

As Introduced

136th General Assembly

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H. B. No. 344

Representatives Dovilla, Manning

To amend sections 718.031, 2915.01, 2915.02,
2915.07, 2915.09, 2915.091, 2915.093, 2915.094,
2915.10, 2915.101, 2915.13, 2915.14, 3770.06,
3770.99, 5739.02, 5747.064, 5753.01, 5753.04,
5753.05, 5753.07, 5753.08, and 5753.12 and to
enact sections 3770.31, 3770.32, 3770.33,
3770.34, 3770.35, 3770.36, 3770.37, 3770.38,
3770.39, 3770.40, 3770.41, 5753.022, and
5753.032 of the Revised Code to expand the
locations and manner in which electronic instant
bingo may be conducted, to authorize and
establish regulations for retailer video lottery
terminals, and to levy a tax on electronic
instant bingo.

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

Section 1. That sections 718.031, 2915.01, 2915.02,
2915.07, 2915.09, 2915.091, 2915.093, 2915.094, 2915.10,
2915.101, 2915.13, 2915.14, 3770.06, 3770.99, 5739.02, 5747.064,
5753.01, 5753.04, 5753.05, 5753.07, 5753.08, and 5753.12 be
amended and sections 3770.31, 3770.32, 3770.33, 3770.34,
3770.35, 3770.36, 3770.37, 3770.38, 3770.39, 3770.40, 3770.41,
5753.022, and 5753.032 of the Revised Code be enacted to read as

follows: 22

Sec. 718.031. As used in this section, "sports gaming 23
facility" and "type B sports gaming proprietor" have the same 24
meanings as in section 3775.01 of the Revised Code~~and;~~ 25
"lottery sports gaming" has the same meaning as in section 26
3770.23 of the Revised Code; and "retailer video lottery 27
terminal," "retailer video lottery terminal operator," and 28
"retailer video lottery terminal establishment" have the same 29
meanings as in section 3770.31 of the Revised Code. 30

(A) A municipal corporation shall require the following 31
persons to withhold and remit municipal income tax with respect 32
to amounts other than qualifying wages as provided in this 33
section: 34

(1) A casino facility or a casino operator, as defined in 35
Section 6(C)(9) of Article XV, Ohio Constitution, and section 36
3772.01 of the Revised Code, respectively; 37

(2) A video lottery sales agent conducting video lottery 38
terminals on behalf of the state; 39

(3) A type B sports gaming proprietor offering sports 40
gaming at a sports gaming facility; 41

(4) A retailer video lottery terminal operator operating 42
retailer video lottery terminals. 43

(B) If a person's winnings at a casino facility or sports 44
gaming facility are an amount for which reporting to the 45
internal revenue service of the amount is required by section 46
6041 of the Internal Revenue Code, as amended, a casino operator 47
or sports gaming proprietor shall deduct and withhold municipal 48
income tax from the person's winnings at the rate of the tax 49
imposed by the municipal corporation in which the casino 50

facility or sports gaming facility is located. 51

(C) Amounts deducted and withheld by a casino operator or 52
sports gaming proprietor are held in trust for the benefit of 53
the municipal corporation to which the tax is owed. 54

(1) On or before the tenth day of each month, the casino 55
operator or sports gaming proprietor shall file a return 56
electronically with the tax administrator of the municipal 57
corporation, providing the name, address, and social security 58
number of the person from whose winnings amounts were deducted 59
and withheld, the amount of each such deduction and withholding 60
during the preceding calendar month, the amount of the winnings 61
from which each such amount was withheld, the type of casino 62
gaming or sports gaming that resulted in such winnings, and any 63
other information required by the tax administrator. With this 64
return, the casino operator or sports gaming proprietor shall 65
remit electronically to the municipal corporation all amounts 66
deducted and withheld during the preceding month. 67

(2) Annually, on or before the thirty-first day of 68
January, a casino operator or sports gaming proprietor shall 69
file an annual return electronically with the tax administrator 70
of the municipal corporation in which the casino facility or 71
sports gaming facility is located, indicating the total amount 72
deducted and withheld during the preceding calendar year. The 73
casino operator or sports gaming proprietor shall remit 74
electronically with the annual return any amount that was 75
deducted and withheld and that was not previously remitted. If 76
the name, address, or social security number of a person or the 77
amount deducted and withheld with respect to that person was 78
omitted on a monthly return for that reporting period, that 79
information shall be indicated on the annual return. 80

(3) Annually, on or before the thirty-first day of 81
January, a casino operator or sports gaming proprietor shall 82
issue an information return to each person with respect to whom 83
an amount has been deducted and withheld during the preceding 84
calendar year. The information return shall show the total 85
amount of municipal income tax deducted from the person's 86
winnings during the preceding year. The casino operator or 87
sports gaming proprietor shall provide to the tax administrator 88
a copy of each information return issued under this division. 89
The administrator may require that such copies be transmitted 90
electronically. 91

(4) A casino operator or sports gaming proprietor that 92
fails to file a return and remit the amounts deducted and 93
withheld shall be personally liable for the amount withheld and 94
not remitted. Such personal liability extends to any penalty and 95
interest imposed for the late filing of a return or the late 96
payment of tax deducted and withheld. 97

(5) If a casino operator or sports gaming proprietor sells 98
the casino facility or sports gaming facility, or otherwise 99
quits the casino or sports gaming business, the amounts deducted 100
and withheld along with any penalties and interest thereon are 101
immediately due and payable. The successor shall withhold an 102
amount of the purchase money that is sufficient to cover the 103
amounts deducted and withheld along with any penalties and 104
interest thereon until the predecessor casino operator or sports 105
gaming proprietor produces either of the following: 106

(a) A receipt from the tax administrator showing that the 107
amounts deducted and withheld and penalties and interest thereon 108
have been paid; 109

(b) A certificate from the tax administrator indicating 110

that no amounts are due. 111

If the successor fails to withhold purchase money, the 112
successor is personally liable for the payment of the amounts 113
deducted and withheld and penalties and interest thereon. 114

(6) The failure of a casino operator or sports gaming 115
proprietor to deduct and withhold the required amount from a 116
person's winnings does not relieve that person from liability 117
for the municipal income tax with respect to those winnings. 118

(D) If a person's prize award from a video lottery 119
terminal or from lottery sports gaming offered in a video 120
lottery terminal facility or retailer video lottery terminal is 121
an amount for which reporting to the internal revenue service is 122
required by section 6041 of the Internal Revenue Code, as 123
amended, the video lottery sales agent or retailer video lottery
terminal operator shall deduct and withhold municipal income tax 125
from the person's prize award at the rate of the tax imposed by 126
the municipal corporation in which the video lottery terminal 127
facility or retailer video lottery terminal establishment is 128
located. 129

(E) Amounts deducted and withheld by a video lottery sales 130
agent or retailer video lottery terminal operator are held in 131
trust for the benefit of the municipal corporation to which the 132
tax is owed. 133

(1) The video lottery sales agent or retailer video 134
lottery terminal operator shall issue to a person from whose 135
prize award an amount has been deducted and withheld a receipt 136
for the amount deducted and withheld, and shall obtain from the 137
person receiving a prize award the person's name, address, and 138
social security number in order to facilitate the preparation of 139

returns required by this section. 140

(2) On or before the tenth day of each month, the video 141
lottery sales agent or retailer video lottery terminal operator 142
shall file a return electronically with the tax administrator of 143
the municipal corporation providing the names, addresses, and 144
social security numbers of the persons from whose prize awards 145
amounts were deducted and withheld, the amount of each such 146
deduction and withholding during the preceding calendar month, 147
the amount of the prize award from which each such amount was 148
withheld, and any other information required by the tax 149
administrator. With the return, the ~~video lottery sales agent~~ or 150
operator shall remit electronically to the tax administrator all 151
amounts deducted and withheld during the preceding month. 152

(3) A video lottery sales agent or retailer video lottery 153
terminal operator shall maintain a record of all receipts issued 154
under division (E) of this section and shall make those records 155
available to the tax administrator upon request. Such records 156
shall be maintained in accordance with section 5747.17 of the 157
Revised Code and any rules adopted pursuant thereto. 158

(4) Annually, on or before the thirty-first day of 159
January, each video lottery terminal sales agent or retailer 160
video lottery terminal operator shall file an annual return 161
electronically with the tax administrator of the municipal 162
corporation in which the facility is located indicating the 163
total amount deducted and withheld during the preceding calendar 164
year. The ~~video lottery sales agent~~ or operator shall remit 165
electronically with the annual return any amount that was 166
deducted and withheld and that was not previously remitted. If 167
the name, address, or social security number of a person or the 168
amount deducted and withheld with respect to that person was 169

omitted on a monthly return for that reporting period, that 170
information shall be indicated on the annual return. 171

(5) Annually, on or before the thirty-first day of 172
January, a video lottery sales agent or retailer video lottery 173
terminal operator shall issue an information return to each 174
person with respect to whom an amount has been deducted and 175
withheld during the preceding calendar year. The information 176
return shall show the total amount of municipal income tax 177
deducted and withheld from the person's prize award by the ~~video~~ 178
~~lottery sales agent~~ or operator during the preceding year. A- 179
~~video lottery sales~~ An agent or retailer video lottery terminal 180
operator shall provide to the tax administrator of the municipal 181
corporation a copy of each information return issued under this 182
division. The tax administrator may require that such copies be 183
transmitted electronically. 184

(6) A video lottery sales agent or retailer video lottery 185
terminal operator who fails to file a return and remit the 186
amounts deducted and withheld is personally liable for the 187
amount deducted and withheld and not remitted. Such personal 188
liability extends to any penalty and interest imposed for the 189
late filing of a return or the late payment of tax deducted and 190
withheld. 191

(F) If a video lottery sales agent ceases to operate video 192
lottery terminals, or if a retailer video lottery terminal 193
operator ceases to operate retailer video lottery terminals, the 194
amounts deducted and withheld along with any penalties and 195
interest thereon are immediately due and payable. The successor 196
of the ~~video lottery sales agent~~ or operator that purchases the 197
video lottery terminals or retailer video lottery terminals from 198
the agent or operator shall withhold an amount from the purchase 199

money that is sufficient to cover the amounts deducted and 200
withheld and any penalties and interest thereon until the 201
predecessor video lottery sales agent or retailer video lottery 202
terminal operator produces either of the following: 203

(1) A receipt from the tax administrator showing that the 204
amounts deducted and withheld and penalties and interest thereon 205
have been paid; 206

(2) A certificate from the tax administrator indicating 207
that no amounts are due. 208

If the successor fails to withhold purchase money, the 209
successor is personally liable for the payment of the amounts 210
deducted and withheld and penalties and interest thereon. 211

(G) The failure of a video lottery sales agent or video 212
lottery terminal operator to deduct and withhold the required 213
amount from a person's prize award does not relieve that person 214
from liability for the municipal income tax with respect to that 215
prize award. 216

(H) If a casino operator, sports gaming proprietor, or 217
video lottery terminal operator, or lottery sales agent files a 218
return late, fails to file a return, remits amounts deducted and 219
withheld late, or fails to remit amounts deducted and withheld 220
as required under this section, the tax administrator of a 221
municipal corporation may impose the following applicable 222
penalty: 223

(1) For the late remittance of, or failure to remit, tax 224
deducted and withheld under this section, a penalty equal to 225
fifty per cent of the tax deducted and withheld; 226

(2) For the failure to file, or the late filing of, a 227
monthly or annual return, a penalty of five hundred dollars for 228

each return not filed or filed late. Interest shall accrue on 229
past due amounts deducted and withheld at the rate prescribed in 230
section 5703.47 of the Revised Code. 231

(I) Amounts deducted and withheld on behalf of a municipal 232
corporation shall be allowed as a credit against payment of the 233
tax imposed by the municipal corporation and shall be treated as 234
taxes paid for purposes of section 718.08 of the Revised Code. 235
This division applies only to the person for whom the amount is 236
deducted and withheld. 237

(J) The tax administrator shall prescribe the forms of the 238
receipts and returns required under this section. 239

Sec. 2915.01. As used in this chapter: 240

(A) "Bookmaking" means the business of receiving or paying 241
off bets. 242

(B) "Bet" means the hazarding of anything of value upon 243
the result of an event, undertaking, or contingency, but does 244
not include a bona fide business risk. 245

(C) "Scheme of chance" means a slot machine unless 246
authorized under Chapter 3772. of the Revised Code, lottery 247
unless authorized under Chapter 3770. of the Revised Code, 248
numbers game, pool conducted for profit, or other scheme in 249
which a participant gives a valuable consideration for a chance 250
to win a prize, but does not include bingo, a skill-based 251
amusement machine, or a pool not conducted for profit. "Scheme 252
of chance" includes the use of an electronic device to reveal 253
the results of a game entry if valuable consideration is paid, 254
directly or indirectly, for a chance to win a prize. Valuable 255
consideration is deemed to be paid for a chance to win a prize 256
in the following instances: 257

(1) Less than fifty per cent of the goods or services sold 258
by a scheme of chance operator in exchange for game entries are 259
used or redeemed by participants at any one location; 260

(2) Less than fifty per cent of participants who purchase 261
goods or services at any one location do not accept, use, or 262
redeem the goods or services sold or purportedly sold; 263

(3) More than fifty per cent of prizes at any one location 264
are revealed to participants through an electronic device 265
simulating a game of chance or a "casino game" as defined in 266
section 3772.01 of the Revised Code; 267

(4) The good or service sold by a scheme of chance 268
operator in exchange for a game entry cannot be used or redeemed 269
in the manner advertised; 270

(5) A participant pays more than fair market value for 271
goods or services offered by a scheme of chance operator in 272
order to receive one or more game entries; 273

(6) A participant may use the electronic device to 274
purchase additional game entries; 275

(7) A participant may purchase additional game entries by 276
using points or credits won as prizes while using the electronic 277
device; 278

(8) A scheme of chance operator pays out in prize money 279
more than twenty per cent of the gross revenue received at one 280
location; or 281

(9) A participant makes a purchase or exchange in order to 282
obtain any good or service that may be used to facilitate play 283
on the electronic device. 284

As used in this division, "electronic device" means a 285

mechanical, video, digital, or electronic machine or device that 286
is capable of displaying information on a screen or other 287
mechanism and that is owned, leased, or otherwise possessed by 288
any person conducting a scheme of chance, or by that person's 289
partners, affiliates, subsidiaries, or contractors. "Electronic 290
device" does not include an electronic instant bingo system. 291

(D) "Game of chance" means poker, craps, roulette, or 292
other game in which a player gives anything of value in the hope 293
of gain, the outcome of which is determined largely by chance, 294
but does not include bingo. 295

(E) "Game of chance conducted for profit" means any game 296
of chance designed to produce income for the person who conducts 297
or operates the game of chance, but does not include bingo. 298

(F) "Gambling device" means any of the following: 299

(1) A book, totalizer, or other equipment for recording 300
bets; 301

(2) A ticket, token, or other device representing a 302
chance, share, or interest in a scheme of chance or evidencing a 303
bet; 304

(3) A deck of cards, dice, gaming table, roulette wheel, 305
slot machine, or other apparatus designed for use in connection 306
with a game of chance; 307

(4) Any equipment, device, apparatus, or paraphernalia 308
specially designed for gambling purposes; 309

(5) Bingo supplies sold or otherwise provided, or used, in 310
violation of this chapter. 311

(G) "Gambling offense" means any of the following: 312

(1) A violation of this chapter;	313
(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 provision of this chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	314 315 316 317 318
(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;	319 320 321
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G) (1), (2), or (3) of this section.	322 323 324
(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:	325 326
(1) 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;	327 328 329
(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c) (4), (c) (7), (c) (8), (c) (10), or (c) (19) of the Internal Revenue Code.	330 331 332 333 334
To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.	335 336 337 338 339 340 341

(I) "Religious organization" means any church, body of 342
communicants, or group that is not organized or operated for 343
profit and that gathers in common membership for regular worship 344
and religious observances. 345

(J) "Veteran's organization" means any individual post or 346
state headquarters of a national veteran's association or an 347
auxiliary unit of any individual post of a national veteran's 348
association, which post, state headquarters, or auxiliary unit 349
is incorporated as a nonprofit corporation and either has 350
received a letter from the state headquarters of the national 351
veteran's association indicating that the individual post or 352
auxiliary unit is in good standing with the national veteran's 353
association or has received a letter from the national veteran's 354
association indicating that the state headquarters is in good 355
standing with the national veteran's association. As used in 356
this division, "national veteran's association" means any 357
veteran's association that has been in continuous existence as 358
such for a period of at least five years and either is 359
incorporated by an act of the United States congress or has a 360
national dues-paying membership of at least five thousand 361
persons. 362

(K) "Volunteer firefighter's organization" means any 363
organization of volunteer firefighters, as defined in section 364
146.01 of the Revised Code, that is organized and operated 365
exclusively to provide financial support for a volunteer fire 366
department or a volunteer fire company and that is recognized or 367
ratified by a county, municipal corporation, or township. 368

(L) "Fraternal organization" means any society, order, 369
state headquarters, or association within this state, except a 370
college or high school fraternity, that is not organized for 371

profit, that is a branch, lodge, or chapter of a national or 372
state organization, that exists exclusively for the common 373
business or sodality of its members. 374

(M) "Volunteer rescue service organization" means any 375
organization of volunteers organized to function as an emergency 376
medical service organization, as defined in section 4765.01 of 377
the Revised Code. 378

(N) "Charitable bingo game" means any bingo game described 379
in division (O) (1) or (2) of this section that is conducted by a 380
charitable organization that has obtained a license pursuant to 381
section 2915.08 of the Revised Code and the proceeds of which 382
are used for a charitable purpose. 383

(O) "Bingo" means either of the following: 384

(1) A game with all of the following characteristics: 385

(a) The participants use bingo cards or sheets, including 386
paper formats and electronic representation or image formats, 387
that are divided into twenty-five spaces arranged in five 388
horizontal and five vertical rows of spaces, with each space, 389
except the central space, being designated by a combination of a 390
letter and a number and with the central space being designated 391
as a free space. 392

