person and the amount 6818
deducted and withheld with respect to that person were omitted 6819
on a monthly return, that information shall be indicated on the 6820
annual return. 6821

(4) (a) A casino operator or sports gaming proprietor who 6822
fails to file a return and remit the amounts deducted and 6823
withheld is personally liable for the amount deducted and 6824
withheld and not remitted. The commissioner may impose a penalty 6825
up to one thousand dollars if a return is filed late, if amounts 6826
deducted and withheld are remitted late, if a return is not 6827
filed, or if amounts deducted and withheld are not remitted. 6828
Interest accrues on past due amounts deducted and withheld at 6829
the rate prescribed in section 5703.47 of the Revised Code. The 6830
commissioner may collect past due amounts deducted and withheld 6831

and penalties and interest thereon by assessment under section 6832
5747.13 of the Revised Code as if they were income taxes 6833
collected by an employer. 6834

(b) If a casino operator or sports gaming proprietor sells 6835
the casino facility or sports gaming facility, or otherwise 6836
quits the casino or sports gaming business, the amounts deducted 6837
and withheld and any penalties and interest thereon are 6838
immediately due and payable. The successor shall withhold an 6839
amount of the purchase money that is sufficient to cover the 6840
amounts deducted and withheld and penalties and interest thereon 6841
until the predecessor casino operator or sports gaming 6842
proprietor produces either a receipt from the commissioner 6843
showing that the amounts deducted and withheld and penalties and 6844
interest thereon have been paid or a certificate from the 6845
commissioner indicating that no amounts deducted and withheld or 6846
penalties and interest thereon are due. If the successor fails 6847
to withhold purchase money, the successor is personally liable 6848
for payment of the amounts deducted and withheld and penalties 6849
and interest thereon, up to the amount of the purchase money. 6850

(C) (1) Annually, on or before the thirty-first day of 6851
January, a casino operator or sports gaming proprietor shall 6852
issue an information return to each person with respect to whom 6853
an amount has been deducted and withheld during the preceding 6854
calendar year. The information return shall show the total 6855
amount deducted from the person's winnings by the casino 6856
operator or sports gaming proprietor during the preceding 6857
calendar year. 6858

(2) Annually, on or before the thirty-first day of 6859
January, a casino operator or sports gaming proprietor shall 6860
provide to the commissioner a copy of each information return 6861

issued under division (C) (1) of this section for the preceding 6862
calendar year. The commissioner may require that the copies be 6863
transmitted electronically. 6864

(D) Amounts deducted and withheld shall be allowed as a 6865
credit against payment of the tax imposed by section 5747.02 of 6866
the Revised Code and shall be treated as taxes paid for purposes 6867
of section 5747.09 of the Revised Code. This division applies 6868
only to the person for whom the amount is deducted and withheld. 6869

(E) The failure of a casino operator or sports gaming 6870
proprietor to deduct and withhold the required amount from a 6871
person's winnings does not relieve the person from liability for 6872
the tax imposed by section 5747.02 of the Revised Code with 6873
respect to those winnings. And compliance with this section does 6874
not relieve a casino operator or sports gaming proprietor or a 6875
person who has winnings ~~at a~~ from casino facility gaming or 6876
sports gaming from compliance with relevant provisions of 6877
federal tax laws. 6878

(F) The commissioner shall prescribe the form of the 6879
receipt and returns required by this section. The director of 6880
job and family services shall prescribe the form of the 6881
statement required by this section. 6882

(G) The commissioner may adopt rules that are necessary to 6883
administer this section. 6884

Sec. 5747.08. An annual return with respect to the tax 6885
imposed by section 5747.02 of the Revised Code and each tax 6886
imposed under Chapter 5748. of the Revised Code shall be made by 6887
every taxpayer for any taxable year for which the taxpayer is 6888
liable for the tax imposed by that section or under that 6889
chapter, unless the total credits allowed under division (E) of 6890

section 5747.05 and divisions (F) and (G) of section 5747.055 of 6891
the Revised Code for the year are equal to or exceed the tax 6892
imposed by section 5747.02 of the Revised Code, in which case no 6893
return shall be required unless the taxpayer is liable for a tax 6894
imposed pursuant to Chapter 5748. of the Revised Code. 6895

(A) If an individual is deceased, any return or notice 6896
required of that individual under this chapter shall be made and 6897
filed by that decedent's executor, administrator, or other 6898
person charged with the property of that decedent. 6899

(B) If an individual is unable to make a return or notice 6900
required by this chapter, the return or notice required of that 6901
individual shall be made and filed by the individual's duly 6902
authorized agent, guardian, conservator, fiduciary, or other 6903
person charged with the care of the person or property of that 6904
individual. 6905

(C) Returns or notices required of an estate or a trust 6906
shall be made and filed by the fiduciary of the estate or trust. 6907

(D) (1) (a) Except as otherwise provided in division (D) (1) 6908
(b) of this section, any pass-through entity may file a single 6909
return on behalf of one or more of the entity's investors other 6910
than an investor that is a person subject to the tax imposed 6911
under section 5733.06 of the Revised Code. The single return 6912
shall set forth the name, address, and social security number or 6913
other identifying number of each of those pass-through entity 6914
investors and shall indicate the distributive share of each of 6915
those pass-through entity investor's income taxable in this 6916
state in accordance with sections 5747.20 to 5747.231 of the 6917
Revised Code. Such pass-through entity investors for whom the 6918
pass-through entity elects to file a single return are not 6919
entitled to the exemption or credit provided for by sections 6920

5747.02 and 5747.022 of the Revised Code; shall calculate the 6921
tax before business credits at the highest rate of tax set forth 6922
in section 5747.02 of the Revised Code for the taxable year for 6923
which the return is filed; and are entitled to only their 6924
distributive share of the business credits as defined in 6925
division (D) (2) of this section. A single check drawn by the 6926
pass-through entity shall accompany the return in full payment 6927
of the tax due, as shown on the single return, for such 6928
investors, other than investors who are persons subject to the 6929
tax imposed under section 5733.06 of the Revised Code. 6930

(b) (i) A pass-through entity shall not include in such a 6931
single return any investor that is a trust to the extent that 6932
any direct or indirect current, future, or contingent 6933
beneficiary of the trust is a person subject to the tax imposed 6934
under section 5733.06 of the Revised Code. 6935

(ii) A pass-through entity shall not include in such a 6936
single return any investor that is itself a pass-through entity 6937
to the extent that any direct or indirect investor in the second 6938
pass-through entity is a person subject to the tax imposed under 6939
section 5733.06 of the Revised Code. 6940

(c) Nothing in division (D) of this section precludes the 6941
tax commissioner from requiring such investors to file the 6942
return and make the payment of taxes and related interest, 6943
penalty, and interest penalty required by this section or 6944
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 6945
Nothing in division (D) of this section precludes such an 6946
investor from filing the annual return under this section, 6947
utilizing the refundable credit equal to the investor's 6948
proportionate share of the tax paid by the pass-through entity 6949
on behalf of the investor under division (I) of this section, 6950

and making the payment of taxes imposed under section 5747.02 of 6951
the Revised Code. Nothing in division (D) of this section shall 6952
be construed to provide to such an investor or pass-through 6953
entity any additional deduction or credit, other than the credit 6954
provided by division (I) of this section, solely on account of 6955
the entity's filing a return in accordance with this section. 6956
Such a pass-through entity also shall make the filing and 6957
payment of estimated taxes on behalf of the pass-through entity 6958
investors other than an investor that is a person subject to the 6959
tax imposed under section 5733.06 of the Revised Code. 6960

(2) For the purposes of this section, "business credits" 6961
means the credits listed in section 5747.98 of the Revised Code 6962
excluding the following credits: 6963

(a) The retirement income credit under division (B) of 6964
section 5747.055 of the Revised Code; 6965

(b) The senior citizen credit under division (F) of 6966
section 5747.055 of the Revised Code; 6967

(c) The lump sum distribution credit under division (G) of 6968
section 5747.055 of the Revised Code; 6969

(d) The dependent care credit under section 5747.054 of 6970
the Revised Code; 6971

(e) The lump sum retirement income credit under division 6972
(C) of section 5747.055 of the Revised Code; 6973

(f) The lump sum retirement income credit under division 6974
(D) of section 5747.055 of the Revised Code; 6975

(g) The lump sum retirement income credit under division 6976
(E) of section 5747.055 of the Revised Code; 6977