(b) The participants cover the spaces on the bingo cards 393
or sheets that correspond to combinations of letters and numbers 394
that are announced by a bingo game operator. 395

(c) A bingo game operator announces combinations of 396
letters and numbers that appear on objects that a bingo game 397
operator selects by chance, either manually or mechanically, 398
from a receptacle that contains seventy-five objects at the 399
beginning of each game, each object marked by a different 400

combination of a letter and a number that corresponds to one of 401
the seventy-five possible combinations of a letter and a number 402
that can appear on the bingo cards or sheets. 403

(d) The winner of the bingo game includes any participant 404
who properly announces during the interval between the 405
announcements of letters and numbers as described in division 406
(O) (1) (c) of this section, that a predetermined and preannounced 407
pattern of spaces has been covered on a bingo card or sheet 408
being used by the participant. 409

(2) Instant bingo, electronic instant bingo, and raffles. 410

(P) "Conduct" means to back, promote, organize, manage, 411
carry on, sponsor, or prepare for the operation of bingo or a 412
game of chance, a scheme of chance, or a sweepstakes. 413

~~(Q)~~ (Q) (1) "Bingo game operator" means any person, except 414
security personnel, who performs work or labor at the site of 415
bingo, including, but not limited to, collecting money from 416
participants, handing out bingo cards or sheets or objects to 417
cover spaces on bingo cards or sheets, selecting from a 418
receptacle the objects that contain the combination of letters 419
and numbers that appear on bingo cards or sheets, calling out 420
the combinations of letters and numbers, distributing prizes, 421
selling or redeeming instant bingo tickets or cards, selling or 422
redeeming electronic instant bingo tickets, credits, or 423
vouchers, accessing an electronic instant bingo system other 424
than as a participant, supervising the operation of a punch 425
board, selling raffle tickets, selecting raffle tickets from a 426
receptacle and announcing the winning numbers in a raffle, and 427
preparing, selling, and serving food or beverages. "Bingo" 428

(2) "Bingo game operator" does not include ~~a~~ either of the 429

following: 430

(a) A person who is installing, maintaining, updating, or 431
repairing an electronic instant bingo system; 432

(b) An individual who is, or is employed by, an instant 433
bingo host and whose duties are related solely to nongaming 434
activities such as entertainment, maintenance, or preparing or 435
serving food or beverages. 436

(R) "Participant" means any person who plays bingo. 437

(S) "Bingo session" means a period that includes both of 438
the following: 439

(1) Not to exceed five continuous hours for the conduct of 440
one or more games described in division (O) (1) of this section, 441
instant bingo, and electronic instant bingo; 442

(2) A period for the conduct of instant bingo and 443
electronic instant bingo for not more than two hours before and 444
not more than two hours after the period described in division 445
(S) (1) of this section. 446

(T) "Gross receipts" means all money or assets, including 447
admission fees, that a person receives from bingo without the 448
deduction of any amounts for prizes paid out or for the expenses 449
of conducting bingo. "Gross receipts" does not include any money 450
directly taken in from the sale of food or beverages by a 451
charitable organization conducting bingo, or by a bona fide 452
auxiliary unit or society of a charitable organization 453
conducting bingo, provided all of the following apply: 454

(1) The auxiliary unit or society has been in existence as 455
a bona fide auxiliary unit or society of the charitable 456
organization for at least two years prior to conducting bingo. 457

(2) The person who purchases the food or beverage receives 458
nothing of value except the food or beverage and items 459
customarily received with the purchase of that food or beverage. 460

(3) The food and beverages are sold at customary and 461
reasonable prices. 462

(U) "Security personnel" includes any person who either is 463
a sheriff, deputy sheriff, marshal, deputy marshal, township 464
constable, or member of an organized police department of a 465
municipal corporation or has successfully completed a peace 466
officer's training course pursuant to sections 109.71 to 109.79 467
of the Revised Code and who is hired to provide security for the 468
premises on which bingo is conducted. 469

(V) "Charitable purpose" means that the net profit of 470
bingo, other than instant bingo or electronic instant bingo, is 471
used by, or is given, donated, or otherwise transferred to, any 472
of the following: 473

(1) Any organization that is described in subsection 474
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 475
and is either a governmental unit or an organization that is tax 476
exempt under subsection 501(a) and described in subsection 477
501(c) (3) of the Internal Revenue Code; 478

(2) A veteran's organization that is a post, chapter, or 479
organization of veterans, or an auxiliary unit or society of, or 480
a trust or foundation for, any such post, chapter, or 481
organization organized in the United States or any of its 482
possessions, at least seventy-five per cent of the members of 483
which are veterans and substantially all of the other members of 484
which are individuals who are spouses, widows, or widowers of 485
veterans, or such individuals, provided that no part of the net 486

earnings of such post, chapter, or organization inures to the 487
benefit of any private shareholder or individual, and further 488
provided that the net profit is used by the post, chapter, or 489
organization for the charitable purposes set forth in division 490
(B) (12) of section 5739.02 of the Revised Code, is used for 491
awarding scholarships to or for attendance at an institution 492
mentioned in division (B) (12) of section 5739.02 of the Revised 493
Code, is donated to a governmental agency, or is used for 494
nonprofit youth activities, the purchase of United States or 495
Ohio flags that are donated to schools, youth groups, or other 496
bona fide nonprofit organizations, promotion of patriotism, or 497
disaster relief; 498

(3) A fraternal organization that has been in continuous 499
existence in this state for fifteen years and that uses the net 500
profit exclusively for religious, charitable, scientific, 501
literary, or educational purposes, or for the prevention of 502
cruelty to children or animals, if contributions for such use 503
would qualify as a deductible charitable contribution under 504
subsection 170 of the Internal Revenue Code; 505

(4) A volunteer firefighter's organization that uses the 506
net profit for the purposes set forth in division (K) of this 507
section. 508

(W) "Internal Revenue Code" means the "Internal Revenue 509
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 510
amended. 511

(X) "Youth athletic organization" means any organization, 512
not organized for profit, that is organized and operated 513
exclusively to provide financial support to, or to operate, 514
athletic activities for persons who are twenty-one years of age 515
or younger by means of sponsoring, organizing, operating, or 516

contributing to the support of an athletic team, club, league, 517
or association. 518

(Y) "Youth athletic park organization" means any 519
organization, not organized for profit, that satisfies both of 520
the following: 521

(1) It owns, operates, and maintains playing fields that 522
satisfy both of the following: 523

(a) The playing fields are used for athletic activities by 524
one or more organizations, not organized for profit, each of 525
which is organized and operated exclusively to provide financial 526
support to, or to operate, athletic activities for persons who 527
are eighteen years of age or younger by means of sponsoring, 528
organizing, operating, or contributing to the support of an 529
athletic team, club, league, or association. 530

(b) The playing fields are not used for any profit-making 531
activity at any time during the year. 532

(2) It uses the proceeds of bingo it conducts exclusively 533
for the operation, maintenance, and improvement of its playing 534
fields of the type described in division (Y)(1) of this section. 535

(Z) "Bingo supplies" means bingo cards or sheets; instant 536
bingo tickets or cards; electronic bingo aids; raffle tickets; 537
punch boards; seal cards; instant bingo ticket dispensers; 538
electronic instant bingo systems; and devices for selecting or 539
displaying the combination of bingo letters and numbers or 540
raffle tickets. Items that are "bingo supplies" are not gambling 541
devices if sold or otherwise provided, and used, in accordance 542
with this chapter. For purposes of this chapter, "bingo 543
supplies" are not to be considered equipment used to conduct a 544
bingo game. 545

(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
winning or losing combinations.

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

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

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

select the winner of a free prize given away at the professional 576
sporting event; and 577

(2) The cost of the ticket is the same as the cost of a 578
ticket to the professional sporting event on days when no free 579
prize is given away. 580

(DD) "Punch board" means a form of instant bingo that uses 581
a board containing a number of holes or receptacles of uniform 582
size in which are placed, mechanically and randomly, serially 583
numbered slips of paper that may be punched or drawn from the 584
hole or receptacle. A player may punch or draw the numbered 585
slips of paper from the holes or receptacles and obtain the 586
prize established for the game if the number drawn corresponds 587
to a winning number or, if the punch board includes the use of a 588
seal card, a potential winning number. 589

~~(EE)~~ (EE) (1) "Gross profit" means gross receipts minus the 590
amount actually expended for the payment of prize awards. 591

(2) "Ideal gross profit of a deal" means the amount that 592
will remain if all tickets in a deal are sold at the stated 593
price and all prizes are paid out. 594

(FF) "Net profit" means gross profit minus expenses. 595

(GG) "Expenses" means the reasonable amount of gross 596
profit actually expended for all of the following: 597

(1) The purchase or lease of bingo supplies; 598

(2) The annual license fee required under section 2915.08 599
of the Revised Code; 600

(3) Bank fees and service charges for a bingo session or 601
game account described in section 2915.10 of the Revised Code; 602

(4) Audits and accounting services;	603
(5) Safes;	604
(6) Cash registers;	605
(7) Hiring security personnel;	606
(8) Advertising bingo;	607
(9) Renting premises in which to conduct a bingo session;	608
(10) Tables and chairs;	609
(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;	610 611 612 613 614
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	615 616
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F)(1) of section 2915.08 of the Revised Code.	617 618 619 620
(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	621 622 623
(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	624 625 626 627
(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section	628 629

2915.08, 2915.081, or 2915.082 of the Revised Code or a 630
charitable gaming license issued by another jurisdiction. 631

(KK) "Distributor" means any person who purchases or 632
obtains bingo supplies and who does either of the following: 633

(1) Sells, offers for sale, or otherwise provides or 634
offers to provide the bingo supplies to another person for use 635
in this state; 636

(2) Modifies, converts, adds to, or removes parts from the 637
bingo supplies to further their promotion or sale for use in 638
this state. 639

(LL) "Manufacturer" means any person who assembles 640
completed bingo supplies from raw materials, other items, or 641
subparts or who modifies, converts, adds to, or removes parts 642
from bingo supplies to further their promotion or sale. 643

(MM) "Gross annual revenues" means the annual gross 644
receipts derived from the conduct of bingo described in division 645
(O) (1) of this section plus the annual net profit derived from 646
the conduct of bingo described in division (O) (2) of this 647
section. 648

(NN) "Instant bingo ticket dispenser" means a mechanical 649
device that dispenses an instant bingo ticket or card as the 650
sole item of value dispensed and that has the following 651
characteristics: 652

(1) It is activated upon the insertion of United States 653
currency. 654

(2) It performs no gaming functions. 655

(3) It does not contain a video display monitor or 656
generate noise. 657

(4) It is not capable of displaying any numbers, letters, 658
symbols, or characters in winning or losing combinations. 659

(5) It does not simulate or display rolling or spinning 660
reels. 661

(6) It is incapable of determining whether a dispensed 662
bingo ticket or card is a winning or nonwinning ticket or card 663
and requires a winning ticket or card to be paid by a bingo game 664
operator. 665

(7) It may provide accounting and security features to aid 666
in accounting for the instant bingo tickets or cards it 667
dispenses. 668

(8) It is not part of an electronic network and is not 669
interactive. 670

(00) (1) "Electronic bingo aid" means an electronic device 671
used by a participant to monitor bingo cards or sheets purchased 672
at the time and place of a bingo session and that does all of 673
the following: 674

(a) It provides a means for a participant to input numbers 675
and letters announced by a bingo caller. 676

(b) It compares the numbers and letters entered by the 677
participant to the bingo faces previously stored in the memory 678
of the device. 679

(c) It identifies a winning bingo pattern. 680

(2) "Electronic bingo aid" does not include any device 681
into which a coin, currency, token, or an equivalent is inserted 682
to activate play. 683

(PP) "Deal" means a single game of instant bingo tickets, 684

or a single game of electronic instant bingo tickets, all with 685
the same serial number. 686

(QQ) (1) "Slot machine" means either of the following: 687

(a) Any mechanical, electronic, video, or digital device 688
that is capable of accepting anything of value, directly or 689
indirectly, from or on behalf of a player who gives the thing of 690
value in the hope of gain; 691

(b) Any mechanical, electronic, video, or digital device 692
that is capable of accepting anything of value, directly or 693
indirectly, from or on behalf of a player to conduct bingo or a 694
scheme or game of chance. 695

(2) "Slot machine" does not include a skill-based 696
amusement machine, an instant bingo ticket dispenser, or an 697
electronic instant bingo system. 698

(RR) "Net profit from the proceeds of the sale of instant 699
bingo or electronic instant bingo" means gross profit minus the 700
ordinary, necessary, and reasonable expense expended for the 701
purchase of bingo supplies for the purpose of conducting instant 702
bingo or electronic instant bingo, and, in the case of instant 703
bingo or electronic instant bingo conducted by a veteran's, 704
fraternal, or sporting organization, minus the payment by that 705
organization of real property taxes and assessments levied on a 706
premises on which instant bingo or electronic instant bingo is 707
conducted. 708

(SS) "Charitable instant bingo organization" means an 709
organization that is exempt from federal income taxation under 710
subsection 501(a) and described in subsection 501(c) (3) of the 711
Internal Revenue Code and is a charitable organization as 712
defined in this section. A "charitable instant bingo 713

organization" does not include a charitable organization that is 714
exempt from federal income taxation under subsection 501(a) and 715
described in subsection 501(c)(3) of the Internal Revenue Code 716
and that is created by a veteran's organization, a fraternal 717
organization, or a sporting organization in regards to bingo 718
conducted or assisted by a veteran's organization, a fraternal 719
organization, or a sporting organization pursuant to section 720
2915.13 of the Revised Code. 721

(TT) "Game flare" means the board or placard, or 722
electronic representation of a board or placard, that 723
accompanies each deal of instant bingo or electronic instant 724
bingo tickets and that includes the following information for 725
the game: 726

(1) The name of the game; 727

(2) The manufacturer's name or distinctive logo; 728

(3) The form number; 729

(4) The ticket count; 730

(5) The prize structure, including the number of winning 731
tickets by denomination and the respective winning symbol or 732
number combinations for the winning tickets; 733

(6) The cost per play; 734

(7) The serial number of the game. 735

(UU) (1) "Skill-based amusement machine" means a 736
mechanical, video, digital, or electronic device that rewards 737
the player or players, if at all, only with merchandise prizes 738
or with redeemable vouchers redeemable only for merchandise 739
prizes, provided that with respect to rewards for playing the 740
game all of the following apply: 741

(a) The wholesale value of a merchandise prize awarded as 742
a result of the single play of a machine does not exceed ten 743
dollars; 744

(b) Redeemable vouchers awarded for any single play of a 745
machine are not redeemable for a merchandise prize with a 746
wholesale value of more than ten dollars; 747

(c) Redeemable vouchers are not redeemable for a 748
merchandise prize that has a wholesale value of more than ten 749
dollars times the fewest number of single plays necessary to 750
accrue the redeemable vouchers required to obtain that prize; 751
and 752

(d) Any redeemable vouchers or merchandise prizes are 753
distributed at the site of the skill-based amusement machine at 754
the time of play. 755

A card for the purchase of gasoline is a redeemable 756
voucher for purposes of division (UU)(1) of this section even if 757
the skill-based amusement machine for the play of which the card 758
is awarded is located at a place where gasoline may not be 759
legally distributed to the public or the card is not redeemable 760
at the location of, or at the time of playing, the skill-based 761
amusement machine. 762

(2) A device shall not be considered a skill-based 763
amusement machine and shall be considered a slot machine if it 764
pays cash or one or more of the following apply: 765

(a) The ability of a player to succeed at the game is 766
impacted by the number or ratio of prior wins to prior losses of 767
players playing the game. 768

(b) Any reward of redeemable vouchers is not based solely 769
on the player achieving the object of the game or the player's 770

score; 771

(c) The outcome of the game, or the value of the 772
redeemable voucher or merchandise prize awarded for winning the 773
game, can be controlled by a source other than any player 774
playing the game. 775

(d) The success of any player is or may be determined by a 776
chance event that cannot be altered by player actions. 777

(e) The ability of any player to succeed at the game is 778
determined by game features not visible or known to the player. 779

(f) The ability of the player to succeed at the game is 780
impacted by the exercise of a skill that no reasonable player 781
could exercise. 782

(3) All of the following apply to any machine that is 783
operated as described in division (UU) (1) of this section: 784

(a) As used in division (UU) of this section, "game" and 785
"play" mean one event from the initial activation of the machine 786
until the results of play are determined without payment of 787
additional consideration. An individual utilizing a machine that 788
involves a single game, play, contest, competition, or 789
tournament may be awarded redeemable vouchers or merchandise 790
prizes based on the results of play. 791

(b) Advance play for a single game, play, contest, 792
competition, or tournament participation may be purchased. The 793
cost of the contest, competition, or tournament participation 794
may be greater than a single noncontest, competition, or 795
tournament play. 796

(c) To the extent that the machine is used in a contest, 797
competition, or tournament, that contest, competition, or 798

tournament has a defined starting and ending date and is open to 799
participants in competition for scoring and ranking results 800
toward the awarding of redeemable vouchers or merchandise prizes 801
that are stated prior to the start of the contest, competition, 802
or tournament. 803

(4) For purposes of division (UU)(1) of this section, the 804
mere presence of a device, such as a pin-setting, ball- 805
releasing, or scoring mechanism, that does not contribute to or 806
affect the outcome of the play of the game does not make the 807
device a skill-based amusement machine. 808

(VV) "Merchandise prize" means any item of value, but 809
shall not include any of the following: 810

(1) Cash, gift cards, or any equivalent thereof; 811

(2) Plays on games of chance, state lottery tickets, or 812
bingo; 813

(3) Firearms, tobacco, or alcoholic beverages; or 814

(4) A redeemable voucher that is redeemable for any of the 815
items listed in division (VV)(1), (2), or (3) of this section. 816

(WW) "Redeemable voucher" means any ticket, token, coupon, 817
receipt, or other noncash representation of value. 818

(XX) "Pool not conducted for profit" means a scheme in 819
which a participant gives a valuable consideration for a chance 820
to win a prize and the total amount of consideration wagered is 821
distributed to a participant or participants. 822

(YY) "Sporting organization" means a hunting, fishing, or 823
trapping organization, other than a college or high school 824
fraternity or sorority, that is not organized for profit, that 825
is affiliated with a state or national sporting organization, 826

including but not limited to, the league of Ohio sportsmen, and 827
that has been in continuous existence in this state for a period 828
of three years. 829

(ZZ) "Community action agency" has the same meaning as in 830
section ~~122.66~~5101.311 of the Revised Code. 831

(AAA) (1) "Sweepstakes terminal device" means a mechanical, 832
video, digital, or electronic machine or device that is owned, 833
leased, or otherwise possessed by any person conducting a 834
sweepstakes, or by that person's partners, affiliates, 835
subsidiaries, or contractors, that is intended to be used by a 836
sweepstakes participant, and that is capable of displaying 837
information on a screen or other mechanism. A device is a 838
sweepstakes terminal device if any of the following apply: 839

(a) The device uses a simulated game terminal as a 840
representation of the prizes associated with the results of the 841
sweepstakes entries. 842

(b) The device utilizes software such that the simulated 843
game influences or determines the winning of or value of the 844
prize. 845

(c) The device selects prizes from a predetermined finite 846
pool of entries. 847

(d) The device utilizes a mechanism that reveals the 848
content of a predetermined sweepstakes entry. 849

(e) The device predetermines the prize results and stores 850
those results for delivery at the time the sweepstakes entry 851
results are revealed. 852

(f) The device utilizes software to create a game result. 853

(g) The device reveals the prize incrementally, even 854

though the device does not influence the awarding of the prize 855
or the value of any prize awarded. 856

(h) The device determines and associates the prize with an 857
entry or entries at the time the sweepstakes is entered. 858

(2) As used in this division and in section 2915.02 of the 859
Revised Code: 860

(a) "Enter" means the act by which a person becomes 861
eligible to receive any prize offered in a sweepstakes. 862

(b) "Entry" means one event from the initial activation of 863
the sweepstakes terminal device until all the sweepstakes prize 864
results from that activation are revealed. 865

(c) "Prize" means any gift, award, gratuity, good, 866
service, credit, reward, or any other thing of value that may be 867
transferred to a person, whether possession of the prize is 868
actually transferred, or placed on an account or other record as 869
evidence of the intent to transfer the prize. 870

(d) "Sweepstakes terminal device facility" means any 871
location in this state where a sweepstakes terminal device is 872
provided to a sweepstakes participant, except as provided in 873
division (G) of section 2915.02 of the Revised Code. 874

(BBB) "Sweepstakes" means any game, contest, advertising 875
scheme or plan, or other promotion where consideration is not 876
required for a person to enter to win or become eligible to 877
receive any prize, the determination of which is based upon 878
chance. "Sweepstakes" does not include bingo as authorized under 879
this chapter, pari-mutuel wagering as authorized by Chapter 880
3769. of the Revised Code, lotteries conducted by the state 881
lottery commission as authorized by Chapter 3770. of the Revised 882
Code, and casino gaming as authorized by Chapter 3772. of the 883

Revised Code. 884

(CCC) (1) "Electronic instant bingo" means a form of bingo 885
that consists of an electronic or digital representation of 886
instant bingo in which a participant wins a prize if the 887
participant's electronic instant bingo ticket contains a 888
combination of numbers or symbols that was designated in advance 889
as a winning combination, and to which all of the following 890
apply: 891

(a) Each deal has a predetermined, finite number of 892
winning and losing tickets and a predetermined prize amount and 893
deal structure, provided that there may be multiple winning 894
combinations in each deal and multiple winning tickets. 895

(b) Each electronic instant bingo ticket within a deal has 896
a unique serial number that is not regenerated. 897

(c) Each electronic instant bingo ticket within a deal is 898
sold for the same price. 899

(d) After a participant purchases an electronic instant 900
bingo ticket, the combination of numbers or symbols on the 901
ticket is revealed to the participant. 902

(e) The reveal of numbers or symbols on the ticket may 903
incorporate an entertainment or bonus theme, provided that the 904
reveal does not include spinning reels that resemble a slot 905
machine. 906

(f) The reveal theme, if any, does not require additional 907
consideration or award any prize other than any predetermined 908
prize associated with the electronic instant bingo ticket. 909

(2) "Electronic instant bingo" shall not include any of 910
the following: 911

(a) Any game, entertainment, or bonus theme that 912
replicates or simulates any of the following: 913

(i) The gambling games of keno, blackjack, roulette, 914
poker, craps, other casino-style table games; 915

(ii) Horse racing; 916

(iii) Gambling games offered in this state on slot 917
machines or video lottery terminals. As used in this division, 918
"video lottery terminal" has the same meaning as in section 919
3770.21 of the Revised Code. 920

(b) Any device operated by dropping one or more coins or 921
tokens into a slot and pulling a handle or pushing a button or 922
touchpoint on a touchscreen to activate one to three or more 923
rotating reels marked into horizontal segments by varying 924
symbols, where the predetermined prize amount depends on how and 925
how many of the symbols line up when the rotating reels come to 926
a rest; 927

(c) Any device that includes a coin or token slot, tray, 928
or hopper and the ability to dispense coins, cash, tokens, or 929
anything of value other than a credit ticket voucher. 930

(DDD) "Electronic instant bingo system" means both of the 931
following: 932

(1) A mechanical, electronic, digital, or video device and 933
associated software ~~to which all of the following apply:~~ 934

~~(a) It that is used by not more than one player at a time~~ 935
~~to play electronic instant bingo on a single screen that is~~ 936
~~physically connected to the device;~~ 937

~~(b) It is located on the premises of the principal place~~ 938
~~of business of a veteran's or fraternal organization that holds~~ 939

~~a type II or type III bingo license to conduct electronic~~ 940
~~instant bingo at that location issued under section 2915.08 of~~ 941
~~the Revised Code.~~ 942

(2) Any associated equipment or software used to manage, 943
monitor, or document any aspect of electronic instant bingo. 944

(EEE) "Instant bingo host" means the owner or lessor of a 945
location at which instant bingo, electronic instant bingo, or 946
both are conducted pursuant to a written contract with a 947
charitable instant bingo organization under section 2915.093 of 948
the Revised Code. 949

Sec. 2915.02. (A) No person shall do any of the following: 950

(1) Engage in bookmaking, or knowingly engage in conduct 951
that facilitates bookmaking; 952

(2) Establish, promote, or operate or knowingly engage in 953
conduct that facilitates any game of chance conducted for profit 954
or any scheme of chance; 955

(3) Knowingly procure, transmit, exchange, or engage in 956
conduct that facilitates the procurement, transmission, or 957
exchange of information for use in establishing odds or 958
determining winners in connection with bookmaking or with any 959
game of chance conducted for profit or any scheme of chance; 960

(4) Engage in betting or in playing any scheme or game of 961
chance as a substantial source of income or livelihood; 962

(5) Conduct, or participate in the conduct of, a 963
sweepstakes with the use of a sweepstakes terminal device at a 964
sweepstakes terminal device facility and either: 965

(a) Give to another person any item described in division 966
(VV) (1), (2), (3), or (4) of section 2915.01 of the Revised Code 967

as a prize for playing or participating in a sweepstakes; or 968

(b) Give to another person any merchandise prize, or a 969
redeemable voucher for a merchandise prize, the wholesale value 970
of which is in excess of ten dollars and which is awarded as a 971
single entry for playing or participating in a sweepstakes. 972
Redeemable vouchers shall not be redeemable for a merchandise 973
prize that has a wholesale value of more than ten dollars. 974

(6) Conduct, or participate in the conduct of, a 975
sweepstakes with the use of a sweepstakes terminal device at a 976
sweepstakes terminal device facility without first obtaining a 977
current annual "certificate of registration" from the attorney 978
general as required by division (F) of this section; 979

(7) With purpose to violate division (A)(1), (2), (3), 980
(4), (5), or (6) of this section, acquire, possess, control, or 981
operate any gambling device. 982

(B) For purposes of division (A)(1) of this section, a 983
person facilitates bookmaking if the person in any way knowingly 984
aids an illegal bookmaking operation, including, without 985
limitation, placing a bet with a person engaged in or 986
facilitating illegal bookmaking. For purposes of division (A)(2) 987
of this section, a person facilitates a game of chance conducted 988
for profit or a scheme of chance if the person in any way 989
knowingly aids in the conduct or operation of any such game or 990
scheme, including, without limitation, playing any such game or 991
scheme. 992

(C) This section does not prohibit conduct in connection 993
with gambling expressly permitted by law or as permitted 994
pursuant to sections 3770.31 to 3770.41 of the Revised Code by 995
persons licensed pursuant to those sections and persons who play 996

retailer video lottery terminals at retailer video lottery 997
terminal establishments licensed pursuant to those sections. 998

(D) This section does not apply to any of the following: 999

(1) Games of chance, if all of the following apply: 1000

(a) The games of chance are not craps for money or 1001
roulette for money. 1002

(b) The games of chance are conducted by a charitable 1003
organization that is, and has received from the internal revenue 1004
service a determination letter that is currently in effect, 1005
stating that the organization is, exempt from federal income 1006
taxation under subsection 501(a) and described in subsection 1007
501(c) (3) of the Internal Revenue Code. 1008

(c) The games of chance are conducted at festivals of the 1009
charitable organization that are conducted not more than a total 1010
of five days a calendar year, and are conducted on premises 1011
owned by the charitable organization for a period of no less 1012
than one year immediately preceding the conducting of the games 1013
of chance, on premises leased from a governmental unit, or on 1014
premises that are leased from a veteran's or fraternal 1015
organization and that have been owned by the lessor veteran's or 1016
fraternal organization for a period of no less than one year 1017
immediately preceding the conducting of the games of chance. 1018

A charitable organization shall not lease premises from a 1019
veteran's or fraternal organization to conduct a festival 1020
described in division (D) (1) (c) of this section if the veteran's 1021
or fraternal organization already has leased the premises twelve 1022
times during the preceding year to charitable organizations for 1023
that purpose. If a charitable organization leases premises from 1024
a veteran's or fraternal organization to conduct a festival 1025

described in division (D) (1) (c) of this section, the charitable 1026
organization shall not pay a rental rate for the premises per 1027
day of the festival that exceeds the rental rate per bingo 1028
session that a charitable organization may pay under division 1029
(B) (1) of section 2915.09 of the Revised Code when it leases 1030
premises from another charitable organization to conduct bingo 1031
games. 1032

(d) All of the money or assets received from the games of 1033
chance after deduction only of prizes paid out during the 1034
conduct of the games of chance are used by, or given, donated, 1035
or otherwise transferred to, any organization that is described 1036
in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of the Internal 1037
Revenue Code and is either a governmental unit or an 1038
organization that is tax exempt under subsection 501(a) and 1039
described in subsection 501(c) (3) of the Internal Revenue Code; 1040

(e) The games of chance are not conducted during, or 1041
within ten hours of, a bingo game conducted for amusement 1042
purposes only pursuant to section 2915.12 of the Revised Code. 1043

No person shall receive any commission, wage, salary, 1044
reward, tip, donation, gratuity, or other form of compensation, 1045
directly or indirectly, for operating or assisting in the 1046
operation of any game of chance. 1047

(2) Any tag fishing tournament operated under a permit 1048
issued under section 1533.92 of the Revised Code, as "tag 1049
fishing tournament" is defined in section 1531.01 of the Revised 1050
Code; 1051

(3) Bingo conducted by a charitable organization that 1052
holds a license issued under section 2915.08 of the Revised 1053
Code. 1054

(E) Division (D) of this section shall not be construed to
authorize the sale, lease, or other temporary or permanent
transfer of the right to conduct games of chance, as granted by
that division, by any charitable organization that is granted
that right.

(F) Any person desiring to conduct, or participate in the
conduct of, a sweepstakes with the use of a sweepstakes terminal
device at a sweepstakes terminal device facility shall first
register with the office of the attorney general and obtain an
annual certificate of registration by providing a filing fee of
two hundred dollars and all information as required by rule
adopted under division (H) of this section. Not later than the
tenth day of each month, each sweepstakes terminal device
operator shall file a sweepstakes terminal device monthly report
with the attorney general and provide a filing fee of fifty
dollars and all information required by rule adopted under
division (H) of this section. All information provided to the
attorney general under this division shall be available to law
enforcement upon request.

(G) A person may apply to the attorney general, on a form
prescribed by the attorney general, for a certificate of
compliance that the person is not operating a sweepstakes
terminal device facility. The form shall require the person to
include the address of the business location where sweepstakes
terminal devices will be used and to make the following
certifications:

(1) That the person will not use more than two sweepstakes
terminal devices at the business location;

(2) That the retail value of sweepstakes prizes to be
awarded at the business location using sweepstakes terminal

devices during a reporting period will be less than three per 1085
cent of the gross revenue received at the business location 1086
during the reporting period; 1087

(3) That no other form of gaming except lottery ticket 1088
sales as authorized under Chapter 3770. of the Revised Code will 1089
be conducted at the business location or in an adjoining area of 1090
the business location; 1091

(4) That any sweepstakes terminal device at the business 1092
location will not allow any deposit of any money, coin, or 1093
token, or the use of any credit card, debit card, prepaid card, 1094
or any other method of similar payment to be used, directly or 1095
indirectly, to participate in a sweepstakes; 1096

(5) That notification of any prize will not take place on 1097
the same day as a participant's sweepstakes entry; and 1098

(6) That the person consents to provide any other 1099
information to the attorney general as required by rule adopted 1100
under division (H) of this section. 1101

The filing fee for a certificate of compliance is two 1102
hundred fifty dollars. The attorney general may charge up to an 1103
additional two hundred fifty dollars for reasonable expenses 1104
resulting from any investigation related to an application for a 1105
certificate of compliance. 1106

A certificate of compliance is effective for one year. The 1107
certificate holder may reapply for a certificate of compliance. 1108
A person issued a certificate of compliance shall file 1109
semiannual reports with the attorney general stating the number 1110
of sweepstakes terminal devices at the business location and 1111
that the retail value of prizes awarded at the business location 1112
using sweepstakes terminal devices is less than three per cent 1113

of the gross revenue received at the business location. 1114

(H) The attorney general shall adopt rules setting forth: 1115

(1) The required information to be submitted by persons 1116
conducting a sweepstakes with the use of a sweepstakes terminal 1117
device at a sweepstakes terminal device facility as described in 1118
division (F) of this section; and 1119

(2) The requirements pertaining to a certificate of 1120
compliance under division (G) of this section, which shall 1121
provide for a person to file a consolidated application and a 1122
consolidated semiannual report if a person has more than one 1123
business location. 1124

The attorney general shall issue a certificate of 1125
registration or a certificate of compliance to all persons who 1126
have successfully satisfied the applicable requirements of this 1127
section. The attorney general shall post online a registry of 1128
all properly registered and certified sweepstakes terminal 1129
device operators. 1130

(I) The attorney general may refuse to issue an annual 1131
certificate of registration or certificate of compliance to any 1132
person or, if one has been issued, the attorney general may 1133
revoke a certificate of registration or a certificate of 1134
compliance if the applicant has provided any information to the 1135
attorney general as part of a registration, certification, 1136
monthly report, semiannual report, or any other information that 1137
is materially false or misleading, or if the applicant or any 1138
officer, partner, or owner of five per cent or more interest in 1139
the applicant has violated any provision of this chapter. 1140

(J) The attorney general may take any necessary and 1141
reasonable action to determine a violation of this chapter, 1142

including requesting documents and information, performing 1143
inspections of premises, or requiring the attendance of any 1144
person at an examination under oath. 1145

(K) Whoever violates this section is guilty of gambling, a 1146
misdemeanor of the first degree. If the offender previously has 1147
been convicted of any gambling offense, gambling is a felony of 1148
the fifth degree. Notwithstanding this division, failing to file 1149
a sweepstakes terminal device monthly report as required by 1150
division (F) of this section or the semiannual report required 1151
by division (G) of this section is a misdemeanor of the first 1152
degree. 1153

Sec. 2915.07. (A) No person, except a charitable 1154
organization that has obtained a license pursuant to section 1155
2915.08 of the Revised Code, shall conduct or advertise bingo. 1156
This division does not apply to a raffle that a charitable 1157
organization conducts or advertises. 1158

(B) Subject to the requirements of this chapter, any 1159
charitable organization may conduct bingo as described in 1160
division (O)(1) of section 2915.01 of the Revised Code pursuant 1161
to a type I license issued under section 2915.08 of the Revised 1162
Code. 1163

(C) Subject to the requirements of this chapter, only the 1164
following persons may conduct instant bingo, as follows: 1165

(1) A charitable instant bingo organization, pursuant to a 1166
type II or type III license issued under section 2915.08 of the 1167
Revised Code. A charitable instant bingo organization that 1168
conducts instant bingo under a type III license may do so only 1169
in accordance with section 2915.093 of the Revised Code. 1170

(2) A veteran's organization, fraternal organization, or 1171

sporting organization, pursuant to a type II or type III license 1172
issued under section 2915.08 of the Revised Code. A veteran's 1173
organization, fraternal organization, or sporting organization 1174
that conducts instant bingo under a type III license may do so 1175
only in accordance with section 2915.13 of the Revised Code. 1176

(D) Subject to the requirements of this chapter, only the 1177
following persons may conduct electronic instant bingo, as 1178
follows: 1179

(1) A charitable instant bingo organization, pursuant to a 1180
type III license issued under section 2915.08 of the Revised 1181
Code and in accordance with sections 2915.093 and 2915.14 of the 1182
Revised Code. 1183

(2) A veteran's organization or fraternal organization, 1184
pursuant to a type II or type III license issued under section 1185
2915.08 of the Revised Code. A veteran's organization or 1186
fraternal organization that conducts electronic instant bingo 1187
under a type III license may do so only in accordance with 1188
sections 2915.13 and 2915.14 of the Revised Code. 1189

(E) Whoever violates division (A) of this section is 1190
guilty of conducting illegal bingo, a felony of the fourth 1191
degree. 1192

Sec. 2915.09. (A) No charitable organization that conducts 1193
bingo shall fail to do any of the following: 1194