(h) The credit for displaced workers who pay for job 6978

training under section 5747.27 of the Revised Code;	6979
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	6980 6981
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	6982 6983
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	6984 6985
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	6986 6987
(m) The earned income tax credit under section 5747.71 of the Revised Code;	6988 6989
(n) The lead abatement credit under section 5747.26 of the Revised Code.	6990 6991
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	6992 6993 6994 6995 6996 6997 6998 6999
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to	7000 7001 7002 7003 7004 7005 7006

limit or alter the liability, if any, imposed on pass-through 7007
entity investors for unpaid or underpaid taxes, interest, 7008
interest penalty, or penalties as a result of the pass-through 7009
entity's making the election provided for under division (D) of 7010
this section. For the purposes of division (D) of this section, 7011
"correct tax due" means the tax that would have been paid by the 7012
pass-through entity had the single return been filed in a manner 7013
reflecting the commissioner's findings. Nothing in division (D) 7014
of this section shall be construed to make or hold a pass- 7015
through entity liable for tax attributable to a pass-through 7016
entity investor's income from a source other than the pass- 7017
through entity electing to file the single return. 7018

(E) If a husband and wife file a joint federal income tax 7019
return for a taxable year, they shall file a joint return under 7020
this section for that taxable year, and their liabilities are 7021
joint and several, but, if the federal income tax liability of 7022
either spouse is determined on a separate federal income tax 7023
return, they shall file separate returns under this section. 7024

If either spouse is not required to file a federal income 7025
tax return and either or both are required to file a return 7026
pursuant to this chapter, they may elect to file separate or 7027
joint returns, and, pursuant to that election, their liabilities 7028
are separate or joint and several. If a husband and wife file 7029
separate returns pursuant to this chapter, each must claim the 7030
taxpayer's own exemption, but not both, as authorized under 7031
section 5747.02 of the Revised Code on the taxpayer's own 7032
return. 7033

(F) Each return or notice required to be filed under this 7034
section shall contain the signature of the taxpayer or the 7035
taxpayer's duly authorized agent and of the person who prepared 7036

the return for the taxpayer, and shall include the taxpayer's 7037
social security number. Each return shall be verified by a 7038
declaration under the penalties of perjury. The tax commissioner 7039
shall prescribe the form that the signature and declaration 7040
shall take. 7041

(G) Each return or notice required to be filed under this 7042
section shall be made and filed as required by section 5747.04 7043
of the Revised Code, on or before the fifteenth day of April of 7044
each year, on forms that the tax commissioner shall prescribe, 7045
together with remittance made payable to the treasurer of state 7046
in the combined amount of the state and all school district 7047
income taxes shown to be due on the form. 7048

Upon good cause shown, the commissioner may extend the 7049
period for filing any notice or return required to be filed 7050
under this section and may adopt rules relating to extensions. 7051
If the extension results in an extension of time for the payment 7052
of any state or school district income tax liability with 7053
respect to which the return is filed, the taxpayer shall pay at 7054
the time the tax liability is paid an amount of interest 7055
computed at the rate per annum prescribed by section 5703.47 of 7056
the Revised Code on that liability from the time that payment is 7057
due without extension to the time of actual payment. Except as 7058
provided in section 5747.132 of the Revised Code, in addition to 7059
all other interest charges and penalties, all taxes imposed 7060
under this chapter or Chapter 5748. of the Revised Code and 7061
remaining unpaid after they become due, except combined amounts 7062
due of one dollar or less, bear interest at the rate per annum 7063
prescribed by section 5703.47 of the Revised Code until paid or 7064
until the day an assessment is issued under section 5747.13 of 7065
the Revised Code, whichever occurs first. 7066

If the commissioner considers it necessary in order to 7067
ensure the payment of the tax imposed by section 5747.02 of the 7068
Revised Code or any tax imposed under Chapter 5748. of the 7069
Revised Code, the commissioner may require returns and payments 7070
to be made otherwise than as provided in this section. 7071

To the extent that any provision in this division 7072
conflicts with any provision in section 5747.026 of the Revised 7073
Code, the provision in that section prevails. 7074

(H) The amounts withheld by an employer pursuant to 7075
section 5747.06 of the Revised Code, a casino operator or sports 7076
gaming proprietor pursuant to section 5747.063 of the Revised 7077
Code, or a lottery sales agent pursuant to section 5747.064 of 7078
the Revised Code shall be allowed to the recipient of the 7079
compensation, casino or sports gaming winnings, or lottery prize 7080
award as credits against payment of the appropriate taxes 7081
imposed on the recipient by section 5747.02 and under Chapter 7082
5748. of the Revised Code. 7083

(I) If a pass-through entity elects to file a single 7084
return under division (D) of this section and if any investor is 7085
required to file the annual return and make the payment of taxes 7086
required by this chapter on account of the investor's other 7087
income that is not included in a single return filed by a pass- 7088
through entity or any other investor elects to file the annual 7089
return, the investor is entitled to a refundable credit equal to 7090
the investor's proportionate share of the tax paid by the pass- 7091
through entity on behalf of the investor. The investor shall 7092
claim the credit for the investor's taxable year in which or 7093
with which ends the taxable year of the pass-through entity. 7094
Nothing in this chapter shall be construed to allow any credit 7095
provided in this chapter to be claimed more than once. For the 7096

purpose of computing any interest, penalty, or interest penalty, 7097
the investor shall be deemed to have paid the refundable credit 7098
provided by this division on the day that the pass-through 7099
entity paid the estimated tax or the tax giving rise to the 7100
credit. 7101

(J) The tax commissioner shall ensure that each return 7102
required to be filed under this section includes a box that the 7103
taxpayer may check to authorize a paid tax preparer who prepared 7104
the return to communicate with the department of taxation about 7105
matters pertaining to the return. The return or instructions 7106
accompanying the return shall indicate that by checking the box 7107
the taxpayer authorizes the department of taxation to contact 7108
the preparer concerning questions that arise during the 7109
processing of the return and authorizes the preparer only to 7110
provide the department with information that is missing from the 7111
return, to contact the department for information about the 7112
processing of the return or the status of the taxpayer's refund 7113
or payments, and to respond to notices about mathematical 7114
errors, offsets, or return preparation that the taxpayer has 7115
received from the department and has shown to the preparer. 7116

(K) The tax commissioner shall permit individual taxpayers 7117
to instruct the department of taxation to cause any refund of 7118
overpaid taxes to be deposited directly into a checking account, 7119
savings account, or an individual retirement account or 7120
individual retirement annuity, or preexisting college savings 7121
plan or program account offered by the Ohio tuition trust 7122
authority under Chapter 3334. of the Revised Code, as designated 7123
by the taxpayer, when the taxpayer files the annual return 7124
required by this section electronically. 7125

(L) A taxpayer claiming the deduction under division (A) 7126

(31) of section 5747.01 of the Revised Code for a taxable year 7127
shall indicate on the taxpayer's return the north American 7128
industry classification system code of each business or 7129
professional activity from which the taxpayer's business income 7130
was derived. The tax commissioner shall provide space on the 7131
return for this purpose and shall prescribe, by rule adopted in 7132
accordance with Chapter 119. of the Revised Code, the manner by 7133
which such a taxpayer shall determine the taxpayer's proper 7134
classification codes and business or professional activities 7135
from which the taxpayer derives business income. 7136

(M) The tax commissioner may adopt rules to administer 7137
this section. 7138

Sec. 5747.20. This section applies solely for the purposes 7139
of computing the credit allowed under division (A) of section 7140
5747.05 of the Revised Code and computing income taxable in this 7141
state under division (D) of section 5747.08 of the Revised Code. 7142

All items of nonbusiness income or deduction shall be 7143
allocated in this state as follows: 7144

(A) All items of nonbusiness income or deduction taken 7145
into account in the computation of adjusted gross income for the 7146
taxable year by a resident shall be allocated to this state. 7147

(B) All items of nonbusiness income or deduction taken 7148
into account in the computation of adjusted gross income for the 7149
taxable year by a nonresident shall be allocated to this state 7150
as follows: 7151

(1) All items of compensation paid to an individual for 7152
personal services performed in this state who was a nonresident 7153
at the time of payment and all items of deduction directly 7154
allocated thereto shall be allocated to this state. 7155

(2) All gains or losses from the sale of real property, 7156
tangible personal property, or intangible property shall be 7157
allocated as follows: 7158

(a) Capital gains or losses from the sale or other 7159
transfer of real property are allocable to this state if the 7160
property is located physically in this state. 7161

(b) Capital gains or losses from the sale or other 7162
transfer of tangible personal property are allocable to this 7163
state if, at the time of such sale or other transfer, the 7164
property had its physical location in this state. 7165

(c) Capital gains or losses from the sale or other 7166
transfer of intangible personal property are allocable to this 7167
state if the taxpayer's domicile was in this state at the time 7168
of such sale or other transfer. 7169

(3) All rents and royalties of real or tangible personal 7170
property shall be allocated to this state as follows: 7171

(a) Rents and royalties derived from real property are 7172
allocable to this state if the property is physically located in 7173
this state. 7174

(b) Rents and royalties derived from tangible personal 7175
property are allocable to this state to the extent that such 7176
property is utilized in this state. 7177