(1) Own all of the equipment used to conduct bingo or 1195
lease that equipment from a charitable organization that is 1196
licensed to conduct bingo, ~~or~~ from the landlord of a premises 1197
where bingo is conducted, or from a distributor licensed under 1198
this chapter for a rental rate that is not more than is 1199
customary and reasonable for that equipment; 1200

(2) Except as otherwise provided in ~~division~~divisions (A) 1201
(3) and (4) of this section, use all of the gross receipts from 1202
bingo for paying prizes, for reimbursement of expenses for or 1203
for renting premises in which to conduct a bingo session, for 1204
reimbursement of expenses for or for purchasing or leasing bingo 1205
supplies used in conducting bingo, for reimbursement of expenses 1206
for or for hiring security personnel, for reimbursement of 1207
expenses for or for advertising bingo, or for reimbursement of 1208
other expenses or for other expenses listed in division (GG) of 1209
section 2915.01 of the Revised Code, provided that the amount of 1210
the receipts so spent is not more than is customary and 1211
reasonable for a similar purchase, lease, hiring, advertising, 1212
or expense. If the building in which bingo is conducted is owned 1213
by the charitable organization conducting bingo and the bingo 1214
conducted includes a form of bingo described in division (O) (1) 1215
of section 2915.01 of the Revised Code, the charitable 1216
organization may deduct from the total amount of the gross 1217
receipts from each session a sum equal to the lesser of six 1218
hundred dollars or forty-five per cent of the gross receipts 1219
from the bingo described in that division as consideration for 1220
the use of the premises. 1221

(3) Use, or give, donate, or otherwise transfer, all of 1222
the net profit derived from bingo described in division (O) (1) 1223
of section 2915.01 of the Revised Code for a charitable purpose 1224
listed in its license application and described in division (V) 1225
of section 2915.01 of the Revised Code, or distribute all of the 1226
net profit from the proceeds of the sale of instant bingo or 1227
electronic instant bingo as stated in its license application 1228
and in accordance with section 2915.101 of the Revised Code, as 1229
applicable; 1230

(4) In the case of a charitable instant bingo 1231

organization, distribute the ideal gross profit of each 1232
electronic instant bingo deal in accordance with division (D) of 1233
section 2915.093 of the Revised Code or distribute one hundred 1234
per cent of the amount it retains under division (D) (3) (a) of 1235
that section as stated in its license application and in 1236
accordance with section 2915.101 of the Revised Code. 1237

(B) No charitable organization that conducts a bingo game 1238
described in division (O) (1) of section 2915.01 of the Revised 1239
Code shall fail to do any of the following: 1240

(1) Conduct the bingo game on premises that are owned by 1241
the charitable organization, on premises that are owned by 1242
another charitable organization and leased from that charitable 1243
organization for a rental rate not in excess of the lesser of 1244
six hundred dollars per bingo session or forty-five per cent of 1245
the gross receipts of the bingo session, on premises that are 1246
leased from a person other than a charitable organization for a 1247
rental rate that is not more than is customary and reasonable 1248
for premises that are similar in location, size, and quality but 1249
not in excess of four hundred fifty dollars per bingo session, 1250
or on premises that are owned by a person other than a 1251
charitable organization, that are leased from that person by 1252
another charitable organization, and that are subleased from 1253
that other charitable organization by the charitable 1254
organization for a rental rate not in excess of four hundred 1255
fifty dollars per bingo session. No charitable organization is 1256
required to pay property taxes or assessments on premises that 1257
the charitable organization leases from another person to 1258
conduct bingo sessions. If the charitable organization leases 1259
from a person other than a charitable organization the premises 1260
on which it conducts bingo sessions, the lessor of the premises 1261
shall provide the premises to the organization and shall not 1262

provide the organization with bingo game operators, security 1263
personnel, concessions or concession operators, bingo supplies, 1264
or any other type of service. A charitable organization shall 1265
not lease or sublease premises that it owns or leases to more 1266
than three other charitable organizations per calendar week for 1267
conducting bingo sessions on the premises. A person that is not 1268
a charitable organization shall not lease premises that it owns, 1269
leases, or otherwise is empowered to lease to more than three 1270
charitable organizations per calendar week for conducting bingo 1271
sessions on the premises. In no case shall more than nine bingo 1272
sessions be conducted on any premises in any calendar week. 1273

(2) Display its license conspicuously at the premises 1274
where the bingo session is conducted; 1275

(3) Conduct the bingo session in accordance with the 1276
definition of bingo set forth in division (O) (1) of section 1277
2915.01 of the Revised Code. 1278

(C) No charitable organization that conducts a bingo game 1279
described in division (O) (1) of section 2915.01 of the Revised 1280
Code shall do any of the following: 1281

(1) Pay any compensation to a bingo game operator for 1282
operating a bingo session that is conducted by the charitable 1283
organization or for preparing, selling, or serving food or 1284
beverages at the site of the bingo session, permit any auxiliary 1285
unit or society of the charitable organization to pay 1286
compensation to any bingo game operator who prepares, sells, or 1287
serves food or beverages at a bingo session conducted by the 1288
charitable organization, or permit any auxiliary unit or society 1289
of the charitable organization to prepare, sell, or serve food 1290
or beverages at a bingo session conducted by the charitable 1291
organization, if the auxiliary unit or society pays any 1292

compensation to the bingo game operators who prepare, sell, or 1293
serve the food or beverages; 1294

(2) Pay consulting fees to any person for any services 1295
performed in relation to the bingo session; 1296

(3) Pay concession fees to any person who provides 1297
refreshments to the participants in the bingo session; 1298

(4) Except as otherwise provided in division (C) (4) of 1299
this section, conduct more than three bingo sessions in any 1300
seven-day period. A volunteer firefighter's organization or a 1301
volunteer rescue service organization that conducts not more 1302
than five bingo sessions in a calendar year may conduct more 1303
than three bingo sessions in a seven-day period after notifying 1304
the attorney general when it will conduct the sessions. 1305

(5) Pay out more than six thousand dollars in prizes for 1306
bingo games described in division (O) (1) of section 2915.01 of 1307
the Revised Code during any bingo session that is conducted by 1308
the charitable organization. "Prizes" does not include awards 1309
from the conduct of instant bingo. 1310

(6) Conduct a bingo session at any time during the eight- 1311
hour period between two a.m. and ten a.m., at any time during, 1312
or within ten hours of, a bingo game conducted for amusement 1313
only pursuant to section 2915.12 of the Revised Code, at any 1314
premises not specified on its license, or on any day of the week 1315
or during any time period not specified on its license. Division 1316
(A) (6) of this section does not prohibit the sale of instant 1317
bingo tickets beginning at nine a.m. for a bingo session that 1318
begins at ten a.m. If circumstances make it impractical for the 1319
charitable organization to conduct a bingo session at the 1320
premises, or on the day of the week or at the time, specified on 1321

its license, or if a charitable organization wants to conduct 1322
bingo sessions on a day of the week or at a time other than the 1323
day or time specified on its license, the charitable 1324
organization may apply in writing to the attorney general for an 1325
amended license pursuant to division (J) of section 2915.08 of 1326
the Revised Code. A charitable organization may apply twice in 1327
each calendar year for an amended license to conduct bingo 1328
sessions on a day of the week or at a time other than the day or 1329
time specified on its license. If the amended license is 1330
granted, the organization may conduct bingo sessions at the 1331
premises, on the day of the week, and at the time specified on 1332
its amended license. 1333

(7) Permit any person whom the charitable organization 1334
knows, or should have known, is under the age of eighteen to 1335
work as a bingo game operator; 1336

(8) Permit any person whom the charitable organization 1337
knows, or should have known, has been convicted of a felony or 1338
gambling offense in any jurisdiction to be a bingo game 1339
operator; 1340

(9) Permit the lessor of the premises on which the bingo 1341
session is conducted, if the lessor is not a charitable 1342
organization, to provide the charitable organization with bingo 1343
game operators, security personnel, concessions, bingo supplies, 1344
or any other type of service; 1345

(10) Purchase or lease bingo supplies from any person 1346
except a distributor issued a license under section 2915.081 of 1347
the Revised Code; 1348

(11) (a) Use or permit the use of electronic bingo aids 1349
except under the following circumstances: 1350

(i) For any single participant, not more than ninety bingo 1351
faces can be played using an electronic bingo aid or aids. 1352

(ii) The charitable organization shall provide a 1353
participant using an electronic bingo aid with corresponding 1354
paper bingo cards or sheets. 1355

(iii) The total price of bingo faces played with an 1356
electronic bingo aid shall be equal to the total price of the 1357
same number of bingo faces played with a paper bingo card or 1358
sheet sold at the same bingo session but without an electronic 1359
bingo aid. 1360

(iv) An electronic bingo aid cannot be part of an 1361
electronic network other than a network that includes only bingo 1362
aids and devices that are located on the premises at which the 1363
bingo is being conducted or be interactive with any device not 1364
located on the premises at which the bingo is being conducted. 1365

(v) An electronic bingo aid cannot be used to participate 1366
in bingo that is conducted at a location other than the location 1367
at which the bingo session is conducted and at which the 1368
electronic bingo aid is used. 1369

(vi) An electronic bingo aid cannot be used to provide for 1370
the input of numbers and letters announced by a bingo caller 1371
other than the bingo caller who physically calls the numbers and 1372
letters at the location at which the bingo session is conducted 1373
and at which the electronic bingo aid is used. 1374

(b) The attorney general may adopt rules in accordance 1375
with Chapter 119. of the Revised Code that govern the use of 1376
electronic bingo aids. The rules may include a requirement that 1377
an electronic bingo aid be capable of being audited by the 1378
attorney general to verify the number of bingo cards or sheets 1379

played during each bingo session. 1380

(12) Permit any person the charitable organization knows, 1381
or should have known, to be under eighteen years of age to play 1382
bingo described in division (O)(1) of section 2915.01 of the 1383
Revised Code. 1384

(D)(1) Except as otherwise provided in division (D)(3) of 1385
this section, no charitable organization shall provide to a 1386
bingo game operator, and no bingo game operator shall receive or 1387
accept, any commission, wage, salary, reward, tip, donation, 1388
gratuity, or other form of compensation, directly or indirectly, 1389
regardless of the source, for conducting bingo or providing 1390
other work or labor at the site of bingo during a bingo session. 1391

(2) Except as otherwise provided in ~~division~~ divisions (D) 1392
(3) and (4) of this section, no charitable organization shall 1393
provide to a bingo game operator any commission, wage, salary, 1394
reward, tip, donation, gratuity, or other form of compensation, 1395
directly or indirectly, regardless of the source, for conducting 1396
instant bingo, electronic instant bingo, or both other than at a 1397
bingo session at the site of instant bingo, electronic instant 1398
bingo, or both other than at a bingo session. 1399

(3) Nothing in division (D) of this section prohibits an 1400
employee of a fraternal organization, veteran's organization, or 1401
sporting organization from selling instant bingo tickets or 1402
cards to the organization's members or invited guests, as long 1403
as no portion of the employee's compensation is paid from any 1404
receipts of bingo. 1405

(4) Division (D)(2) of this section does not apply to an 1406
employee of an instant bingo host who is acting under section 1407
2915.093 of the Revised Code. 1408

(E) Notwithstanding division (B)(1) of this section, a
charitable organization that, prior to December 6, 1977, has
entered into written agreements for the lease of premises it
owns to another charitable organization or other charitable
organizations for the conducting of bingo sessions so that more
than two bingo sessions are conducted per calendar week on the
premises, and a person that is not a charitable organization and
that, prior to December 6, 1977, has entered into written
agreements for the lease of premises it owns to charitable
organizations for the conducting of more than two bingo sessions
per calendar week on the premises, may continue to lease the
premises to those charitable organizations, provided that no
more than four sessions are conducted per calendar week, that
the lessor organization or person has notified the attorney
general in writing of the organizations that will conduct the
sessions and the days of the week and the times of the day on
which the sessions will be conducted, that the initial lease
entered into with each organization that will conduct the
sessions was filed with the attorney general prior to December
6, 1977, and that each organization that will conduct the
sessions was issued a license to conduct bingo games by the
attorney general prior to December 6, 1977.

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

(G) Whoever violates division (A)(2) of this section is
guilty of illegally conducting a bingo game, a felony of the
fourth degree. Except as otherwise provided in this division,
whoever violates division (A)(1) or (3), (B)(1), (2), or (3),
(C)(1) to (11), or (D) of this section is guilty of a minor
misdemeanor. If the offender previously has been convicted of a

violation of division (A) (1) or (3), (B) (1), (2), or (3), (C) (1) 1440
to (11), or (D) of this section, a violation of division (A) (1) 1441
or (3), (B) (1), (2), or (3), (C), or (D) of this section is a 1442
misdemeanor of the first degree. Whoever violates division (C) 1443
(12) of this section is guilty of a misdemeanor of the first 1444
degree, or if the offender previously has been convicted of a 1445
violation of division (C) (12) of this section, a felony of the 1446
fourth degree. 1447

Sec. 2915.091. (A) ~~No~~ Except as otherwise provided in 1448
division (B) of this section, no charitable organization that 1449
conducts instant bingo, and no instant bingo host, shall do any 1450
of the following: 1451

(1) Fail to comply with the requirements of divisions (A) 1452
(1), (2), and (3) of section 2915.09 of the Revised Code; 1453

(2) Conduct instant bingo unless either of the following 1454
applies to the charitable organization: 1455

(a) That organization is, and has received from the 1456
internal revenue service a determination letter that is 1457
currently in effect stating that the organization is, exempt 1458
from federal income taxation under subsection 501(a), is 1459
described in subsection 501(c) (3) of the Internal Revenue Code, 1460
is a charitable organization as defined in section 2915.01 of 1461
the Revised Code, is in good standing in the state pursuant to 1462
section 2915.08 of the Revised Code, and is in compliance with 1463
Chapter 1716. of the Revised Code; 1464

(b) That organization is, and has received from the 1465
internal revenue service a determination letter that is 1466
currently in effect stating that the organization is, exempt 1467
from federal income taxation under subsection 501(a), is 1468

described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 1469
501(c)(19) or is a veteran's organization described in 1470
subsection 501(c)(4) of the Internal Revenue Code, and conducts 1471
instant bingo under section 2915.13 of the Revised Code. 1472

(3) Conduct instant bingo on any day, at any time, or at 1473
any premises not specified on the organization's license issued 1474
pursuant to section 2915.08 of the Revised Code; 1475

(4) Permit any person whom the organization or the instant 1476
bingo host knows or should have known has been convicted of a 1477
felony or gambling offense in any jurisdiction to be a bingo 1478
game operator in the conduct of instant bingo; 1479

(5) Purchase or lease supplies used to conduct instant 1480
bingo or punch board games from any person except a distributor 1481
licensed under section 2915.081 of the Revised Code; 1482

(6) Sell or provide any instant bingo ticket or card for a 1483
price different from the price printed on it by the manufacturer 1484
on either the instant bingo ticket or card or on the game flare; 1485

(7) Sell an instant bingo ticket or card to a person under 1486
eighteen years of age; 1487

(8) Fail to keep unsold instant bingo tickets or cards for 1488
less than three years; 1489

(9) ~~Pay~~ Except as otherwise permitted under section 1490
2915.093 of the Revised Code, pay any compensation to a bingo 1491
game operator for conducting instant bingo that is conducted by 1492
the organization or for preparing, selling, or serving food or 1493
beverages at the site of the instant bingo game, permit any 1494
auxiliary unit or society of the organization to pay 1495
compensation to any bingo game operator who prepares, sells, or 1496
serves food or beverages at an instant bingo game conducted by 1497

the organization, or permit any auxiliary unit or society of the 1498
organization to prepare, sell, or serve food or beverages at an 1499
instant bingo game conducted by the organization, if the 1500
auxiliary unit or society pays any compensation to the bingo 1501
game operators who prepare, sell, or serve the food or 1502
beverages; 1503

(10) Pay fees to any person for any services performed in 1504
relation to an instant bingo game, except as provided in 1505
division (D) of section 2915.093 of the Revised Code; 1506

(11) Pay fees to any person who provides refreshments to 1507
the participants in an instant bingo game, except as otherwise 1508
permitted under section 2915.093 of the Revised Code; 1509

(12) (a) Allow instant bingo tickets or cards to be sold to 1510
bingo game operators at a premises at which the organization 1511
sells instant bingo tickets or cards or to be sold to employees 1512
of a D permit holder who are working at a premises at which 1513
instant bingo tickets or cards are sold; 1514

(b) Division (A) (12) (a) of this section does not prohibit 1515
a licensed charitable organization or a bingo game operator from 1516
giving any person an instant bingo ticket as a prize in place of 1517
a cash prize won by a participant in an instant bingo game. In 1518
no case shall an instant bingo ticket or card be sold or 1519
provided for a price different from the price printed on it by 1520
the manufacturer on either the instant bingo ticket or card or 1521
on the game flare. 1522

(13) Fail to display its the charitable organization's 1523
bingo license, and the serial numbers of the deal of instant 1524
bingo tickets or cards to be sold, conspicuously at each 1525
premises at which it sells instant bingo tickets or cards; 1526

(14) Possess a deal of instant bingo tickets or cards that 1527
was not purchased from a distributor licensed under section 1528
2915.081 of the Revised Code as reflected on an invoice issued 1529
by the distributor that contains all of the information required 1530
by division (E) of section 2915.10 of the Revised Code; 1531

(15) Fail, once it opens a deal of instant bingo tickets 1532
or cards, to continue to sell the tickets or cards in that deal 1533
until the tickets or cards with the top two highest tiers of 1534
prizes in that deal are sold; 1535

(16) Possess bingo supplies that were not obtained in 1536
accordance with this chapter. 1537

(B) Divisions (A)(1), (8), (9), (10), and (11) of this 1538
section do not apply to an instant bingo host who is acting 1539
under section 2915.093 of the Revised Code. 1540

(C) A charitable organization may purchase, lease, or use 1541
instant bingo ticket dispensers to sell instant bingo tickets or 1542
cards. 1543