The extent of utilization of tangible personal property in 7178
a state is determined by multiplying the rents or royalties 7179
derived from such property by a fraction, the numerator of which 7180
is the number of days of physical location of the property in 7181
this state during the rental or royalty period in the taxable 7182
year and the denominator of which is the number of days of 7183
physical location of the property everywhere during all rental 7184

or royalty periods in the taxable year. If the physical location 7185
of the property during the rental or royalty period is unknown 7186
or unascertainable by the nonresident, tangible personal 7187
property is utilized in the state in which the property was 7188
located at the time the rental or royalty payor obtained 7189
possession. 7190

(4) All patent and copyright royalties shall be allocated 7191
to this state to the extent the patent or copyright was utilized 7192
by the payor in this state. 7193

A patent is utilized in a state to the extent that it is 7194
employed in production, fabrication, manufacturing, or other 7195
processing in the state, or to the extent that a patented 7196
product is produced in the state. If the basis of receipts from 7197
patent royalties does not permit allocation to states or if the 7198
accounting procedures do not reflect states of utilization, the 7199
patent is utilized in this state if the taxpayer's domicile was 7200
in this state at the time such royalties were paid or accrued. 7201

A copyright is utilized in a state to the extent that 7202
printing or other publication originates in the state. If the 7203
basis of receipts from copyright royalties does not permit 7204
allocation to states or if the accounting procedures do not 7205
reflect states of utilization, the copyright is utilized in this 7206
state if the taxpayer's domicile was in this state at the time 7207
such royalties were paid or accrued. 7208

(5) (a) All lottery prize awards paid by the state lottery 7209
commission pursuant to Chapter 3770. of the Revised Code shall 7210
be allocated to this state. 7211

(b) All earnings, profit, income, and gain from the sale, 7212
exchange, or other disposition of lottery prize awards paid or 7213

to be paid to any person by the state lottery commission 7214
pursuant to Chapter 3770. of the Revised Code shall be allocated 7215
to this state. 7216

(c) All earnings, profit, income, and gain from the direct 7217
or indirect ownership of lottery prize awards paid or to be paid 7218
to any person by the state lottery commission pursuant to 7219
Chapter 3770. of the Revised Code shall be allocated to this 7220
state. 7221

(d) All earnings, profit, income, and gain from the direct 7222
or indirect interest in any right in or to any lottery prize 7223
awards paid or to be paid to any person by the state lottery 7224
commission pursuant to Chapter 3770. of the Revised Code shall 7225
be allocated to this state. 7226

(6) Any item of income or deduction which has been taken 7227
into account in the computation of adjusted gross income for the 7228
taxable year by a nonresident and which is not otherwise 7229
specifically allocated or apportioned pursuant to sections 7230
5747.20 to 5747.23 of the Revised Code, including, without 7231
limitation, interest, dividends and distributions, items of 7232
income taken into account under the provisions of sections 401 7233
to 425 of the Internal Revenue Code, and benefit payments 7234
received by a beneficiary of a supplemental unemployment trust 7235
which is referred to in section 501(c)(17) of the Internal 7236
Revenue Code, shall not be allocated to this state unless the 7237
taxpayer's domicile was in this state at the time such income 7238
was paid or accrued. 7239

(7) All winnings from casino gaming ~~winnings paid by any~~ 7240
~~person licensed by the Ohio casino control commission or sports~~ 7241
gaming conducted in this state shall be allocated to the state. 7242

(C) If an individual is a resident for part of the taxable year and a nonresident for the remainder of the taxable year, all items of nonbusiness income or deduction shall be allocated under division (A) of this section for the part of the taxable year that the individual is a resident and under division (B) of this section for the part of the taxable year that the individual is a nonresident.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:	7272
(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;	7273 7274 7275 7276
(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:	7277 7278 7279 7280 7281 7282
(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;	7283 7284 7285 7286
(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;	7287 7288 7289 7290 7291 7292
(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.	7293 7294 7295 7296 7297 7298 7299 7300

As used in division (E) (2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E) (4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 or 1706.01 of the Revised Code as applicable, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or

distributions of fifty per cent or more of the combined 7330
beneficial interests of all persons having such an interest in 7331
the organization. 7332

(5) A domestic insurance company or foreign insurance 7333
company, as defined in section 5725.01 of the Revised Code, that 7334
paid the insurance company premiums tax imposed by section 7335
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 7336
insurance company whose gross premiums are subject to tax under 7337
section 3905.36 of the Revised Code based on one or more 7338
measurement periods that include the entire tax period under 7339
this chapter; 7340

(6) A person that solely facilitates or services one or 7341
more securitizations of phase-in-recovery property pursuant to a 7342
final financing order as those terms are defined in section 7343
4928.23 of the Revised Code. For purposes of this division, 7344
"securitization" means transferring one or more assets to one or 7345
more persons and then issuing securities backed by the right to 7346
receive payment from the asset or assets so transferred. 7347

(7) Except as otherwise provided in this division, a pre- 7348
income tax trust as defined in section 5747.01 of the Revised 7349
Code and any pass-through entity of which such pre-income tax 7350
trust owns or controls, directly, indirectly, or constructively 7351
through related interests, more than five per cent of the 7352
ownership or equity interests. If the pre-income tax trust has 7353
made a qualifying pre-income tax trust election under division 7354
(EE) of section 5747.01 of the Revised Code, then the trust and 7355
the pass-through entities of which it owns or controls, 7356
directly, indirectly, or constructively through related 7357
interests, more than five per cent of the ownership or equity 7358
interests, shall not be excluded persons for purposes of the tax 7359

imposed under section 5751.02 of the Revised Code. 7360

(8) Nonprofit organizations or the state and its agencies,
instrumentalities, or political subdivisions. 7361
7362

(F) Except as otherwise provided in divisions (F) (2), (3),
and (4) of this section, "gross receipts" means the total amount 7363
realized by a person, without deduction for the cost of goods 7364
sold or other expenses incurred, that contributes to the 7365
production of gross income of the person, including the fair 7366
market value of any property and any services received, and any 7367
debt transferred or forgiven as consideration. 7368
7369

(1) The following are examples of gross receipts: 7370

(a) Amounts realized from the sale, exchange, or other
disposition of the taxpayer's property to or with another; 7371
7372

(b) Amounts realized from the taxpayer's performance of
services for another; 7373
7374

(c) Amounts realized from another's use or possession of
the taxpayer's property or capital; 7375
7376

(d) Any combination of the foregoing amounts. 7377

(2) "Gross receipts" excludes the following amounts: 7378

(a) Interest income except interest on credit sales; 7379

(b) Dividends and distributions from corporations, and
distributive or proportionate shares of receipts and income from 7380
a pass-through entity as defined under section 5733.04 of the 7381
Revised Code; 7382
7383

(c) Receipts from the sale, exchange, or other disposition
of an asset described in section 1221 or 1231 of the Internal 7384
Revenue Code, without regard to the length of time the person 7385
7386

held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements

received by or for an individual for medical or education	7417
expenses, health insurance premiums, or employee expenses, or on	7418
account of a dependent care spending account, legal services	7419
plan, any cafeteria plan described in section 125 of the	7420
Internal Revenue Code, or any similar employee reimbursement;	7421
(h) Proceeds received from the issuance of the taxpayer's	7422
own stock, options, warrants, puts, or calls, or from the sale	7423
of the taxpayer's treasury stock;	7424
(i) Proceeds received on the account of payments from	7425
insurance policies, except those proceeds received for the loss	7426
of business revenue;	7427
(j) Gifts or charitable contributions received; membership	7428
dues received by trade, professional, homeowners', or	7429
condominium associations; and payments received for educational	7430
courses, meetings, meals, or similar payments to a trade,	7431
professional, or other similar association; and fundraising	7432
receipts received by any person when any excess receipts are	7433
donated or used exclusively for charitable purposes;	7434
(k) Damages received as the result of litigation in excess	7435
of amounts that, if received without litigation, would be gross	7436
receipts;	7437
(l) Property, money, and other amounts received or	7438
acquired by an agent on behalf of another in excess of the	7439
agent's commission, fee, or other remuneration;	7440
(m) Tax refunds, other tax benefit recoveries, and	7441
reimbursements for the tax imposed under this chapter made by	7442
entities that are part of the same combined taxpayer or	7443
consolidated elected taxpayer group, and reimbursements made by	7444
entities that are not members of a combined taxpayer or	7445

consolidated elected taxpayer group that are required to be made 7446
for economic parity among multiple owners of an entity whose tax 7447
obligation under this chapter is required to be reported and 7448
paid entirely by one owner, pursuant to the requirements of 7449
sections 5751.011 and 5751.012 of the Revised Code; 7450

(n) Pension reversions; 7451

(o) Contributions to capital; 7452

(p) Sales or use taxes collected as a vendor or an out-of- 7453
state seller on behalf of the taxing jurisdiction from a 7454
consumer or other taxes the taxpayer is required by law to 7455
collect directly from a purchaser and remit to a local, state, 7456
or federal tax authority; 7457

(q) In the case of receipts from the sale of cigarettes, 7458
tobacco products, or vapor products by a wholesale dealer, 7459
retail dealer, distributor, manufacturer, vapor distributor, or 7460
seller, all as defined in section 5743.01 of the Revised Code, 7461
an amount equal to the federal and state excise taxes paid by 7462
any person on or for such cigarettes, tobacco products, or vapor 7463
products under subtitle E of the Internal Revenue Code or 7464
Chapter 5743. of the Revised Code; 7465

(r) In the case of receipts from the sale, transfer, 7466
exchange, or other disposition of motor fuel as "motor fuel" is 7467
defined in section 5736.01 of the Revised Code, an amount equal 7468
to the value of the motor fuel, including federal and state 7469
motor fuel excise taxes and receipts from billing or invoicing 7470
the tax imposed under section 5736.02 of the Revised Code to 7471
another person; 7472

(s) In the case of receipts from the sale of beer or 7473
intoxicating liquor, as defined in section 4301.01 of the 7474

Revised Code, by a person holding a permit issued under Chapter 7475
4301. or 4303. of the Revised Code, an amount equal to federal 7476
and state excise taxes paid by any person on or for such beer or 7477
intoxicating liquor under subtitle E of the Internal Revenue 7478
Code or Chapter 4301. or 4305. of the Revised Code; 7479

(t) Receipts realized by a new motor vehicle dealer or 7480
used motor vehicle dealer, as defined in section 4517.01 of the 7481
Revised Code, from the sale or other transfer of a motor 7482
vehicle, as defined in that section, to another motor vehicle 7483
dealer for the purpose of resale by the transferee motor vehicle 7484
dealer, but only if the sale or other transfer was based upon 7485
the transferee's need to meet a specific customer's preference 7486
for a motor vehicle; 7487

(u) Receipts from a financial institution described in 7488
division (E)(3) of this section for services provided to the 7489
financial institution in connection with the issuance, 7490
processing, servicing, and management of loans or credit 7491
accounts, if such financial institution and the recipient of 7492
such receipts have at least fifty per cent of their ownership 7493
interests owned or controlled, directly or constructively 7494
through related interests, by common owners; 7495

(v) Receipts realized from administering anti-neoplastic 7496
drugs and other cancer chemotherapy, biologicals, therapeutic 7497
agents, and supportive drugs in a physician's office to patients 7498
with cancer; 7499

(w) Funds received or used by a mortgage broker that is 7500
not a dealer in intangibles, other than fees or other 7501
consideration, pursuant to a table-funding mortgage loan or 7502
warehouse-lending mortgage loan. Terms used in division (F)(2) 7503
(w) of this section have the same meanings as in section 1322.01 7504

of the Revised Code, except "mortgage broker" means a person 7505
assisting a buyer in obtaining a mortgage loan for a fee or 7506
other consideration paid by the buyer or a lender, or a person 7507
engaged in table-funding or warehouse-lending mortgage loans 7508
that are first lien mortgage loans. 7509

(x) Property, money, and other amounts received by a 7510
professional employer organization, as defined in section 7511
4125.01 of the Revised Code, or an alternate employer 7512
organization, as defined in section 4133.01 of the Revised Code, 7513
from a client employer, as defined in either of those sections 7514
as applicable, in excess of the administrative fee charged by 7515
the professional employer organization or the alternate employer 7516
organization to the client employer; 7517

(y) In the case of amounts retained as commissions by a 7518
permit holder under Chapter 3769. of the Revised Code, an amount 7519
equal to the amounts specified under that chapter that must be 7520
paid to or collected by the tax commissioner as a tax and the 7521
amounts specified under that chapter to be used as purse money; 7522

(z) Qualifying distribution center receipts as determined 7523
under section 5751.40 of the Revised Code. 7524

(aa) Receipts of an employer from payroll deductions 7525
relating to the reimbursement of the employer for advancing 7526
moneys to an unrelated third party on an employee's behalf; 7527

(bb) Cash discounts allowed and taken; 7528

(cc) Returns and allowances; 7529

(dd) Bad debts from receipts on the basis of which the tax 7530
imposed by this chapter was paid in a prior quarterly tax 7531
payment period. For the purpose of this division, "bad debts" 7532
means any debts that have become worthless or uncollectible 7533

between the preceding and current quarterly tax payment periods, 7534
have been uncollected for at least six months, and that may be 7535
claimed as a deduction under section 166 of the Internal Revenue 7536
Code and the regulations adopted under that section, or that 7537
could be claimed as such if the taxpayer kept its accounts on 7538
the accrual basis. "Bad debts" does not include repossessed 7539
property, uncollectible amounts on property that remains in the 7540
possession of the taxpayer until the full purchase price is 7541
paid, or expenses in attempting to collect any account 7542
receivable or for any portion of the debt recovered; 7543

(ee) Any amount realized from the sale of an account 7544
receivable to the extent the receipts from the underlying 7545
transaction giving rise to the account receivable were included 7546
in the gross receipts of the taxpayer; 7547

(ff) Any receipts directly attributed to a transfer 7548
agreement or to the enterprise transferred under that agreement 7549
under section 4313.02 of the Revised Code. 7550

(gg) Qualified uranium receipts as determined under 7551
section 5751.41 of the Revised Code. 7552

(hh) In the case of amounts collected by a licensed casino 7553
operator from casino gaming, amounts in excess of the casino 7554
operator's gross casino revenue. In this division, "casino 7555
operator" and "casino gaming" have the meanings defined in 7556
section 3772.01 of the Revised Code, and "gross casino revenue" 7557
has the meaning defined in section 5753.01 of the Revised Code. 7558

(ii) Receipts realized from the sale of agricultural 7559
commodities by an agricultural commodity handler, both as 7560
defined in section 926.01 of the Revised Code, that is licensed 7561
by the director of agriculture to handle agricultural 7562

commodities in this state. 7563

(jj) Qualifying integrated supply chain receipts as 7564
determined under section 5751.42 of the Revised Code. 7565

(kk) In the case of a railroad company described in 7566
division (D) (9) of section 5727.01 of the Revised Code that 7567
purchases dyed diesel fuel directly from a supplier as defined 7568
by section 5736.01 of the Revised Code, an amount equal to the 7569
product of the number of gallons of dyed diesel fuel purchased 7570
directly from such a supplier multiplied by the average 7571
wholesale price for a gallon of diesel fuel as determined under 7572
section 5736.02 of the Revised Code for the period during which 7573
the fuel was purchased multiplied by a fraction, the numerator 7574
of which equals the rate of tax levied by section 5736.02 of the 7575
Revised Code less the rate of tax computed in section 5751.03 of 7576
the Revised Code, and the denominator of which equals the rate 7577
of tax computed in section 5751.03 of the Revised Code. 7578

(ll) Receipts realized by an out-of-state disaster 7579
business from disaster work conducted in this state during a 7580
disaster response period pursuant to a qualifying solicitation 7581
received by the business. Terms used in division (F) (2) (ll) of 7582
this section have the same meanings as in section 5703.94 of the 7583
Revised Code. 7584

(mm) In the case of receipts from the sale or transfer of 7585
a mortgage-backed security or a mortgage loan by a mortgage 7586
lender holding a valid certificate of registration issued under 7587
Chapter 1322. of the Revised Code or by a person that is a 7588
member of the mortgage lender's consolidated elected taxpayer 7589
group, an amount equal to the principal balance of the mortgage 7590
loan. 7591

(nn) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(oo) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;	7621 7622
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	7623 7624
(3) Has bright-line presence in this state;	7625
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.	7626 7627 7628
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	7629 7630 7631
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	7632 7633 7634 7635 7636
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	7637 7638 7639
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	7640 7641
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	7642 7643 7644
(c) Any amount the person pays for services performed in this state on its behalf by another.	7645 7646
(3) Has during the calendar year taxable gross receipts of	7647

at least five hundred thousand dollars. 7648

(4) Has at any time during the calendar year within this 7649
state at least twenty-five per cent of the person's total 7650
property, total payroll, or total gross receipts. 7651

(5) Is domiciled in this state as an individual or for 7652
corporate, commercial, or other business purposes. 7653

(J) "Tangible personal property" has the same meaning as 7654
in section 5739.01 of the Revised Code. 7655

(K) "Internal Revenue Code" means the Internal Revenue 7656
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 7657
used in this chapter that is not otherwise defined has the same 7658
meaning as when used in a comparable context in the laws of the 7659
United States relating to federal income taxes unless a 7660
different meaning is clearly required. Any reference in this 7661
chapter to the Internal Revenue Code includes other laws of the 7662
United States relating to federal income taxes. 7663

(L) "Calendar quarter" means a three-month period ending 7664
on the thirty-first day of March, the thirtieth day of June, the 7665
thirtieth day of September, or the thirty-first day of December. 7666

(M) "Tax period" means the calendar quarter or calendar 7667
year on the basis of which a taxpayer is required to pay the tax 7668
imposed under this chapter. 7669