~~(C)~~ (D) The attorney general may adopt rules in accordance 1544
with Chapter 119. of the Revised Code that govern the conduct of 1545
instant bingo by charitable organizations. Before those rules 1546
are adopted, the attorney general shall reference the 1547
recommended standards for opacity, randomization, minimum 1548
information, winner protection, color, and cutting for instant 1549
bingo tickets or cards, seal cards, and punch boards established 1550
by the North American gaming regulators association. 1551

~~(D)~~ (E) Whoever violates division (A) of this section or a 1552
rule adopted under division ~~(C)~~ (D) of this section is guilty of 1553
illegal instant bingo conduct. Except as otherwise provided in 1554
this division, illegal instant bingo conduct is a misdemeanor of 1555

the first degree. If the offender previously has been convicted 1556
of a violation of division (A) of this section or of such a 1557
rule, illegal instant bingo conduct is a felony of the fifth 1558
degree. 1559

Sec. 2915.093. (A) As used in this section, "retail income 1560
from all commercial activity" means the income that a person 1561
receives from the provision of goods, services, or activities 1562
that are provided at the location where instant bingo or 1563
electronic instant bingo other than at a bingo session is 1564
conducted, including the sale of instant bingo and electronic 1565
instant bingo tickets. A religious organization that is exempt 1566
from federal income taxation under subsection 501(a) and 1567
described in subsection 501(c)(3) of the Internal Revenue Code, 1568
at not more than one location at which it conducts its 1569
charitable programs, may include donations from its members and 1570
guests as retail income. 1571

(B) (1) ~~If Except as otherwise permitted under division (B)~~ 1572
~~(3) of this section, if a~~ charitable instant bingo organization 1573
conducts instant bingo or electronic instant bingo other than at 1574
a bingo session under a type III license issued under section 1575
2915.08 of the Revised Code, the charitable instant bingo 1576
organization shall enter into a written contract with ~~the owner~~ 1577
~~or lessor of the location at which the~~ an instant bingo ~~is~~ 1578
~~conducted host~~ to allow the ~~owner or lessor~~ instant bingo host 1579
to assist in the conduct of instant bingo or electronic instant 1580
bingo other than at a bingo session, ~~identify~~. The contract 1581
shall do all of the following: 1582

(a) Identify the instant bingo host and each location 1583
where the instant bingo or electronic instant bingo other than 1584
at a bingo session is being to be conducted, ~~and identify the~~ 1585

~~owner or lessor of each location;~~ 1586

(b) Require the instant bingo host to comply with all 1587
applicable requirements of division (A) of section 2915.091 and 1588
division (B) of section 2915.14 of the Revised Code; 1589

(c) In the case of electronic instant bingo, identify the 1590
distributor that will provide the deals to the organization. 1591

(2) An instant bingo host may assist in the conduct of 1592
electronic instant bingo only if the host's location has an A-1- 1593
A, A-1c, or class D liquor permit issued under Chapter 4303. of 1594
the Revised Code. 1595

(3) A charitable instant bingo organization that conducts 1596
instant bingo other than at a bingo session under a type III 1597
license issued under section 2915.08 of the Revised Code is not 1598
required to enter into a written contract with the owner or 1599
lessor of the location at which the instant bingo is conducted, 1600
provided that the owner or lessor an instant bingo host if both 1601
of the following apply: 1602

(a) The instant bingo host is not assisting in the conduct 1603
of the instant bingo other than at a bingo session and provided 1604
that the 1605

(b) The conduct of the instant bingo other than at a bingo 1606
session at that location is not more than five days per calendar 1607
year and not more than ten hours per day. 1608

~~(C)~~ (C) (1) Except as provided in division (F) (C) (2) of 1609
this section, no charitable instant bingo organization shall 1610
conduct instant bingo or electronic instant bingo other than at 1611
a bingo session at a location where the primary source of retail 1612
income from all commercial activity at that location is the sale 1613
of instant bingo or electronic instant bingo tickets. 1614

~~(D) The owner or lessor of a location that enters into a~~ 1615
~~contract pursuant to division (B) of this section~~ 1616
(2) Division 1617
(C) (1) of this section does not apply to instant bingo conducted 1618
by a volunteer firefighter's organization that is exempt from 1619
federal income taxation under subsection 501(a) and described in 1620
subsection 501(c) (3) of the Internal Revenue Code if both of the 1621
following apply:

(a) The organization conducts instant bingo other than at 1622
a bingo session on the premises where the organization conducts 1623
firefighter training. 1624

(b) The organization conducted instant bingo continuously 1625
for at least five years prior to July 1, 2003, and, during each 1626
of those five years, had gross receipts of at least one million 1627
five hundred thousand dollars. 1628

(D) (1) The charitable instant bingo organization shall 1629
obtain each deal from a distributor and provide the deal to the 1630
instant bingo host with which it has a written contract. In the 1631
case of instant bingo, the charitable instant bingo organization 1632
shall purchase the deal from the distributor. In the case of 1633
electronic instant bingo, the distributor shall receive payment 1634
for the deal under division (D) (3) of this section. 1635

(2) Before beginning to sell tickets from a deal, the 1636
instant bingo host shall pay the charitable instant bingo 1637
organization an amount equal to ninety-four per cent of the full 1638
ideal gross profit to the charitable instant bingo organization, 1639
of the deal in return for the deal of instant bingo tickets. The 1640
owner or lessor instant bingo host may retain the both of the 1641
following: 1642

(a) The money that the owner or lessor instant bingo host 1643

receives for selling the instant bingo or electronic instant 1644
bingo tickets, provided, however, that after the deal has been 1645
sold, the ~~owner or lesser~~ instant bingo host shall pay to the 1646
charitable instant bingo organization the value of any 1647
unredeemed instant bingo or electronic instant bingo prizes 1648
remaining in the deal of instant bingo or electronic instant 1649
bingo tickets.— 1650

~~The charitable instant bingo organization shall pay six;~~ 1651

(b) Six per cent of the total ideal gross receipts of any 1652
profit of the deal of instant bingo tickets for the purpose of 1653
reimbursing the ~~owner or lesser~~ instant bingo host for expenses 1654
described in this division. 1655

As used in this division, "expenses" means those items 1656
provided for in divisions (GG) (4), (5), (6), (7), (8), (12), and 1657
(13) of section 2915.01 of the Revised Code and that percentage 1658
of the owner's or lessor's rent for the location where instant 1659
bingo is conducted. "Expenses," in the aggregate, shall not 1660
exceed six per cent of the ~~total ideal gross receipts~~ profit of 1661
any deal ~~of instant bingo tickets~~. 1662

~~As used in this division, "full gross profit" means the~~ 1663
~~amount by which the total receipts of all instant bingo tickets,~~ 1664
~~if the deal had been sold in full, exceeds the amount that would~~ 1665
~~be paid out if all prizes were redeemed.~~ 1666

(3) In the case of electronic instant bingo, both of the 1667
following apply: 1668

(a) The charitable instant bingo organization shall pay to 1669
the distributor an amount equal to sixty-seven and one-half per 1670
cent of the ideal gross profit of the deal and shall retain and 1671
distribute the remaining twenty-six and one-half per cent of the 1672

ideal gross profit of the deal in accordance with division (B) 1673
(2) of section 2915.101 of the Revised Code. 1674

(b) The distributor shall remit an amount equal to thirty- 1675
five per cent of the ideal gross profit of the deal in the form 1676
of the tax levied under section 5753.022 of the Revised Code and 1677
may retain the remaining thirty-two and one-half per cent of the 1678
ideal gross profit of the deal as payment for the cost of the 1679
deal. 1680

~~(E)~~ (E) (1) A charitable instant bingo organization that 1681
enters into a written contract with an instant bingo host under 1682
this section shall provide the attorney general with all of the 1683
following information:— 1684

~~(1) That the charitable instant bingo organization has~~ 1685
~~terminated a copy of the contract before conducting any instant~~ 1686
~~bingo or electronic instant bingo under the contract.~~ 1687

(2) When a charitable instant bingo organization 1688
terminates a written contract entered into pursuant to division 1689
~~(B) of this section with an owner or lessor of a location;—~~ 1690

~~(2) That the charitable instant bingo organization has~~ 1691
~~entered into a written contract pursuant to division (B) of this~~ 1692
~~section with a new owner or lessor of a location; instant bingo~~ 1693
host, the organization shall notify the attorney general within 1694
thirty days after the termination. 1695

~~(3) That the A~~ charitable instant bingo organization is 1696
that becomes aware of any conduct by the owner or lessor of a 1697
location at which instant bingo is conducted an instant bingo 1698
host that is in violation of this chapter promptly shall notify 1699
the attorney general of the relevant facts. 1700

~~(F) Division (C) of this section does not apply to a~~ 1701

~~volunteer firefighter's organization that is exempt from federal~~ 1702
~~income taxation under subsection 501(a) and described in~~ 1703
~~subsection 501(e)(3) of the Internal Revenue Code, that conducts~~ 1704
~~instant bingo other than at a bingo session on the premises~~ 1705
~~where the organization conducts firefighter training, that has~~ 1706
~~conducted instant bingo continuously for at least five years~~ 1707
~~prior to July 1, 2003, and that, during each of those five~~ 1708
~~years, had gross receipts of at least one million five hundred~~ 1709
~~thousand dollars.~~ 1710

Sec. 2915.094. (A) No owner or lessor of a location shall 1711
assist a charitable instant bingo organization in the conduct of 1712
instant bingo or electronic instant bingo other than at a bingo 1713
session at that location unless the owner or lessor has ~~entered~~ 1714
~~into a~~ valid written contract, as described in section 2915.093 1715
of the Revised Code, with the charitable instant bingo 1716
organization to ~~assist in the conduct of~~ be an instant bingo- 1717
~~other than at a bingo session~~ host for the organization. 1718

(B) The charitable instant bingo organization shall 1719
designate the instant bingo host location ~~of the lessor or owner~~ 1720
~~shall be designated on its application for a type III license~~ 1721
under section 2915.08 of the Revised Code as a location where 1722
the ~~charitable instant bingo~~ organization conducts ~~instant~~ bingo 1723
~~other than at a bingo session.~~ 1724

(C) ~~No owner or lessor of a location that enters into a~~ 1725
~~written contract as prescribed in division (A) of this section~~ 1726
instant bingo host shall violate any provision of Chapter 2915. 1727
of the Revised Code, or permit, aid, or abet any other person in 1728
violating any provision of Chapter 2915. of the Revised Code. 1729

(D) ~~No owner or lessor of a location that enters into a~~ 1730
~~written contract as prescribed in division (A) of this section~~ 1731

instant bingo host shall violate the terms of ~~the a~~ contract_ 1732
with a charitable instant bingo organization. 1733

(E) (1) Whoever violates division (C) or (D) of this 1734
section is guilty of illegal instant bingo conduct. Except as 1735
otherwise provided in this division, illegal instant bingo 1736
conduct is a misdemeanor of the first degree. If the offender 1737
previously has been convicted of a violation of division (C) or 1738
(D) of this section, illegal instant bingo conduct is a felony 1739
of the fifth degree. 1740

(2) If an ~~owner or lessor of a location~~ instant bingo host 1741
knowingly, intentionally, or recklessly violates division (C) or 1742
(D) of this section, any license that the ~~owner or lessor~~ 1743
instant bingo host holds for the retail sale of any goods on the 1744
~~owner's or lessor's~~ instant bingo host's premises that is issued 1745
by the state or a political subdivision is subject to 1746
suspension, revocation, or payment of a monetary penalty at the 1747
request of the attorney general. 1748

Sec. 2915.10. (A) No charitable organization that conducts 1749
bingo or a game of chance pursuant to division (D) of section 1750
2915.02 of the Revised Code shall fail to maintain the following 1751
records for at least three years from the date on which the 1752
bingo or game of chance is conducted: 1753

(1) An itemized list of the gross receipts of each bingo 1754
session, each game of instant bingo by serial number, each 1755
electronic instant bingo game by serial number, each raffle, 1756
each punch board game, and each game of chance, and an itemized 1757
list of the gross profits of each game of instant bingo by 1758
serial number and each electronic instant bingo game by serial 1759
number; 1760

(2) An itemized list of all expenses, other than prizes, 1761
that are incurred in conducting bingo, the name of each person 1762
to whom the expenses are paid, and a receipt for all of the 1763
expenses; 1764

(3) A list of all prizes awarded during each bingo 1765
session, each raffle, each punch board game, and each game of 1766
chance conducted by the charitable organization, the total 1767
prizes awarded from each game of instant bingo by serial number 1768
and each electronic instant bingo game by serial number, and the 1769
name, address, and social security number of all persons who are 1770
winners of prizes of six hundred dollars or more in value; 1771

(4) An itemized list of the recipients of the net profit 1772
of the bingo or game of chance, including the name and address 1773
of each recipient to whom the money is distributed, and if the 1774
organization uses the net profit of bingo, or the money or 1775
assets received from a game of chance, for any charitable or 1776
other purpose set forth in division (V) of section 2915.01, 1777
division (D) of section 2915.02, or section 2915.101 of the 1778
Revised Code, a list of each purpose and an itemized list of 1779
each expenditure for each purpose; 1780

(5) The number of persons who participate in any bingo 1781
session or game of chance that is conducted by the charitable 1782
organization; 1783

(6) A list of receipts from the sale of food and beverages 1784
by the charitable organization or one of its auxiliary units or 1785
societies, if the receipts were excluded from gross receipts 1786
under division (T) of section 2915.01 of the Revised Code; 1787

(7) An itemized list of all expenses incurred at each 1788
bingo session, each raffle, each punch board game, or each game 1789

of instant bingo or electronic instant bingo conducted by the 1790
charitable organization in the sale of food and beverages by the 1791
charitable organization or by an auxiliary unit or society of 1792
the charitable organization, the name of each person to whom the 1793
expenses are paid, and a receipt for all of the expenses. 1794

(B) A charitable organization shall keep the records that 1795
it is required to maintain pursuant to division (A) of this 1796
section at its principal place of business in this state or at 1797
its headquarters in this state and shall notify the attorney 1798
general of the location at which those records are kept. 1799

(C) The Except as otherwise required under section 1800
2915.093 of the Revised Code, the gross profit from each bingo 1801
session or game described in division (O)(1) or (2) of section 1802
2915.01 of the Revised Code shall be deposited into a checking 1803
account devoted exclusively to the bingo session or game. 1804
Payments for allowable expenses incurred in conducting the bingo 1805
session or game and payments to recipients of some or all of the 1806
net profit of the bingo session or game shall be made only by 1807
checks or electronic fund transfers drawn on the bingo session 1808
or game account. 1809

(D) Each charitable organization shall conduct and record 1810
an inventory of all of its bingo supplies as of the first day of 1811
November of each year. 1812

(E) The attorney general may adopt rules in accordance 1813
with Chapter 119. of the Revised Code that establish standards 1814
of accounting, record keeping, and reporting to ensure that 1815
gross receipts from bingo or games of chance are properly 1816
accounted for. 1817

(F) A distributor shall maintain, for a period of three 1818

years after the date of its sale or other provision, a record of 1819
each instance of its selling or otherwise providing to another 1820
person bingo supplies for use in this state. The record shall 1821
include all of the following for each instance: 1822

(1) The name of the manufacturer from which the 1823
distributor purchased the bingo supplies and the date of the 1824
purchase; 1825

(2) The name and address of the charitable organization or 1826
other distributor to which the bingo supplies were sold or 1827
otherwise provided; 1828

(3) A description that clearly identifies the bingo 1829
supplies; 1830

(4) Invoices that include the nonrepeating serial numbers 1831
of all paper bingo cards and sheets and all instant bingo or 1832
electronic instant bingo deals sold or otherwise provided to 1833
each charitable organization. 1834

(G) A manufacturer shall maintain, for a period of three 1835
years after the date of its sale or other provision, a record of 1836
each instance of its selling or otherwise providing bingo 1837
supplies for use in this state. The record shall include all of 1838
the following for each instance: 1839

(1) The name and address of the distributor to whom the 1840
bingo supplies were sold or otherwise provided; 1841

(2) A description that clearly identifies the bingo 1842
supplies, including serial numbers; 1843

(3) Invoices that include the nonrepeating serial numbers 1844
of all paper bingo cards and sheets and all instant bingo or 1845
electronic instant bingo deals sold or otherwise provided to 1846

each distributor. 1847

(H) The attorney general or any law enforcement agency may 1848
do all of the following: 1849

(1) Investigate any charitable organization, instant bingo 1850
host, distributor, or manufacturer or any officer, agent, 1851
trustee, member, or employee of the organization, host, 1852
distributor, or manufacturer; 1853

(2) Examine the accounts and records of the charitable 1854
organization, instant bingo host, distributor, or manufacturer 1855
or of any officer, agent, trustee, member, or employee of the 1856
organization, host, distributor, or manufacturer; 1857

(3) Conduct inspections, audits, and observations of bingo 1858
or games of chance; 1859

(4) Conduct inspections of the premises where bingo or 1860
games of chance are conducted or where bingo supplies are 1861
manufactured or distributed; 1862

(5) Take any other necessary and reasonable action to 1863
determine if a violation of any provision of this chapter has 1864
occurred and to determine whether section 2915.11 of the Revised 1865
Code has been complied with. 1866

If any law enforcement agency has reasonable grounds to 1867
believe that a charitable organization, instant bingo host, 1868
distributor, or manufacturer or an officer, agent, trustee, 1869
member, or employee of the organization, host, distributor, or 1870
manufacturer has violated any provision of this chapter, the law 1871
enforcement agency may proceed by action in the proper court to 1872
enforce this chapter, provided that the law enforcement agency 1873
shall give written notice to the attorney general when 1874
commencing an action as described in this division. 1875

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

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

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

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

(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 1906
electronic instant bingo generated in a calendar year: 1907

(i) At least twenty-five per cent shall be distributed to 1908
an organization described in division (V)(1) of section 2915.01 1909
of the Revised Code or to a department or agency of the federal 1910
government, the state, or any political subdivision. 1911

(ii) Not more than seventy-five per cent may be deducted 1912
and retained by the organization for reimbursement of or for the 1913
organization's expenses, as defined in division (GG) of section 1914
2915.01 of the Revised Code, in conducting the instant bingo or 1915
electronic instant bingo game. 1916