(N) "Calendar year taxpayer" means a taxpayer for which 7670
the tax period is a calendar year. 7671

(O) "Calendar quarter taxpayer" means a taxpayer for which 7672
the tax period is a calendar quarter. 7673

(P) "Agent" means a person authorized by another person to 7674
act on its behalf to undertake a transaction for the other, 7675

including any of the following:	7676
(1) A person receiving a fee to sell financial instruments;	7677 7678
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	7679 7680 7681
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	7682 7683
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	7684 7685
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	7686 7687
(Q) "Received" includes amounts accrued under the accrual method of accounting.	7688 7689
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	7690 7691 7692 7693 7694 7695 7696
Sec. 5753.01. As used in Chapter 5753. of the Revised Code and for no other purpose under Title LVII of the Revised Code:	7697 7698
(A) "Casino facility" has the same meaning as in section 3772.01 of the Revised Code.	7699 7700
(B) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code.	7701 7702

(C) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code. 7703
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(D) "Gross casino revenue" means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic cards, or similar objects by casino patrons, less winnings paid to wagerers. "Gross casino revenue" does not include ~~the~~ either of the following: 7705
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(1) The issuance to casino patrons or wagering by casino patrons of any promotional gaming credit as defined in section 3772.01 of the Revised Code. When issuance of the promotional gaming credit requires money exchanged as a match from the patron, the excludible portion of the promotional gaming credit does not include the portion of the wager purchased by the patron. 7710
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(2) Sports gaming receipts. 7717

(E) "Person" has the same meaning as in section 3772.01 of the Revised Code. 7718
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(F) "Slot machine" has the same meaning as in section 3772.01 of the Revised Code. 7720
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(G) "Sports gaming facility" and "sports gaming proprietor" have the same meanings as in section 3775.01 of the Revised Code. 7722
7723
7724

(H) "Sports gaming receipts" means the total gross receipts received by a sports gaming proprietor from the operation of sports gaming in this state, less the total of the following: 7725
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(1) All cash and cash equivalents paid as winnings to sports gaming patrons; 7729
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(2) The dollar amount of all voided wagers. 7731

(3) (i) On and after January 1, 2027, but before January 1, 2032, ten per cent of the promotional gaming credits wagered by patrons; 7732
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(ii) On and after January 1, 2032, twenty per cent of the promotional gaming credits wagered by patrons. 7735
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As used in division (H) of this section, "promotional gaming credit" has the same meaning as in section 3775.01 of the Revised Code. When issuance of a promotional gaming credit requires money exchanged as a match from the patron, the deductible portion of the promotional gaming credit does not include the portion of the wager purchased by the patron. 7737
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(I) "Table game" has the same meaning as in section 3772.01 of the Revised Code. 7743
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~~(H)~~ (J) "Taxpayer" means a casino operator subject to the tax levied under section 5753.02 of the Revised Code or a sports gaming proprietor subject to the tax levied under section 5753.021 of the Revised Code. 7745
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(K) "Tax period" means one twenty-four-hour period with regard to which a ~~casino operator taxpayer~~ is required to pay the tax levied by ~~this chapter~~ section 5753.02 or 5753.021 of the Revised Code. 7749
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Sec. 5753.021. For the purposes of funding the education needs of this state, funding interscholastic athletics and other extracurricular activities for youth, funding efforts to alleviate problem sports gaming, and defraying the costs of enforcing and administering the law governing sports gaming and the tax levied by this section, a tax is hereby levied on the sports gaming receipts of a sports gaming proprietor at the rate 7753
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of ten per cent of the sports gaming receipts received by the 7760
proprietor from the operation of sports gaming in this state. 7761

The tax imposed under this section is in addition to any 7762
other taxes or fees imposed under the Revised Code. 7763

Sec. 5753.03. (A) For the purpose of receiving and 7764
distributing, and accounting for, revenue received from the tax 7765
levied by section 5753.02 of the Revised Code, the following 7766
funds are created in the state treasury: 7767

(1) The casino tax revenue fund; 7768

(2) The gross casino revenue county fund; 7769

(3) The gross casino revenue county student fund; 7770

(4) The gross casino revenue host city fund; 7771

(5) The Ohio state racing commission fund; 7772

(6) The Ohio law enforcement training fund; 7773

(7) The problem casino gambling and addictions fund; 7774

(8) The casino control commission fund; 7775

(9) The casino tax administration fund; 7776

(10) The peace officer training academy fund; 7777

(11) The criminal justice services casino tax revenue 7778
fund. 7779

(B) All moneys collected from the tax levied under ~~this~~ 7780
~~chapter~~ section 5753.02 of the Revised Code shall be deposited 7781
into the casino tax revenue fund. 7782

(C) From the casino tax revenue fund the director of 7783
budget and management shall transfer as needed to the tax refund 7784

fund amounts equal to the refunds certified by the tax 7785
commissioner under section 5753.06 of the Revised Code and 7786
attributable to the tax levied under section 5753.02 of the 7787
Revised Code. 7788

(D) After making any transfers required by division (C) of 7789
this section, but not later than the fifteenth day of the month 7790
following the end of each calendar quarter, the director of 7791
budget and management shall transfer amounts to each fund as 7792
follows: 7793

(1) Fifty-one per cent to the gross casino revenue county 7794
fund to make payments as required by Section 6(C) (3) (a) of 7795
Article XV, Ohio Constitution; 7796

(2) Thirty-four per cent to the gross casino revenue 7797
county student fund to make payments as required by Section 6(C) 7798
(3) (b) of Article XV, Ohio Constitution and as provided in 7799
section 5753.11 of the Revised Code; 7800

(3) Five per cent to the gross casino revenue host city 7801
fund for the benefit of the cities in which casino facilities 7802
are located; 7803

(4) Three per cent to the Ohio state racing commission 7804
fund to support the efforts and activities of the Ohio state 7805
racing commission to promote horse racing in this state at which 7806
the pari-mutuel system of wagering is conducted; 7807

(5) Two per cent to the Ohio law enforcement training fund 7808
to support law enforcement functions in the state; 7809

(6) Two per cent to the problem casino gambling and 7810
addictions fund to support efforts of the department of mental 7811
health and addiction services to alleviate problem gambling and 7812
substance abuse and related research in the state under section 7813

5119.47 of the Revised Code; 7814

(7) Three per cent to the casino control commission fund 7815
to support the operations of the Ohio casino control commission 7816
and to defray the cost of administering the tax levied under 7817
section 5753.02 of the Revised Code. 7818

Payments under divisions (D) (1) and (3) of this section 7819
shall be made by the end of the month following the end of the 7820
quarterly period. The tax commissioner shall make the data 7821
available to the director of budget and management for this 7822
purpose. 7823

Money in the Ohio state racing commission fund shall be 7824
distributed at the discretion of the Ohio state racing 7825
commission for the purpose stated in division (D) (4) of this 7826
section by the end of the month following the end of the 7827
quarterly period. The commission may retain up to five per cent 7828
of the amount transferred to the fund under division (D) (4) of 7829
this section for operating expenses necessary for the 7830
administration of the fund. 7831

Payments from the gross casino revenue county student fund 7832
as required under section 5753.11 of the Revised Code shall be 7833
made by the last day of January and by the last day of August of 7834
each year, beginning in 2013. The tax commissioner shall make 7835
the data available to the director of budget and management for 7836
this purpose. 7837

Of the money credited to the Ohio law enforcement training 7838
fund, the director of budget and management shall distribute 7839
eighty-five per cent of the money to the police officer training 7840
academy fund for the purpose of supporting the law enforcement 7841
training efforts of the Ohio peace officer training academy and 7842

fifteen per cent of the money to the criminal justice services 7843
casino tax revenue fund for the purpose of supporting the law 7844
enforcement training efforts of the division of criminal justice 7845
services. 7846

(E) (1) The tax commissioner shall serve as an agent of the 7847
counties of this state only for the purposes of this division 7848
and solely to make payments directly to municipal corporations 7849
and school districts, as applicable, on the counties' behalf. 7850

(2) On or before the last day of the month following the 7851
end of each calendar quarter, the tax commissioner shall provide 7852
for payment from the funds referenced in divisions (D) (1) and 7853
(3) of this section to each county and municipal corporation as 7854
prescribed in those divisions. 7855

(3) On or before the last day of January and the last day 7856
of August each year, the commissioner shall provide for payments 7857
from the fund referenced in division (D) (2) of this section to 7858
each school district as prescribed in that division. 7859

(F) The director of budget and management shall transfer 7860
one per cent of the money credited to the casino control 7861
commission fund to the casino tax administration fund. The tax 7862
commissioner shall use the casino tax administration fund to 7863
defray the costs incurred in administering the tax levied ~~by~~ 7864
this chapter under section 5753.02 of the Revised Code. 7865

(G) All investment earnings of the gross casino revenue 7866
county student fund shall be credited to the fund. 7867