(b) For any net profit from the proceeds of the sale of 1917
instant bingo or electronic instant bingo of more than two 1918
hundred fifty thousand dollars or an adjusted amount generated 1919
in a calendar year: 1920

(i) A minimum of fifty per cent shall be distributed to an 1921
organization described in division (V)(1) of section 2915.01 of 1922
the Revised Code or to a department or agency of the federal 1923
government, the state, or any political subdivision. 1924

(ii) Five per cent may be distributed for the 1925
organization's own charitable purposes or to a community action 1926
agency. 1927

(iii) Forty-five per cent may be deducted and retained by 1928
the organization for reimbursement of or for the organization's 1929
expenses, as defined in division (GG) of section 2915.01 of the 1930
Revised Code, in conducting the instant bingo or electronic 1931
instant bingo game. 1932

(2) If a veteran's organization, a fraternal organization, 1933
or a sporting organization does not distribute the full 1934

percentages specified in divisions (A) (1) (a) and (b) of this 1935
section for the purposes specified in those divisions, the 1936
organization shall distribute the balance of the net profit from 1937
the proceeds of the sale of instant bingo or electronic instant 1938
bingo not distributed or retained for those purposes to an 1939
organization described in division (V) (1) of section 2915.01 of 1940
the Revised Code. 1941

~~(B)~~ (B) (1) If a charitable instant bingo organization 1942
~~other than a veteran's organization, a fraternal organization,~~ 1943
~~or a sporting organization conducted the~~ conducts instant bingo- 1944
~~or electronic instant bingo,~~ the organization shall distribute 1945
one hundred per cent of the net profit from the proceeds of the 1946
sale of instant bingo ~~or electronic instant bingo~~ to an 1947
organization described in division (V) (1) of section 2915.01 of 1948
the Revised Code or to a department or agency of the federal 1949
government, the state, or any political subdivision. 1950

(2) If a charitable instant bingo organization conducts 1951
electronic instant bingo, the organization shall distribute one 1952
hundred per cent of the amount it retains under division (D) (3) 1953
(a) of section 2915.093 of the Revised Code to an organization 1954
described in division (V) (1) of section 2915.01 of the Revised 1955
Code or to a department or agency of the federal government, the 1956
state, or any political subdivision. 1957

(C) Nothing in this section prohibits a veteran's 1958
organization, a fraternal organization, or a sporting 1959
organization from distributing any net profit from the proceeds 1960
of the sale of instant bingo or electronic instant bingo to an 1961
organization that is described in subsection 501(c) (3) of the 1962
Internal Revenue Code when the organization that is described in 1963
subsection 501(c) (3) of the Internal Revenue Code is one that 1964

makes donations to other organizations and permits donors to 1965
advise or direct such donations so long as the donations comply 1966
with requirements established in or pursuant to subsection 1967
501(c) (3) of the Internal Revenue Code. 1968

Sec. 2915.13. (A) Subject to the requirements of sections 1969
2915.14 and 2915.15 of the Revised Code concerning electronic 1970
instant bingo, a veteran's organization, a fraternal 1971
organization, or a sporting organization authorized to conduct a 1972
bingo session pursuant to this chapter may conduct instant 1973
bingo, electronic instant bingo, or both other than at a bingo 1974
session under a type III license issued under section 2915.08 of 1975
the Revised Code if all of the following apply: 1976

(1) The veteran's organization, fraternal organization, or 1977
sporting organization limits the sale of instant bingo or 1978
electronic instant bingo to ~~twelve~~ sixteen hours during any day, 1979
provided that the sale does not begin earlier than ~~ten~~ eight 1980
a.m. and ends not later than two a.m. 1981

(2) The veteran's organization, fraternal organization, or 1982
sporting organization limits the sale of instant bingo or 1983
electronic instant bingo to ~~its own premises~~ one location, which 1984
shall be its principal place of business, and to its own members 1985
and invited guests. 1986

(3) The veteran's organization, fraternal organization, or 1987
sporting organization is raising money for an organization that 1988
is described in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of 1989
the Internal Revenue Code and is either a governmental unit or 1990
an organization that maintains its principal place of business 1991
in this state, that is exempt from federal income taxation under 1992
subsection 501(a) and described in subsection 501(c) (3) of the 1993
Internal Revenue Code, and that is in good standing in this 1994

state and executes a written contract with that organization as 1995
required in division (B) of this section. 1996

(B) If a veteran's organization, fraternal organization, 1997
or sporting organization authorized to conduct instant bingo or 1998
electronic instant bingo pursuant to division (A) of this 1999
section is raising money for another organization that is 2000
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 2001
the Internal Revenue Code and is either a governmental unit or 2002
an organization that maintains its principal place of business 2003
in this state, that is exempt from federal income taxation under 2004
subsection 501(a) and described in subsection 501(c)(3) of the 2005
Internal Revenue Code, and that is in good standing in this 2006
state, the veteran's organization, fraternal organization, or 2007
sporting organization shall execute a written contract with the 2008
organization that is described in subsection 509(a)(1), 509(a) 2009
(2), or 509(a)(3) of the Internal Revenue Code and is either a 2010
governmental unit or an organization that maintains its 2011
principal place of business in this state, that is exempt from 2012
federal income taxation under subsection 501(a) and described in 2013
subsection 501(c)(3) of the Internal Revenue Code, and that is 2014
in good standing in this state in order to conduct instant bingo 2015
or electronic instant bingo. That contract shall include a 2016
statement of the percentage of the net proceeds that the 2017
veteran's, fraternal, or sporting organization will be 2018
distributing to the organization that is described in subsection 2019
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2020
and is either a governmental unit or an organization that 2021
maintains its principal place of business in this state, that is 2022
exempt from federal income taxation under subsection 501(a) and 2023
described in subsection 501(c)(3) of the Internal Revenue Code, 2024
and that is in good standing in this state. 2025

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

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

(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~~ A charitable organization ~~shall~~ may conduct electronic instant bingo ~~unless all of~~ only if one of the following ~~are true~~ applies:

(1) The organization is a charitable instant bingo 2055
organization that conducts electronic instant bingo other than 2056
at a bingo session pursuant to section 2915.093 of the Revised 2057
Code under a type III license issued under section 2915.08 of 2058
the Revised Code. 2059

(2) The organization is a veteran's organization or 2060
fraternal organization that conducts electronic instant bingo 2061
under a type II or type III license issued under section 2915.08 2062
of the Revised Code and all of the following are true: 2063

(a) The organization is a veteran's organization described 2064
in division (J) of section 2915.01 of the Revised Code, or is a 2065
fraternal organization described in division (L) of section 2066
2915.01 of the Revised Code, and the organization qualified as a 2067
veteran's organization or fraternal organization, as applicable, 2068
on or before June 30, 2021. 2069

~~(2)~~-(b) The organization is a veteran's organization 2070
described in subsection 501(c)(4) of the Internal Revenue Code 2071
or is, and has received from the internal revenue service a 2072
determination letter that is currently in effect stating that 2073
the organization is, exempt from federal income taxation under 2074
subsection 501(a), and is described in subsection 501(c)(7), 2075
501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue 2076
Code. 2077

~~(3)~~-(c) The organization has not conducted a raffle in 2078
violation of division (B) of section 2915.092 of the Revised 2079
Code using an electronic raffle machine, as described in Ohio 2080
Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 2081
13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time 2082
on or after January 1, 2022. 2083

(B) No charitable organization that conducts electronic 2084
instant bingo, and no instant bingo host that assists a 2085
charitable instant bingo organization in conducting electronic 2086
instant bingo, shall do any of the following: 2087

(1) Possess an electronic instant bingo system that was 2088
not obtained in accordance with this chapter or with any rule 2089
adopted under this chapter; 2090

(2) Conduct electronic instant bingo on any day, at any 2091
time, or on any premises not specified on the organization's 2092
type II or type III license issued under section 2915.08 of the 2093
Revised Code; 2094

(3) Hold more than one valid license to conduct electronic 2095
instant bingo at any one time; — . This division does not apply to 2096
an instant bingo host. 2097

(4) Conduct electronic instant bingo on more than one 2098
premises or on any premises other than the charitable 2099
organization's principal place of business; 2100

~~(5) Operate~~ (5) (a) In the case of a veteran's organization 2101
or fraternal organization, operate more than ten electronic 2102
instant bingo systems at the premises on which the charitable 2103
~~organization~~ it conducts electronic instant bingo under its 2104
license; 2105

(b) In the case of a charitable instant bingo organization 2106
or an instant bingo host, operate more than seven electronic 2107
instant bingo systems at any one location; 2108

(6) Fail to display both of the following conspicuously at 2109
the premises on which the charitable organization conducts 2110
electronic instant bingo: 2111

(a) The charitable organization's bingo license;	2112
(b) The serial number of each deal of electronic instant bingo tickets being sold.	2113 2114
(7) Permit any person the charitable organization <u>or</u> <u>instant bingo host</u> knows, or should have known, to be under eighteen years of age to play electronic instant bingo;	2115 2116 2117
(8) 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 <u>or instant bingo host</u> may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;	2118 2119 2120 2121 2122 2123
(9) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been awarded;	2124 2125 2126
(10) Permit any person whom the <u>charitable organization or instant bingo host</u> knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;	2127 2128 2129 2130 2131
(11) Permit a bingo game operator to play electronic instant bingo;	2132 2133
(12) (a) Except as otherwise provided in division <u>divisions</u> (B) (12) (b) <u>and (c)</u> of this section, pay compensation to a bingo game operator for conducting electronic instant bingo.	2134 2135 2136
(b) Division (B) (12) (a) of this section does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or	2137 2138 2139

vouchers for the organization's members or invited guests, so 2140
long as no portion of the employee's compensation is paid from 2141
any bingo receipts. 2142

(c) Division (B) (12) (a) of this section does not apply to 2143
an instant bingo host. 2144

(13) Pay consulting fees to any person in relation to 2145
electronic instant bingo. 2146

(C) No person shall sell, offer to sell, or otherwise 2147
provide or offer to provide an electronic instant bingo system 2148
to any person for use in this state unless the electronic 2149
instant bingo system has been approved under section 2915.15 of 2150
the Revised Code. 2151

(D) The attorney general shall adopt rules under Chapter 2152
119. of the Revised Code to ensure the integrity of electronic 2153
instant bingo, including, but not limited to, rules governing 2154
all of the following: 2155

(1) The requirements to receive a license or endorsement 2156
to conduct electronic instant bingo; 2157

(2) The location and number of electronic instant bingo 2158
systems in use, ~~which shall not exceed ten at the single~~ 2159
~~licensed location per organization~~ subject to division (B) (5) of 2160
this section; 2161

(3) The times when electronic instant bingo may be 2162
offered, subject to division (B) (4) of this section; 2163

(4) Signage requirements in facilities where electronic 2164
instant bingo is offered; 2165

(5) Electronic instant bingo device and system 2166
specifications, including reveal features and game themes; 2167

(6) Procedures and standards for the review, approval, 2168
inspection, and monitoring of electronic instant bingo systems, 2169
as described in section 2915.15 of the Revised Code; 2170

(7) Procedures and standards for the review and approval 2171
of any changes to technology, systems, or games licensed or 2172
permitted under this chapter; 2173

(8) The fees to be charged under section 2915.15 of the 2174
Revised Code for review, approval, inspection, and monitoring of 2175
electronic instant bingo systems; 2176

(9) Procedures allowing the attorney general to seek a 2177
summary suspension of a license to conduct electronic instant 2178
bingo or a license to manufacture or distribute electronic 2179
instant bingo systems if the attorney general has good cause to 2180
believe that the person or organization licensed to conduct 2181
electronic instant bingo, or the person or organization licensed 2182
to manufacture or distribute electronic instant bingo systems, 2183
or any of the organization's employees, officers, directors, 2184
agents, representatives, or partners, has violated this chapter 2185
or a rule adopted under this chapter. 2186

(E) Whoever knowingly violates division (A), (B), or (C) 2187
of this section or a rule adopted under division (D) of this 2188
section is guilty of illegal electronic instant bingo conduct. 2189
Illegal electronic instant bingo conduct is a misdemeanor of the 2190
first degree, except that if the offender previously has been 2191
convicted of a violation of division (A) or (B) of this section 2192
or of a rule adopted under division (D) of this section, illegal 2193
instant bingo conduct is a felony of the fifth degree. 2194

Sec. 3770.06. (A) There is hereby created the state 2195
lottery gross revenue fund, which shall be in the custody of the 2196

treasurer of state but shall not be part of the state treasury. 2197
All gross revenues received from sales of lottery tickets, 2198
fines, fees, and related proceeds in connection with the 2199
statewide lottery, all gross proceeds of lottery sports gaming 2200
described in sections 3770.23 to 3770.25 of the Revised Code, 2201
and all gross proceeds from statewide joint lottery games shall 2202
be deposited into the fund. The treasurer of state shall invest 2203
any portion of the fund not needed for immediate use in the same 2204
manner as, and subject to all provisions of law with respect to 2205
the investment of, state funds. The treasurer of state shall 2206
disburse money from the fund on order of the director of the 2207
state lottery commission or the director's designee. 2208

Except for gross proceeds from statewide joint lottery 2209
games, all revenues of the state lottery gross revenue fund that 2210
are not paid to holders of winning lottery tickets, that are not 2211
required to meet short-term prize liabilities, that are not 2212
credited to lottery sales agents in the form of bonuses, 2213
commissions, or reimbursements, that are not paid to financial 2214
institutions to reimburse those institutions for sales agent 2215
nonsufficient funds, and that are collected from sales agents 2216
for remittance to insurers under contract to provide sales agent 2217
bonding services shall be transferred to the state lottery fund, 2218
which is hereby created in the state treasury. In addition, all 2219
revenues of the state lottery gross revenue fund that represent 2220
the gross proceeds from the statewide joint lottery games and 2221
that are not paid to holders of winning lottery tickets, that 2222
are not required to meet short-term prize liabilities, that are 2223
not credited to lottery sales agents in the form of bonuses, 2224
commissions, or reimbursements, and that are not necessary to 2225
cover operating expenses associated with those games or to 2226
otherwise comply with the agreements signed by the governor that 2227

the director enters into under division (J) of section 3770.02 2228
of the Revised Code or the rules the commission adopts under 2229
division (B) (5) of section 3770.03 of the Revised Code shall be 2230
transferred to the state lottery fund. All investment earnings 2231
of the fund shall be credited to the fund. Moneys shall be 2232
disbursed from the fund pursuant to vouchers approved by the 2233
director. Total disbursements for monetary prize awards to 2234
holders of winning lottery tickets in connection with the 2235
statewide lottery, other than lottery sports gaming, and 2236
purchases of goods and services awarded as prizes to holders of 2237
winning lottery tickets shall be of an amount equal to at least 2238
fifty per cent of the total revenue accruing from the sale of 2239
lottery tickets. 2240

(B) Pursuant to Section 6 of Article XV, Ohio 2241
Constitution, there is hereby established in the state treasury 2242
the lottery profits education fund. Whenever, in the judgment of 2243
the director of the state lottery commission, the amount to the 2244
credit of the state lottery fund that does not represent 2245
proceeds from statewide joint lottery games is in excess of that 2246
needed to meet the maturing obligations of the commission and as 2247
working capital for its further operations, the director of the 2248
state lottery commission shall recommend the amount of the 2249
excess to be transferred to the lottery profits education fund, 2250
and the director of budget and management may transfer the 2251
excess to the lottery profits education fund in connection with 2252
the statewide lottery. In addition, whenever, in the judgment of 2253
the director of the state lottery commission, the amount to the 2254
credit of the state lottery fund that represents proceeds from 2255
statewide joint lottery games equals the entire net proceeds of 2256
those games as described in division (B) (5) of section 3770.03 2257
of the Revised Code and the rules adopted under that division, 2258

the director of the state lottery commission shall recommend the 2259
amount of the proceeds to be transferred to the lottery profits 2260
education fund, and the director of budget and management may 2261
transfer those proceeds to the lottery profits education fund. 2262
Investment earnings of the lottery profits education fund shall 2263
be credited to the fund. Money derived from the net retailer 2264
video lottery terminal income under division (B) (1) of section 2265
3770.38 of the Revised Code shall be credited to the lottery 2266
profits education fund pursuant to division (B) (3) of section 2267
3770.38 of the Revised Code. 2268

The lottery profits education fund shall be used solely 2269
for the support of elementary, secondary, vocational, and 2270
special education programs as determined in appropriations made 2271
by the general assembly, or as provided in applicable bond 2272
proceedings for the payment of debt service on obligations 2273
issued to pay costs of capital facilities, including those for a 2274
system of common schools throughout the state pursuant to 2275
section 2n of Article VIII, Ohio Constitution. When determining 2276
the availability of money in the lottery profits education fund, 2277
the director of budget and management may consider all balances 2278
and estimated revenues of the fund. 2279

(C) There is hereby established in the state treasury the 2280
deferred prizes trust fund. With the approval of the director of 2281
budget and management, an amount sufficient to fund annuity 2282
prizes shall be transferred from the state lottery fund and 2283
credited to the trust fund. The treasurer of state shall credit 2284
all earnings arising from investments purchased under this 2285
division to the trust fund. Within sixty days after the end of 2286
each fiscal year, the treasurer of state shall certify to the 2287
director of budget and management whether the actuarial amount 2288
of the trust fund is sufficient over the fund's life for 2289

continued funding of all remaining deferred prize liabilities as 2290
of the last day of the fiscal year just ended. Also, within that 2291
sixty days, the director of budget and management shall certify 2292
the amount of investment earnings necessary to have been 2293
credited to the trust fund during the fiscal year just ending to 2294
provide for such continued funding of deferred prizes. Any 2295
earnings credited in excess of the latter certified amount shall 2296
be transferred to the lottery profits education fund. 2297

To provide all or a part of the amounts necessary to fund 2298
deferred prizes awarded by the commission in connection with the 2299
statewide lottery, the treasurer of state, in consultation with 2300
the commission, may invest moneys contained in the deferred 2301
prizes trust fund which represents proceeds from the statewide 2302
lottery in obligations of the type permitted for the investment 2303
of state funds but whose maturities are thirty years or less. 2304
Notwithstanding the requirements of any other section of the 2305
Revised Code, to provide all or part of the amounts necessary to 2306
fund deferred prizes awarded by the commission in connection 2307
with statewide joint lottery games, the treasurer of state, in 2308
consultation with the commission, may invest moneys in the trust 2309
fund which represent proceeds derived from the statewide joint 2310
lottery games in accordance with the rules the commission adopts 2311
under division (B) (5) of section 3770.03 of the Revised Code. 2312
Investments of the trust fund are not subject to the provisions 2313
of division (A) (11) of section 135.143 of the Revised Code 2314
limiting to twenty-five per cent the amount of the state's total 2315
average portfolio that may be invested in debt interests other 2316
than commercial paper and limiting to five per cent the amount 2317
that may be invested in debt interests, including commercial 2318
paper, of a single issuer. 2319

All purchases made under this division shall be effected 2320

on a delivery versus payment method and shall be in the custody 2321
of the treasurer of state. 2322

The treasurer of state may retain an investment advisor, 2323
if necessary. The commission shall pay any costs incurred by the 2324
treasurer of state in retaining an investment advisor. 2325

(D) The auditor of state shall conduct annual audits of 2326
all funds and any other audits as the auditor of state or the 2327
general assembly considers necessary. The auditor of state may 2328
examine all records, files, and other documents of the 2329
commission, and records of lottery sales agents that pertain to 2330
their activities as agents, for purposes of conducting 2331
authorized audits. 2332

(E) The state lottery commission shall establish an 2333
internal audit plan before the beginning of each fiscal year, 2334
subject to the approval of the office of internal audit in the 2335
office of budget and management. At the end of each fiscal year, 2336
the commission shall prepare and submit an annual report to the 2337
office of internal audit for the office's review and approval, 2338
specifying the internal audit work completed by the end of that 2339
fiscal year and reporting on compliance with the annual internal 2340
audit plan. 2341

(F) Whenever, in the judgment of the director of budget 2342
and management, an amount of net state lottery proceeds is 2343
necessary to be applied to the payment of debt service on 2344
obligations, all as defined in sections 151.01 and 151.03 of the 2345
Revised Code, the director shall transfer that amount directly 2346
from the state lottery fund or from the lottery profits 2347
education fund to the bond service fund defined in those 2348
sections. The provisions of this division are subject to any 2349
prior pledges or obligation of those amounts to the payment of 2350

bond service charges as defined in division (C) of section 2351
3318.21 of the Revised Code, as referred to in division (B) of 2352
this section. 2353

Sec. 3770.31. As used in sections 3770.31 to 3770.41 of 2354
the Revised Code: 2355

(A) "Gray area device" means any electrical or electro- 2356
mechanical video machine that meets all of the following: 2357

(1) Is not licensed or approved under sections 3770.31 to 2358
3770.41 of the Revised Code; 2359

(2) Upon insertion of coins, cash, or tokens is available 2360
to play or simulate the play of draw poker, keno, blackjack, 2361
spinning reel, or any other similar game that awards coins, 2362
cash, or credits; 2363

(3) Contains a circuit component, meter, or switch capable 2364
of recording the removal of coins, cash, or credits earned or 2365
received by the player. 2366

(B) "Net retailer video lottery terminal income" means the 2367
amount of money put into a retailer video lottery terminal by 2368
players minus the amount paid out to winning players. 2369

(C) "Net retailer video lottery terminal operator income" 2370
means the net retailer video lottery terminal income minus the 2371
amount paid to the state pursuant to division (B) of section 2372
3770.38 of the Revised Code, and any computer and telephone line 2373
or service charges attributable to the retailer video lottery 2374
terminal. 2375

(D) "Service employee" means an employee of a licensed 2376
retailer video lottery terminal operator who is certified and 2377
has submitted to a criminal background check under division (D) 2378

of section 3770.35 of the Revised Code to service and repair a 2379
retailer video lottery terminal. 2380

(E) "Retailer video lottery terminal" means an electronic 2381
video game machine that utilizes a microprocessor and is, upon 2382
the insertion of money, capable of playing or simulating the 2383
play of video poker, keno, blackjack, spinning reel, and any 2384
other similar game authorized by rule of the state lottery 2385
commission, in which, by chance, the player of the machine may 2386
receive free games or credits that are redeemable for money, but 2387
does not include: 2388

(1) Any such machine that directly dispenses money or 2389
tokens; 2390

(2) Video lottery terminals as defined by division (A) (1) 2391
of section 3770.21 of the Revised Code. 2392

(F) "Retailer video lottery terminal distributor" means 2393
any person who purchases retailer video lottery terminals from a 2394
retailer video lottery terminal manufacturer and who sells or 2395
distributes the terminals to a retailer video lottery terminal 2396
operator in this state. 2397

(G) "Retailer video lottery terminal establishment" means 2398
a single premises owned or managed by any person who is a 2399
licensed lottery sales agent or is eligible to receive a lottery 2400
sales agent license; 2401

(H) "Retailer video lottery terminal manufacturer" means 2402
any person who manufactures, assembles, or produces a retailer 2403
video lottery terminal for sale to a retailer video lottery 2404
terminal distributor in this state. 2405

(I) "Retailer video lottery terminal operator" means any 2406
person who owns or operates a retailer video lottery terminal in 2407

this state for placement in a video lottery gaming 2408
establishment. 2409

Sec. 3770.32. Except as provided in sections 3770.31 to 2410
3770.41 of the Revised Code, no person shall do any of the 2411
following: 2412

(A) Unless licensed as a retailer video lottery terminal 2413
manufacturer, manufacture, assemble, or produce a retailer video 2414
lottery terminal for sale in this state; 2415

(B) Unless licensed as a retailer video lottery terminal 2416
distributor, distribute or sell a retailer video lottery 2417
terminal in this state; 2418

(C) Unless licensed as a retailer video lottery terminal 2419
operator, own, possess, or operate a retailer video lottery 2420
terminal for use by players in this state; 2421

(D) Tamper with a retailer video lottery terminal with the 2422
intent to interfere with the proper operation of the terminal or 2423
with the intent to manipulate the outcome, payoff, or operation 2424
of the terminal; 2425

(E) Play a retailer video lottery terminal if under 2426
twenty-one years of age or permit any person under twenty-one 2427
years of age to play a retailer video lottery terminal; 2428

(F) Operate or play a retailer video lottery terminal in 2429
any place that is not a licensed retailer video lottery terminal 2430
establishment; 2431

(G) Being a licensed retailer video lottery terminal 2432
operator, do either of the following: 2433

(1) Own, operate, or possess for use by players a retailer 2434
video lottery terminal without prominently displaying a current 2435

certification of inspection issued pursuant to sections 3770.31 2436
to 3770.41 of the Revised Code; 2437

(2) Knowingly submit a false report or fail to report any 2438
amount due pursuant to division (B) of section 3770.38 of the 2439
Revised Code. 2440

Sec. 3770.33. (A) The state lottery commission in 2441
conjunction with the Ohio casino control commission and the 2442
director of the state lottery commission shall administer and 2443
enforce sections 3770.31 to 3770.41 of the Revised Code and the 2444
rules adopted under those sections. The state lottery commission 2445
in consultation with executive director of the Ohio casino 2446
control commission shall adopt rules, in accordance with Chapter 2447
119. of the Revised Code, for the implementation, 2448
administration, and enforcement of sections 3770.31 to 3770.41 2449
of the Revised Code, which shall include all of the following: 2450

(1) The retailer video lottery terminals that may be 2451
operated in a licensed retailer video lottery terminal 2452
establishment in this state; 2453

(2) The maximum number of retailer video lottery terminals 2454
to be placed in a licensed retailer video lottery terminal 2455
establishment, provided that not more than three terminals shall 2456
be placed in any one licensed retailer video lottery terminal 2457
establishment in the first twelve months subsequent to the 2458
effective date of this section, with up to five machines 2459
permitted thereafter. The rules shall require that state- 2460
certified inspections certify each terminal upon its placement 2461
in the licensed retailer video lottery terminal establishment 2462
and at least biannually thereafter. The rules shall not require 2463
any retailer video lottery terminal establishment or retailer 2464
video lottery terminal operator to place, install, or maintain 2465

any retailer video lottery terminal in any establishment, 2466
provided that the establishment or operator may not place, 2467
install, or maintain more terminals than permitted by this 2468
division. 2469

(3) Fees to be assessed upon a retailer video lottery 2470
terminal manufacturer or any other person who seeks approval of 2471
prototypes of retailer video lottery terminals for use in this 2472
state. The fees the state lottery commission assesses shall 2473
equal the actual costs of the examination of the prototype. The 2474
manufacturer or person seeking approval shall pay the commission 2475
the fees in advance of the approval. The rules also shall 2476
include a requirement that, if the fee the commission assesses 2477
is less than the actual costs of the examination, the 2478
manufacturer or person seeking approval is liable for the extra 2479
costs, and if the assessed fee is greater than the actual costs, 2480
the manufacturer or person seeking approval is entitled to a 2481
refund of the difference. 2482

(4) The monetary amount required for licensure as a 2483
retailer video lottery terminal operator pursuant to division 2484
(B) (2) (a) of section 3770.34 of the Revised Code; 2485

(5) Requirements for the initial and continuing background 2486
investigations conducted on licenses and applicants for 2487
licensure and certification; 2488

(6) Requirements for the central communications system 2489
described in division (C) of section 3770.35 of the Revised 2490
Code; 2491

(7) The information to be maintained confidential pursuant 2492
to section 3770.40 of the Revised Code, and methods to assure 2493
confidentiality of that information; 2494

(8) Procedures for the investigation of allegations of 2495
violations of sections 3770.31 to 3770.41 of the Revised Code 2496
and the rules adopted under those sections and for inspection 2497
and investigation of all persons licensed under those sections. 2498
The rules shall include a requirement that any licensee shall 2499
permit the officers, employees, and agents of the state lottery 2500
commission and Ohio casino control commission to enter and 2501
inspect the licensee's place of business and retailer video 2502
lottery terminal records during normal business hours. The rules 2503
shall include a schedule of fines for knowing violations by a 2504
retailer video lottery terminal establishment or operator. 2505

(9) Procedures for the suspension and revocation of and 2506
the refusal to issue or renew a license or certification issued 2507
under sections 3770.31 to 3770.41 of the Revised Code, in 2508
addition to any reason set forth in those sections. The rules 2509
shall include the reasons for and duration of any suspension or 2510
revocation and shall ensure that the procedures comply with due 2511
process of law. 2512

(10) A process for determining what constitutes good taste 2513
and what constitutes a negative impact or affects the integrity 2514
of the retailer video lottery terminal industry under section 2515
3770.35 of the Revised Code; 2516

(11) All of the following requirements: 2517

(a) A retailer video lottery terminal establishment shall 2518
operate a video surveillance system to monitor each retailer 2519
video lottery terminal located on the retailer video lottery 2520
terminal establishment's premises. 2521

(b) A retailer video lottery terminal establishment shall 2522
maintain retailer video lottery terminal surveillance footage 2523

for thirty days and delete the footage after the thirty-day 2524
period. 2525

(c) A retailer video lottery terminal establishment's 2526
retailer video lottery terminal video surveillance system shall 2527
not make use of any facial recognition technology or software. 2528

(d) A retailer video lottery terminal establishment shall 2529
provide retailer video lottery terminal video surveillance 2530
footage to the retailer video lottery terminal operator upon the 2531
operator's request. 2532

(e) A retailer video lottery terminal establishment shall 2533
maintain all retailer video lottery terminals within an area 2534
segregated from the general area of the establishment and within 2535
sight of personnel at all times. 2536

(f) A retailer video lottery terminal establishment shall 2537
have a key employee certified by the Ohio casino control 2538
commission trained in recognizing underage and problem gaming 2539
onsite at all times while the establishment is open to the 2540
public. 2541

(12) The requirement that a retailer video lottery 2542
terminal ticket voucher shall only be redeemed through a self- 2543
service device that is linked to the central communications 2544
system described in division (C) of section 3770.35 of the 2545
Revised Code. The rules shall include the requirement that such 2546
self-service devices shall, upon authorization by the central 2547
communications system, redeem a ticket voucher in the form of 2548
cash. 2549

(B) Notwithstanding any provision of section 121.95 of the 2550
Revised Code to the contrary, a regulatory restriction contained 2551
in a rule adopted under sections 3770.31 to 3770.41 of the 2552

Revised Code is not subject to sections 121.95 to 121.953 of the 2553
Revised Code. 2554

Sec. 3770.34. (A) Any person who desires to apply for a 2555
retailer video lottery terminal manufacturer, retailer video 2556
lottery terminal distributor, retailer video lottery terminal 2557
operator, or retailer video lottery terminal establishment 2558
license shall file a written application with the Ohio casino 2559
control commission, on forms provided by the Ohio casino control 2560
commission in consultation with the state lottery commission. 2561
The application shall include the applicable fees established in 2562
section 3770.38 of the Revised Code and contain information 2563
satisfactory to the Ohio casino control commission that the 2564
applicant meets the requirements of this section and the rules 2565
adopted by the state lottery commission pursuant to section 2566
3770.33 of the Revised Code for the specific license for which 2567
application is made. 2568

(B) (1) To receive a retailer video lottery terminal 2569
distributor license, the person also shall have maintained, for 2570
at least five years immediately preceding application for 2571
licensure, a distribution center that included warehouse, 2572
service, and parts facilities. 2573

(2) To receive a retailer video lottery terminal operator 2574
license, the person also shall meet all of the following 2575
requirements: 2576

(a) Demonstrate, to the satisfaction of the Ohio casino 2577
control commission, that the applicant has sufficient funding to 2578
pay the annual license renewal fee established in section 2579
3770.38 of the Revised Code; 2580

(b) File with the Ohio casino control commission a surety 2581

bond, payable to the state in the amount of one hundred thousand 2582
dollars issued by a bonding company licensed to do business in 2583
this state. The bond shall be in the form specified by the 2584
commission and conditioned upon the operator's compliance with 2585
sections 3770.31 to 3770.41 of the Revised Code and the rules 2586
adopted under those sections. 2587

(c) Every applicant for a license under this section 2588
shall, as a condition of receiving the license and a renewal, 2589
submit to an initial and continuing background investigations 2590
conducted by the Ohio casino control commission under rules the 2591
commission adopts. For purposes of the background investigation, 2592
the commission may investigate the person applying for the 2593
license and every partner of a partnership, every member of any 2594
association, and every stockholder holding five per cent or more 2595
stock in, and every director and officer of, an applicant or 2596
licensee that is a corporation. 2597

(C) Except as provided in divisions (E) and (F) of this 2598
section, if the applicant for licensure meets the qualifications 2599
of this section and the background investigation to the 2600
satisfaction of the Ohio casino control commission, the 2601
commission shall issue the applicant the appropriate license for 2602
which the application is made. 2603

(D) Each license issued under this section expires two 2604
years after the date of issue. Each person holding a valid, 2605
unexpired license may renew a license by applying to the Ohio 2606
casino control commission within ninety days of the expiration 2607
of the license and submitting with the application the renewal 2608
fee established pursuant to section 3770.38 of the Revised Code. 2609

(E) The Ohio casino control commission shall not issue or 2610
renew any license under this section to any applicant who meets 2611

any of the following conditions: 2612

(1) Has been convicted of a felony in this state or 2613
another state unless at least ten years have passed since the 2614
satisfactory completion of the sentence or probation imposed by 2615
a court with competent jurisdiction; 2616

(2) Has been found guilty of violating any provision of 2617
sections 3770.31 to 3770.41 of the Revised Code or any rule 2618
adopted pursuant thereto; 2619

(3) Is an officer, employee, or a member of the immediate 2620
family, as defined in section 5126.01 of the Revised Code, of 2621
any officer or employee of the Ohio casino control commission or 2622
the state lottery commission; 2623

(4) Has knowingly made a false statement of material fact 2624
to the Ohio casino control commission or the state lottery 2625
commission. 2626

(F) No licensed retailer video lottery terminal 2627
manufacturer may be licensed as a retailer video lottery 2628
terminal operator or retailer video lottery terminal 2629
distributor, operator, or establishment. No licensed retailer 2630
video lottery terminal distributor may be licensed as a retailer 2631
video lottery terminal manufacturer, operator, or establishment. 2632
No licensed retailer video lottery terminal operator may be 2633
licensed as a retailer video lottery terminal manufacturer, 2634
distributor, or establishment. No licensed retailer video 2635
lottery terminal establishment may be licensed as a retailer 2636
video lottery terminal manufacturer, distributor, or operator. 2637

(G) The Ohio casino control commission shall not issue any 2638
license under section 3770.31 to 3770.41 of the Revised Code to 2639
the state or any political subdivision thereof or any 2640

instrumentality of either. 2641

Sec. 3770.35. (A) No retailer video lottery terminal 2642
operator shall do either of the following: 2643

(1) Enter into an agreement with any person to manage, 2644
control, operate, or service its retailer video lottery terminal 2645
business activity unless that person is licensed or certified, 2646
as applicable, under sections 3770.31 to 3770.41 of the Revised 2647
Code; 2648

(2) Place for use in a retailer video lottery terminal 2649
establishment or own or operate a retailer video lottery 2650
terminal unless the operator and terminal meet all of the 2651
following requirements: 2652

(a) The terminal is separately certified and maintained 2653
pursuant to division (D) of this section and the rules of the 2654
state lottery commission. 2655

(b) The retailer video lottery terminal establishment 2656
holds a current retailer video lottery terminal establishment 2657
license issued pursuant to sections 3770.31 to 3770.41 of the 2658
Revised Code. 2659

(c) The terminal has no means of manipulation that affect 2660
the random probabilities of winning on a retailer video lottery 2661
terminal. 2662

(d) The terminal has one or more mechanisms that accept 2663
money in the form of bills and that are designed to prevent 2664
obtaining credits without paying by attaching string or other 2665
material to a coin or bill with the object of retrieving the 2666
coin or bill after it has been inserted into the terminal; 2667
slamming, rocking, or tilting the terminal; drilling into the 2668
terminal; or any other means. 2669