Sec. 5753.031. (A) For the purpose of receiving and 7868
distributing, and accounting for, revenue received from the tax 7869
levied by section 5753.021 of the Revised Code and from fines 7870
imposed under Chapter 3775. of the Revised Code, the following 7871

<u>funds are created in the state treasury:</u>	7872
<u>(1) The sports gaming revenue fund;</u>	7873
<u>(2) The sports gaming tax administration fund, which the</u>	7874
<u>tax commissioner shall use to defray the costs incurred in</u>	7875
<u>administering the tax levied by section 5753.021 of the Revised</u>	7876
<u>Code;</u>	7877
<u>(3) The sports gaming profits education fund. Fifty per</u>	7878
<u>cent of the funds in the sports gaming profits education fund</u>	7879
<u>shall be used to support interscholastic athletics and other</u>	7880
<u>extracurricular activities for students in grades kindergarten</u>	7881
<u>through twelve as determined in appropriations made by the</u>	7882
<u>general assembly. The other fifty per cent shall be used for the</u>	7883
<u>support of public and nonpublic education for students in grades</u>	7884
<u>kindergarten through twelve as determined in appropriations made</u>	7885
<u>by the general assembly.</u>	7886
<u>(4) The problem sports gaming fund.</u>	7887
<u>(B) (1) All of the following shall be deposited into the</u>	7888
<u>sports gaming revenue fund:</u>	7889
<u>(a) All money collected from the tax levied under section</u>	7890
<u>5753.021 of the Revised Code;</u>	7891
<u>(b) The fees for an initial or renewed sports gaming</u>	7892
<u>proprietor license collected under division (D) of section</u>	7893
<u>3775.04 of the Revised Code;</u>	7894
<u>(c) The fees for an initial or renewed mobile management</u>	7895
<u>services provider license collected under division (B) (3) of</u>	7896
<u>section 3775.05 of the Revised Code;</u>	7897
<u>(d) The fees for an initial or renewed management services</u>	7898
<u>provider license collected under division (B) (3) of section</u>	7899

3775.051 of the Revised Code; 7900

(e) Unclaimed winnings collected under division (F) of section 3775.10 of the Revised Code; 7901
7902

(f) Any fines collected under Chapter 3775. of the Revised Code. 7903
7904

(2) All other fees collected under Chapter 3775. of the Revised Code shall be deposited into the casino control commission fund created under section 5753.03 of the Revised Code. 7905
7906
7907
7908

(C) (1) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code. 7909
7910
7911
7912
7913
7914

(2) Not later than the fifteenth day of each month, the director of budget and management shall transfer from the sports gaming revenue fund to the sports gaming tax administration fund the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under section 5753.021 of the Revised Code. 7915
7916
7917
7918
7919
7920

(3) Of the amount in the sports gaming revenue fund remaining after making the transfers required by divisions (C) (1) and (2) of this section, the director of budget and management shall transfer, on or before the fifteenth day of the month following the end of each calendar quarter, amounts to each fund as follows: 7921
7922
7923
7924
7925
7926

(a) Ninety-eight per cent to the sports gaming profits education fund; 7927
7928

(b) Two per cent to the problem sports gaming fund. 7929

(D) All interest generated by the funds created under this 7930
section shall be credited back to them. 7931

Sec. 5753.04. (A) Daily each day banks are open for 7932
business, not later than noon, a ~~casino operator~~ each taxpayer 7933
shall file a return electronically with the tax commissioner. 7934
The return shall be in the form required by the tax 7935
commissioner, and shall reflect the relevant tax period. The 7936
return shall include, but is not limited to, the amount of the 7937
~~casino operator's taxpayer's~~ gross casino revenue or sports 7938
gaming receipts for the tax period and the amount of tax due 7939
under section 5753.02 or 5753.021 of the Revised Code for the 7940
tax period. The ~~casino operator taxpayer~~ shall remit 7941
electronically with the return the tax due. 7942

(B) If a sports gaming proprietor's sports gaming receipts 7943
for a tax period are less than zero because the winnings paid by 7944
the proprietor to wagerers exceeds the proprietor's total gross 7945
receipts from the operation of sports gaming for that tax 7946
period, the tax commissioner shall allow the proprietor to carry 7947
forward the deficit to subsequent tax periods until the 7948
proprietor's sports gaming receipts are greater than zero. 7949

A deficit may not be carried back to a prior tax period 7950
and no payment previously made shall be refunded, except if the 7951
proprietor surrenders its sports gaming proprietor license and 7952
the proprietor's last return reported a deficit. In that case, 7953
the commissioner shall multiply the deficit by ten per cent and 7954
pay that amount to the proprietor in the manner prescribed by 7955
the commissioner. 7956

(C) If ~~the~~ a casino operator or sports gaming proprietor 7957

ceases to be a taxpayer at any time, the ~~casino operator~~ or 7958
proprietor shall indicate the last date for which the ~~casino~~ 7959
operator or proprietor was liable for the tax. The return shall 7960
include a space for this purpose. 7961

(D) Except as otherwise provided in division (A) of 7962
section 3775.13 of the Revised Code, the information in a return 7963
a sports gaming proprietor files with the tax commissioner under 7964
this section concerning sports gaming receipts is subject to 7965
disclosure as a public record under section 149.43 of the 7966
Revised Code. 7967

Sec. 5753.05. (A) (1) A ~~casino operator~~ taxpayer who fails 7968
to file a return or to remit the tax due as required by section 7969
5753.04 of the Revised Code shall pay a penalty not to exceed 7970
the greater of five hundred dollars or ten per cent of the tax 7971
due. 7972

(2) If the tax commissioner finds additional tax to be 7973
due, the tax commissioner may impose an additional penalty of up 7974
to fifteen per cent of the additional tax found to be due. A 7975
delinquent payment of tax made as the result of a notice or an 7976
audit is subject to the additional penalty imposed by this 7977
division. 7978

(3) If a ~~casino operator~~ taxpayer fails to file a return 7979
electronically or to remit the tax electronically, the tax 7980
commissioner may impose an additional penalty of fifty dollars 7981
or ten per cent of the tax due as shown on the return, whichever 7982
is greater. 7983

(B) If the tax due under section 5753.02 or 5753.021 of 7984
the Revised Code is not timely paid, the ~~casino operator~~ 7985
taxpayer shall pay interest at the rate per annum prescribed in 7986

section 5703.47 of the Revised Code beginning on the day the tax 7987
was due through the day the tax is paid or an assessment is 7988
issued, whichever occurs first. 7989

(C) The tax commissioner shall collect any penalty or 7990
interest as if it were the tax levied by section 5753.02 or 7991
5753.021 of the Revised Code, as applicable. Penalties and 7992
interest shall be treated as if they were revenue arising from 7993
the applicable tax levied by section 5753.02 of the Revised 7994
Code. 7995

(D) The tax commissioner may abate all or a portion of any 7996
penalty imposed under this section and may adopt rules governing 7997
abatements. 7998

(E) If a casino operator or sports gaming proprietor fails 7999
to file a return or remit the tax due as required by section 8000
5753.04 of the Revised Code within a period of one year after 8001
the due date for filing the return or remitting the tax, the 8002
Ohio casino control commission may suspend the ~~casino operator's~~ 8003
or proprietor's license. 8004

Sec. 5753.06. (A) A ~~casino operator taxpayer~~ may apply to 8005
the tax commissioner for refund of the amount of taxes under 8006
section 5753.02 or 5753.021 of the Revised Code that were 8007
overpaid, paid illegally or erroneously, or paid on an illegal 8008
or erroneous assessment. The application shall be on a form 8009
prescribed by the tax commissioner. The ~~casino operator taxpayer~~ 8010
shall provide the amount of the requested refund along with the 8011
claimed reasons for, and documentation to support, the issuance 8012
of a refund. The ~~casino operator taxpayer~~ shall file the 8013
application with the tax commissioner within four years after 8014
the date the payment was made, unless the applicant has waived 8015
the time limitation under division (D) of section 5753.07 of the 8016

Revised Code. In the latter event, the four-year limitation is 8017
extended for the same period of time as the waiver. 8018

(B) Upon the filing of a refund application, the tax 8019
commissioner shall determine the amount of refund to which the 8020
applicant is entitled. If the amount is not less than that 8021
claimed, the tax commissioner shall certify the amount to the 8022
director of budget and management and treasurer of state for 8023
payment from the tax refund fund. If the amount is less than 8024
that claimed, the tax commissioner shall proceed under section 8025
5703.70 of the Revised Code. 8026

(C) Interest on a refund applied for under this section, 8027
computed at the rate provided for in section 5703.47 of the 8028
Revised Code, shall be allowed from the later of the date the 8029
tax was due or the date payment of the tax was made. Except as 8030
provided in section 5753.07 of the Revised Code, the tax 8031
commissioner may, with the consent of the ~~casino operator~~ 8032
taxpayer, provide for crediting against the tax due for a tax 8033
period, the amount of any refund due the ~~casino operator~~ 8034
taxpayer for a preceding tax period. 8035

(D) Refunds under this section are subject to offset under 8036
section 5753.061 of the Revised Code. 8037

Sec. 5753.061. As used in this section, "debt to the 8038
state" means unpaid taxes that are due the state, unpaid 8039
workers' compensation premiums that are due, unpaid unemployment 8040
compensation contributions that are due, unpaid unemployment 8041
compensation payments in lieu of contributions that are due, 8042
unpaid fees payable to the state or to the clerk of courts under 8043
section 4505.06 of the Revised Code, incorrect medical 8044
assistance payments, or any unpaid charge, penalty, or interest 8045
arising from any of the foregoing. A debt to the state is not a 8046

"debt to the state" as used in this section unless the liability 8047
underlying the debt to the state has become incontestable 8048
because the time for appealing, reconsidering, reassessing, or 8049
otherwise questioning the liability has expired or the liability 8050
has been finally determined to be valid. 8051

If a ~~casino operator~~ taxpayer who is entitled to a refund 8052
under section 5753.06 of the Revised Code owes a debt to the 8053
state, the amount refundable may be applied in satisfaction of 8054
the debt to the state. If the amount refundable is less than the 8055
amount of the debt to the state, the amount refundable may be 8056
applied in partial satisfaction of the debt. If the amount 8057
refundable is greater than the amount of the debt, the amount 8058
refundable remaining after satisfaction of the debt shall be 8059
refunded to the ~~casino operator~~ taxpayer. 8060

Sec. 5753.07. (A) (1) The tax commissioner may issue an 8061
assessment, based on any information in the tax commissioner's 8062
possession, against a ~~casino operator~~ taxpayer who fails to pay 8063
the tax levied under section 5753.02 or 5753.021 of the Revised 8064
Code or to file a return under section 5753.04 of the Revised 8065
Code. The tax commissioner shall give the ~~casino operator~~ 8066
taxpayer written notice of the assessment under section 5703.37 8067
of the Revised Code. With the notice, the tax commissioner shall 8068
include instructions on how to petition for reassessment and on 8069
how to request a hearing with respect to the petition. 8070

(2) Unless the ~~casino operator~~ taxpayer, within sixty days 8071
after service of the notice of assessment, files with the tax 8072
commissioner, either personally or by certified mail, a written 8073
petition signed by the ~~casino operator~~ taxpayer, or by the 8074
~~casino operator's~~ taxpayer's authorized agent who has knowledge 8075
of the facts, the assessment becomes final, and the amount of 8076

the assessment is due and payable from the ~~casino operator~~ 8077
taxpayer to the treasurer of state. The petition shall indicate 8078
the ~~casino operator's taxpayer's~~ objections to the assessment. 8079
Additional objections may be raised in writing if they are 8080
received by the tax commissioner before the date shown on the 8081
final determination. 8082

(3) If a petition for reassessment has been properly 8083
filed, the tax commissioner shall proceed under section 5703.60 8084
of the Revised Code. 8085

(4) After an assessment becomes final, if any portion of 8086
the assessment, including penalties and accrued interest, 8087
remains unpaid, the tax commissioner may file a certified copy 8088
of the entry making the assessment final in the office of the 8089
clerk of the court of common pleas of Franklin county or in the 8090
office of the clerk of the court of common pleas of the county 8091
in which the ~~casino operator taxpayer~~ resides, the ~~casino~~ 8092
~~operator's taxpayer's~~ casino facility or sports gaming facility 8093
is located, or the ~~casino operator's taxpayer's~~ principal place 8094
of business in this state is located. Immediately upon the 8095
filing of the entry, the clerk shall enter a judgment for the 8096
state against the taxpayer assessed in the amount shown on the 8097
entry. The judgment may be filed by the clerk in a loose-leaf 8098
book entitled, "special judgments for the gross casino revenue 8099
tax and sports gaming receipts tax." The judgment has the same 8100
effect as other judgments. Execution shall issue upon the 8101
judgment at the request of the tax commissioner, and all laws 8102
applicable to sales on execution apply to sales made under the 8103
judgment. 8104

(5) If the assessment is not paid in its entirety within 8105
sixty days after the day the assessment was issued, the portion 8106

of the assessment consisting of tax due shall bear interest at 8107
the rate per annum prescribed by section 5703.47 of the Revised 8108
Code from the day the tax commissioner issued the assessment 8109
until the assessment is paid or until it is certified to the 8110
attorney general for collection under section 131.02 of the 8111
Revised Code, whichever comes first. If the unpaid portion of 8112
the assessment is certified to the attorney general for 8113
collection, the entire unpaid portion of the assessment shall 8114
bear interest at the rate per annum prescribed by section 8115
5703.47 of the Revised Code from the date of certification until 8116
the date it is paid in its entirety. Interest shall be paid in 8117
the same manner as the tax levied under section 5753.02 or 8118
5753.021 of the Revised Code, as applicable, and may be 8119
collected by the issuance of an assessment under this section. 8120

(B) If the tax commissioner believes that collection of 8121
the tax levied under section 5753.02 or 5753.021 of the Revised 8122
Code will be jeopardized unless proceedings to collect or secure 8123
collection of the tax are instituted without delay, the 8124
commissioner may issue a jeopardy assessment against the ~~casino-~~ 8125
~~operator who taxpayer that~~ is liable for the tax. Immediately 8126
upon the issuance of a jeopardy assessment, the tax commissioner 8127
shall file an entry with the clerk of the court of common pleas 8128
in the manner prescribed by division (A) (4) of this section, and 8129
the clerk shall proceed as directed in that division. Notice of 8130
the jeopardy assessment shall be served on the ~~casino-operator-~~ 8131
~~taxpayer~~ or the casino-operator's taxpayer's authorized agent 8132
under section 5703.37 of the Revised Code within five days after 8133
the filing of the entry with the clerk. The total amount 8134
assessed is immediately due and payable, unless the ~~casino-~~ 8135
~~operator taxpayer~~ assessed files a petition for reassessment 8136
under division (A) (2) of this section and provides security in a 8137

form satisfactory to the tax commissioner that is in an amount 8138
sufficient to satisfy the unpaid balance of the assessment. If a 8139
petition for reassessment has been filed, and if satisfactory 8140
security has been provided, the tax commissioner shall proceed 8141
under division (A) (3) of this section. Full or partial payment 8142
of the assessment does not prejudice the tax commissioner's 8143
consideration of the petition for reassessment. 8144

(C) The tax commissioner shall immediately forward to the 8145
treasurer of state all amounts the tax commissioner receives 8146
under this section, and the amounts forwarded shall be treated 8147
as if they were revenue arising from the tax levied under 8148
section 5753.02 or 5753.021 of the Revised Code, as applicable. 8149

(D) Except as otherwise provided in this division, no 8150
assessment shall be issued against a ~~casino operator taxpayer~~ 8151
for the tax levied under section 5753.02 or 5753.021 of the 8152
Revised Code more than four years after the due date for filing 8153
the return for the tax period for which the tax was reported, or 8154
more than four years after the return for the tax period was 8155
filed, whichever is later. This division does not bar an 8156
assessment against a ~~casino operator taxpayer~~ who fails to file 8157
a return as required by section 5753.04 of the Revised Code or 8158
who files a fraudulent return, or when the ~~casino operator~~ 8159
~~taxpayer~~ and the tax commissioner waive in writing the time 8160
limitation. 8161

(E) If the tax commissioner possesses information that 8162
indicates that the amount of tax a ~~casino operator taxpayer~~ is 8163
liable to pay under section 5753.02 or 5753.021 of the Revised 8164
Code exceeds the amount the ~~casino operator taxpayer~~ paid, the 8165
tax commissioner may audit a sample of the ~~casino operator's~~ 8166
taxpayer's gross casino revenue or sports gaming receipts, as 8167

applicable, over a representative period of time to ascertain 8168
the amount of tax due, and may issue an assessment based on the 8169
audit. The tax commissioner shall make a good faith effort to 8170
reach agreement with the ~~casino operator taxpayer~~ in selecting a 8171
representative sample. The tax commissioner may apply a sampling 8172
method only if the tax commissioner has prescribed the method by 8173
rule. 8174

(F) If the whereabouts of a ~~casino operator taxpayer~~ who 8175
is liable for the tax levied under section 5753.02 or 5753.021 8176
of the Revised Code are unknown to the tax commissioner, the tax 8177
commissioner shall proceed under section 5703.37 of the Revised 8178
Code. 8179

~~(G) If a casino operator fails to pay the tax levied under~~ 8180
~~section 5753.02 of the Revised Code within a period of one year~~ 8181
~~after the due date for remitting the tax, the Ohio casino~~ 8182
~~control commission may suspend the casino operator's license.~~ 8183

Sec. 5753.08. If a ~~casino operator taxpayer~~ who is liable 8184
for the tax levied under section 5753.02 or 5753.021 of the 8185
Revised Code sells ~~the a~~ casino facility or sports gaming 8186
facility, disposes of ~~the a~~ casino facility or sports gaming 8187
facility in any manner other than in the regular course of 8188
business, or quits the casino gaming or sports gaming business, 8189
any tax owed by that person becomes immediately due and payable, 8190
and the person shall pay the tax due, including any applicable 8191
penalties and interest. The person's successor shall withhold a 8192
sufficient amount of the purchase money to cover the amounts due 8193
and unpaid until the predecessor produces a receipt from the tax 8194
commissioner showing that the amounts due have been paid or a 8195
certificate indicating that no taxes are due. If the successor 8196
fails to withhold purchase money, the successor is personally 8197

liable, up to the purchase money amount, for amounts that were 8198
unpaid during the operation of the business by the predecessor. 8199

Sec. 5753.10. The tax commissioner may prescribe 8200
requirements for the keeping of records and pertinent documents, 8201
for the filing of copies of federal income tax returns and 8202
determinations, and for computations reconciling federal income 8203
tax returns with the return required by section 5753.04 of the 8204
Revised Code. The tax commissioner may require a ~~casino operator~~ 8205
taxpayer, by rule or by notice served on the ~~casino operator~~ 8206
taxpayer, to keep records and other documents that the tax 8207
commissioner considers necessary to show the extent to which the 8208
~~casino operator taxpayer~~ is subject to this chapter. The records 8209
and other documents shall be open to inspection by the tax 8210
commissioner during business hours, and shall be preserved for a 8211
period of four years unless the tax commissioner, in writing, 8212
consents to their destruction within that period, or by order 8213
served on the ~~casino operator taxpayer~~ requires that they be 8214
kept longer. If the records are normally kept electronically by 8215
the ~~casino operator taxpayer~~, the ~~casino operator taxpayer~~ 8216
shall provide the records to the tax commissioner electronically 8217
at the tax commissioner's request. 8218

Any information required by the tax commissioner under 8219
this section is confidential under section 5703.21 of the 8220
Revised Code. 8221

Section 2. That existing sections 109.32, 109.572, 317.24, 8222
317.241, 718.031, 718.08, 2915.01, 2915.08, 2915.081, 2915.082, 8223
2915.09, 2915.091, 2915.093, 2915.095, 2915.10, 2915.101, 8224
2915.12, 2915.13, 3123.89, 3123.90, 3770.071, 3770.073, 3772.01, 8225
3772.02, 3772.03, 3772.062, 3772.07, 5703.21, 5747.02, 5747.062, 8226
5747.063, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 8227

5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 of the Revised Code are hereby repealed.

Section 3. (A) The Ohio Casino Control Commission shall begin to accept applications for sports gaming proprietor licenses under Chapter 3775. of the Revised Code, as enacted by this act, on January 1, 2022, and shall begin to issue those licenses on April 1, 2022.

(B) The Attorney General shall begin to accept applications for licenses to conduct electronic instant bingo under Chapter 2915. of the Revised Code, as amended by this act, on January 1, 2022, and shall begin to issue those licenses on April 1, 2022.

Section 4. (A) Notwithstanding division (F) of section 121.95 of the Revised Code, during the first year after the effective date of this section, both of the following apply:

(1) The Ohio Casino Control Commission may adopt new regulatory restrictions pursuant to Chapter 3775. of the Revised Code, as enacted by this act, without simultaneously removing two or more other existing regulatory restrictions.

(2) The State Lottery Commission may adopt new regulatory restrictions pursuant to section 3775.13 of the Revised Code, as enacted by this act, without simultaneously removing two or more other existing regulatory restrictions.

(B) As soon as practicable after the date that is one year after the effective date of this section, the Ohio Casino Control Commission and the State Lottery Commission shall update their base inventories of regulatory restrictions created under section 121.95 of the Revised Code to include each new regulatory restriction described in division (A) (1) or (2) of

this section, as applicable. 8257

Section 5. (A) There is the Select Committee on iLottery, 8258
which shall study the potential effect of online lottery ticket 8259
sales on retail lottery ticket sales in this state. 8260

(B) The Select Committee shall consist of the following 8261
nine members: 8262

(1) Two members of the Senate appointed by the President 8263
of the Senate; 8264

(2) One member of the Senate appointed by the Senate 8265
Minority Leader; 8266

(3) Two members of the House of Representatives appointed 8267
by the Speaker of the House of Representatives; 8268

(4) One member of the House of Representatives appointed 8269
by the Minority Leader of the House of Representatives; 8270

(5) One member of the public appointed by the President of 8271
the Senate; 8272

(6) One member of the public appointed by the Speaker of 8273
the House of Representatives; 8274

(7) One member of the public appointed by the Governor. 8275

(C) The Select Committee shall elect a chairperson from 8276
among its members. Vacancies on the Select Committee shall be 8277
filled in the manner provided for original appointments. Members 8278
of the Select Committee shall serve without compensation. 8279

(D) Not later than January 1, 2022, the Select Committee 8280
shall submit a report of its findings to the General Assembly. 8281
After it submits the report, the Select Committee shall cease to 8282
exist. 8283

Section 6. (A) There is the Select Committee on Sports	8284
Gaming and Problem Gambling, which shall study all of the	8285
following:	8286
(1) Whether a portion of the money in the Sports Gaming	8287
Revenue Fund created under section 5753.031 of the Revised Code,	8288
as enacted by this act, should be allocated to make grants to	8289
youth sports programs;	8290
(2) Whether an appropriate amount of the money in the	8291
Sports Gaming Revenue Fund is allocated to the Problem Sports	8292
Gaming Fund created under that section;	8293
(3) Whether sports gaming proprietors and the State	8294
Lottery Commission should be required to develop and implement	8295
compulsive and problem gambling plans with respect to sports	8296
gaming, similar to the plans casino operators develop and	8297
implement under division (A) (6) of section 3772.18 of the	8298
Revised Code;	8299
(4) Whether the Attorney General should be required to	8300
develop and implement a compulsive and problem gambling program	8301
for type II and type III bingo license holders under Chapter	8302
2915. of the Revised Code, as amended by this act, to train and	8303
assist license holders in preventing, and educating participants	8304
about, problem gambling.	8305
(B) The Select Committee shall consist of the following	8306
nine members:	8307
(1) Two members of the Senate appointed by the President	8308
of the Senate;	8309
(2) One member of the Senate appointed by the Senate	8310
Minority Leader;	8311

(3) Two members of the House of Representatives appointed	8312
by the Speaker of the House of Representatives;	8313
(4) One member of the House of Representatives appointed	8314
by the Minority Leader of the House of Representatives;	8315
(5) One member of the public appointed by the President of	8316
the Senate;	8317
(6) One member of the public appointed by the Speaker of	8318
the House of Representatives;	8319
(7) One member of the public appointed by the Governor.	8320
(C) The Select Committee shall elect a chairperson from	8321
among its members. Vacancies on the Select Committee shall be	8322
filled in the manner provided for original appointments. Members	8323
of the Select Committee shall serve without compensation.	8324
(D) Not later than January 1, 2022, the Select Committee	8325
shall submit a report of its findings to the General Assembly.	8326
After it submits the report, the Select Committee shall cease to	8327
exist.	8328
Section 7. (A) As used in this section, "esports event"	8329
means an organized video game competition that is regulated by a	8330
sports governing body and that is held between professional	8331
players who play individually or as teams.	8332
(B) It is the intent of the General Assembly to introduce	8333
comprehensive legislation governing wagering on esports events	8334
under Chapter 3775. of the Revised Code, as enacted by this act.	8335
Section 8. Sections 109.572, 2915.081, 2915.082, 3770.073,	8336
3772.01, and 3772.07 of the Revised Code as presented in this	8337
act take effect on the later of October 9, 2021, or the	8338
effective date of this section. (October 9, 2021, is the	8339

effective date of earlier amendments to those sections by H.B.	8340
263 of the 133rd General Assembly.)	8341
Section 9. The General Assembly, applying the principle	8342
stated in division (B) of section 1.52 of the Revised Code that	8343
amendments are to be harmonized if reasonably capable of	8344
simultaneous operation, finds that the following sections,	8345
presented in this act as composites of the sections as amended	8346
by the acts indicated, are the resulting versions of the	8347
sections in effect prior to the effective date of the sections	8348
as presented in this act:	8349
Section 109.572 of the Revised Code as amended by both	8350
H.B. 263 and S.B. 260 of the 133rd General Assembly.	8351
Section 3772.03 of the Revised Code as amended by both	8352
H.B. 49 and H.B. 132 of the 132nd General Assembly.	8353
Section 5751.01 of the Revised Code as amended by H.B.	8354
150, H.B. 197, S.B. 201, and S.B. 276, all of the 133rd General	8355
Assembly.	8356