- (e) If the terminal has been physically tampered with, the 2670
terminal has been removed from use or reset. 2671
- (f) The terminal has nonresettable meters housed in a 2672
readily accessible locked area of the terminal that maintains a 2673
permanent record of all money inserted into the terminal, all 2674
refunds of winnings made by the terminal's printer, credits 2675
played for games, and credits won by players. 2676
- (g) The terminal is capable of printing a ticket voucher, 2677
which contains all of the following: 2678
- (i) The value of the prize for the player at the 2679
completion of the game; 2680
- (ii) The time of day in a twenty-four hour format showing 2681
the hours and minutes; 2682
- (iii) The date; 2683
- (iv) The serial number of the machine; 2684
- (v) The sequential number of the ticket vouchers; 2685
- (vi) An encrypted validation number from which the 2686
validity of the prize may be determined. 2687
- (h) The terminal is linked to the central communication 2688
system that the Ohio casino control commission maintains 2689
pursuant to division (C) of this section, and that terminal and 2690
linkage comply with the rules adopted under this section. 2691
- (i) The terminal allows a player to wager not more than 2692
four dollars in a single game and awards free games or credit 2693
not to exceed two thousand five hundred dollars. 2694
- (j) The terminal has a payback value of one credit 2695
equalling a minimum of eighty per cent. 2696

(k) The operator prominently displays the retailer video 2697
lottery terminal certification issued pursuant to sections 2698
3770.31 to 3770.41 of the Revised Code on the terminal. 2699

(l) The operator keeps a list of all prizes awarded during 2700
each game conducted on each terminal, the total prizes awarded 2701
from each game by serial number, and the name, address, and 2702
social security number of all persons who are winners of prizes 2703
of six hundred dollars or more in value. 2704

(B) Every retailer video lottery terminal operator who 2705
desires to place retailer video lottery terminals in a retailer 2706
video lottery terminal establishment shall enter into a written 2707
contract with the establishment and file a copy of the contract 2708
with the Ohio casino control commission. The contract shall 2709
contain at least the following information or provisions: 2710

(1) The length of the contract, which shall be for a term 2711
of at least five years; 2712

(2) The amount the operator will pay the establishment 2713
from the net retailer video lottery terminal operator income for 2714
each terminal, which amount shall be fifty per cent for each 2715
terminal. 2716

(C) Not later than nine months after the effective date of 2717
this section, the Ohio casino control commission shall implement 2718
and maintain a central communication system to provide an 2719
auditing program for each retailer video lottery terminal in the 2720
state and to link every terminal in the state to the central 2721
communication system. The commission shall ensure that the 2722
central communication system is able to communicate with each 2723
retailer video lottery terminal lawfully operated in the state. 2724
Nothing in this division shall be construed as requiring a 2725

retailer video lottery terminal to be in constant communication 2726
with the central communication system or to be online. 2727

(D) Each retailer video lottery terminal operator shall 2728
provide training approved by the Ohio casino control commission 2729
in the service and repair of the particular terminal sold or 2730
distributed. Each operator shall certify, in the form and manner 2731
the commission requires, to the commission that the training has 2732
been provided and shall provide the names of the service 2733
employees who have attended and successfully completed the 2734
training program. In order to successfully complete the training 2735
program, a person also shall submit to a criminal background 2736
check. Upon receipt of the information from the retailer video 2737
lottery terminal operator, the Ohio casino control commission 2738
shall issue a certificate to each person who has attended and 2739
successfully completed the required training that signifies that 2740
the person is certified to service and repair retailer video 2741
lottery terminals of the particular manufacturer and model for 2742
which the training was provided. No person other than a person 2743
certified under this division shall service or repair a retailer 2744
video lottery terminal. No retailer video lottery terminal shall 2745
be placed in a licensed retailer video lottery terminal 2746
establishment for use by players until the retailer video 2747
lottery terminal distributor provides the training required by 2748
this division. 2749

Sec. 3770.36. (A) No person licensed under sections 2750
3770.31 to 3770.41 of the Revised Code shall advertise any 2751
matter related to retailer video lottery terminals or the 2752
retailer video lottery terminal industry by any of the following 2753
methods: 2754

(1) Printed signs, marquees, permanent or portable signs, 2755

billboards, or any other means of lighted, printed, or pictorial 2756
outdoor advertising; 2757

(2) Flyers or other types of hand-out materials 2758
advertising retailer video lottery terminals or the retailer 2759
video lottery terminal industry to the general public; 2760

(3) Voiced or visually transmitted advertising through 2761
radio or television; 2762

(4) Use of any advertisement that refers to payoff 2763
percentages. 2764

(B) Except as provided in divisions (A) and (C) of this 2765
section, a person licensed under sections 3770.31 to 3770.41 of 2766
the Revised Code may advertise any matter related to retailer 2767
video lottery terminals or the retailer video lottery terminal 2768
industry by any of the following methods: 2769

(1) Client letter mailings, newsletters, business cards, 2770
and advertisements in the print media, provided that the 2771
advertisements are presented in good taste as determined by the 2772
state lottery commission, and in a manner that will not have a 2773
negative impact or affect the integrity of the retailer video 2774
lottery terminal industry as determined by the state lottery 2775
commission; 2776

(2) Indoor advertising at a licensed retailer video 2777
lottery terminal establishment, provided that the advertising is 2778
consistent with generally accepted indoor advertising and is in 2779
good taste as determined by the state lottery commission so as 2780
not to compromise the morals of the public or affect the 2781
integrity of the retailer video lottery terminal industry as 2782
determined by the state lottery commission. 2783

(C) No licensee shall place any indoor advertising 2784

permitted under division (B) of this section or any retailer 2785
video lottery terminal directly in the windows or doors of the 2786
licensed retailer video lottery terminal establishment. The 2787
licensee shall place the advertisements and terminals in the 2788
establishment in a manner that a reasonable person would believe 2789
to be directed toward patrons on the premises and not passersby 2790
outside the establishment. 2791

Sec. 3770.37. No retailer video lottery terminal 2792
establishment shall accept from any retailer video lottery 2793
terminal manufacturer, retailer video lottery terminal 2794
distributor, or any other person, and no retailer video lottery 2795
terminal manufacturer, retailer video lottery terminal 2796
distributor, or any other person shall offer or give to a 2797
retailer video lottery terminal establishment any premiums, 2798
gifts, equipment, discounts, rebates, kickbacks, or loans, 2799
either in money, merchandise, or other item of value, based upon 2800
the installation, use, or sale of a retailer video lottery 2801
terminal or for any other reason in connection with a retailer 2802
video lottery terminal. 2803

Sec. 3770.38. (A) The Ohio casino control commission shall 2804
collect the following fees for licensure under this section: 2805

(1) The initial license fee for a retailer video lottery 2806
terminal manufacturer of one hundred thousand dollars, and the 2807
biennial renewal thereof of twenty-five thousand dollars; 2808

(2) The initial license fee for a retailer video lottery 2809
terminal distributor of seventy-five thousand dollars, and the 2810
biennial renewal thereof of ten thousand dollars; 2811

(3) The initial license fee for a retailer video lottery 2812
terminal operator of fifty thousand dollars, and the biennial 2813

renewal thereof of ten thousand dollars; 2814

(4) The initial and biennial license fee for a retailer 2815
video lottery terminal establishment, five hundred dollars. 2816

(B) (1) The state lottery commission shall receive thirty- 2817
five per cent of the net retailer video lottery terminal income 2818
from each retailer video lottery terminal. Net retailer video 2819
lottery terminal operator income shall be divided evenly between 2820
the retailer video lottery terminal operator and the retailer 2821
video lottery terminal establishment where the retailer video 2822
lottery terminal is located. 2823

(2) Each retailer video lottery terminal operator shall 2824
maintain a separate account in a bank or financial institution 2825
for the purpose of the deposit of the amount of net retailer 2826
video lottery terminal income the operator is required to pay to 2827
the state lottery commission under division (B) of this section. 2828
The account shall permit electronic transfer of funds to the 2829
commission. Pursuant to the rules of the commission, each 2830
retailer video lottery terminal operator shall report and remit 2831
by electronic transfer the amount the commission determines due 2832
to the commission under division (B) of this section. 2833

(C) The holder of a current and valid retailer video 2834
lottery terminal license may transfer the license to any other 2835
certified retailer video lottery terminal without payment of an 2836
additional fee upon notification to the commission. 2837

Sec. 3770.39. (A) The director of the state lottery 2838
commission, under rules the commission adopts, shall investigate 2839
any allegation against any person who has engaged in, threatened 2840
to engage in, or is engaging in any violation of sections 2841
3770.31 to 3770.41 of the Revised Code or the rules adopted 2842

under those sections. If the director determines that any person 2843
has violated, is threatening to violate, or is violating any 2844
provision of those sections or the rules adopted under those 2845
sections, the director may request the attorney general or 2846
prosecuting attorney of the county in which the alleged 2847
violation occurred, is threatening to occur, or is occurring for 2848
an injunction and any other appropriate relief to restrain the 2849
act. In addition, the director may request the attorney general 2850
or prosecuting attorney to prosecute any person who has violated 2851
those sections or the rules adopted under those sections. Upon 2852
the director's request, the attorney general shall take whatever 2853
steps are necessary to initiate the action in the court of 2854
common pleas and to prosecute the offending person. 2855

(B) No person shall own or operate any retailer video 2856
lottery terminal without a license or any other device, 2857
including any gray area device, designed or used for gambling 2858
that is not authorized under the Revised Code. If any law 2859
enforcement agency determines that probable cause exists that 2860
any person has violated this division, the agency shall initiate 2861
procedures to seize and hold the terminal or device pursuant to 2862
Chapter 2981. of the Revised Code. If the state lottery 2863
commission determines that probable cause exists that any person 2864
has violated this division, the state lottery commission shall 2865
contract with the Ohio casino control commission, attorney 2866
general, or any law enforcement agency to initiate procedures to 2867
seize and hold the terminal or device pursuant to Chapter 2981. 2868
of the Revised Code. Upon issuance of a final order from a court 2869
of competent jurisdiction finding that a person is guilty of 2870
violating this section, the agency, applicable commission, or 2871
attorney general shall promptly destroy any terminal or device 2872
seized in relation to the violation. 2873

Sec. 3770.40. Notwithstanding section 149.43 of the 2874
Revised Code, information and records obtained under sections 2875
3770.31 to 3770.41 of the Revised Code and the rules adopted 2876
under those sections of the state lottery commission and its 2877
officers, employees, and agents are confidential and shall not 2878
be disclosed except in accordance with a judicial proceeding or 2879
as permitted by the rules of the director of the state lottery 2880
commission. 2881

Sec. 3770.41. The state, through the state lottery 2882
commission, and in accordance with sections 3770.31 to 3770.41 2883
of the Revised Code, shall solely regulate persons licensed 2884
under those sections and the manner in which any licensee 2885
conducts business. By the enactment of these sections, it is the 2886
intent of the general assembly to preempt municipal corporations 2887
and other political subdivisions from the regulation, licensing, 2888
or registration of, the establishment of rules or standards for, 2889
and the collection of any tax, fee, or assessments from persons 2890
licensed under this chapter. This section does not prohibit the 2891
imposition of taxes under Chapter 718. of the Revised Code. 2892

Sec. 3770.99. (A) Whoever is prohibited from claiming a 2893
lottery prize award under division (E) of section 3770.07 of the 2894
Revised Code and attempts to claim or is paid a lottery prize 2895
award is guilty of a minor misdemeanor, and shall provide 2896
restitution to the state lottery commission of any moneys 2897
erroneously paid as a lottery prize award to that person. 2898

(B) Whoever violates section 3770.08 or division (E), (F), 2899
or (G) (1) of section 3770.32 of the Revised Code is guilty of a 2900
misdemeanor of the third degree. 2901

(C) Whoever violates division (A), (B), (C), (D), or (G) 2902
(2) of section 3770.32, division (B) of section 3770.38, or 2903

section 3770.32 of the Revised Code is guilty of a felony of the third degree.

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(D) Whoever violates any provision of sections 3770.31 to 3770.41 of the Revised Code for which a specific penalty is not set under this section is guilty of a misdemeanor of the third degree.

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(E) A retailer video lottery terminal establishment or operator that knowingly fails to report a violation of any provision of, or rule adopted under, sections 3770.31 to 3770.41 of the Revised Code may be subject to a fine as determined by the commission and the suspension or revocation of the establishment's or operator's license issued under sections 3770.31 to 3770.41 of the Revised Code in an adjudication under Chapter 119. of the Revised Code.

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Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

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(A) (1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

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(2) In the case of the lease or rental, with a fixed term 2934
of more than thirty days or an indefinite term with a minimum 2935
period of more than thirty days, of any motor vehicles designed 2936
by the manufacturer to carry a load of not more than one ton, 2937
watercraft, outboard motor, or aircraft, or of any tangible 2938
personal property, other than motor vehicles designed by the 2939
manufacturer to carry a load of more than one ton, to be used by 2940
the lessee or renter primarily for business purposes, the tax 2941
shall be collected by the vendor at the time the lease or rental 2942
is consummated and shall be calculated by the vendor on the 2943
basis of the total amount to be paid by the lessee or renter 2944
under the lease agreement. If the total amount of the 2945
consideration for the lease or rental includes amounts that are 2946
not calculated at the time the lease or rental is executed, the 2947
tax shall be calculated and collected by the vendor at the time 2948
such amounts are billed to the lessee or renter. In the case of 2949
an open-end lease or rental, the tax shall be calculated by the 2950
vendor on the basis of the total amount to be paid during the 2951
initial fixed term of the lease or rental, and for each 2952
subsequent renewal period as it comes due. As used in this 2953
division, "motor vehicle" has the same meaning as in section 2954
4501.01 of the Revised Code, and "watercraft" includes an 2955
outdrive unit attached to the watercraft. 2956

A lease with a renewal clause and a termination penalty or 2957
similar provision that applies if the renewal clause is not 2958
exercised is presumed to be a sham transaction. In such a case, 2959
the tax shall be calculated and paid on the basis of the entire 2960
length of the lease period, including any renewal periods, until 2961
the termination penalty or similar provision no longer applies. 2962
The taxpayer shall bear the burden, by a preponderance of the 2963
evidence, that the transaction or series of transactions is not 2964

a sham transaction. 2965

(3) Except as provided in division (A) (2) of this section, 2966
in the case of a sale, the price of which consists in whole or 2967
in part of the lease or rental of tangible personal property, 2968
the tax shall be measured by the installments of that lease or 2969
rental. 2970

(4) In the case of a sale of a physical fitness facility 2971
service or recreation and sports club service, the price of 2972
which consists in whole or in part of a membership for the 2973
receipt of the benefit of the service, the tax applicable to the 2974
sale shall be measured by the installments thereof. 2975

(B) The tax does not apply to the following: 2976

(1) Sales to the state or any of its political 2977
subdivisions, or to any other state or its political 2978
subdivisions if the laws of that state exempt from taxation 2979
sales made to this state and its political subdivisions 2980
including either of the following: 2981

(a) Sales or rentals of tangible personal property by 2982
construction contractors or subcontractors to provide temporary 2983
traffic control or temporary structures, including material and 2984
equipment used to comply with the Ohio manual of uniform traffic 2985
control devices adopted pursuant to section 4511.09 of the 2986
Revised Code, whereby the state or any of its political 2987
subdivisions take title to, or permanent or temporary possession 2988
of, such tangible personal property for use by the state or any 2989
of its political subdivisions, including for use by the general 2990
public thereof; 2991

(b) Sales of services by construction contractors or 2992
subcontractors to provide temporary traffic control or 2993

structures, including labor used to comply with the Ohio manual 2994
of uniform traffic control devices adopted pursuant to section 2995
4511.09 of the Revised Code, whereby the state or any of its 2996
political subdivisions, including the general public thereof, 2997
receive the benefit of such services. 2998

As used in divisions (B) (1) (a) and (b) of this section, 2999
"temporary structures" include temporary roads, bridges, drains, 3000
and pavement. 3001

(2) Sales of food for human consumption off the premises 3002
where sold; 3003

(3) Sales of food sold to students only in a cafeteria, 3004
dormitory, fraternity, or sorority maintained in a private, 3005
public, or parochial school, college, or university; 3006

(4) Sales of newspapers and sales or transfers of 3007
magazines distributed as controlled circulation publications; 3008

(5) The furnishing, preparing, or serving of meals without 3009
charge by an employer to an employee provided the employer 3010
records the meals as part compensation for services performed or 3011
work done; 3012

(6) (a) Sales of motor fuel upon receipt, use, 3013
distribution, or sale of which in this state a tax is imposed by 3014
the law of this state, but this exemption shall not apply to the 3015
sale of motor fuel on which a refund of the tax is allowable 3016
under division (A) of section 5735.14 of the Revised Code; and 3017
the tax commissioner may deduct the amount of tax levied by this 3018
section applicable to the price of motor fuel when granting a 3019
refund of motor fuel tax pursuant to division (A) of section 3020
5735.14 of the Revised Code and shall cause the amount deducted 3021
to be paid into the general revenue fund of this state; 3022

(b) Sales of motor fuel other than that described in 3023
division (B) (6) (a) of this section and used for powering a 3024
refrigeration unit on a vehicle other than one used primarily to 3025
provide comfort to the operator or occupants of the vehicle. 3026

(7) Sales of natural gas by a natural gas company or 3027
municipal gas utility, of water by a water-works company, or of 3028
steam by a heating company, if in each case the thing sold is 3029
delivered to consumers through pipes or conduits, and all sales 3030
of communications services by a telegraph company, all terms as 3031
defined in section 5727.01 of the Revised Code, and sales of 3032
electricity delivered through wires; 3033

(8) Casual sales by a person, or auctioneer employed 3034
directly by the person to conduct such sales, except as to such 3035
sales of motor vehicles, watercraft or outboard motors required 3036
to be titled under section 1548.06 of the Revised Code, 3037
watercraft documented with the United States coast guard, 3038
snowmobiles, and all-purpose vehicles as defined in section 3039
4519.01 of the Revised Code; 3040

(9) (a) Sales of services or tangible personal property, 3041
other than motor vehicles, mobile homes, and manufactured homes, 3042
by churches, organizations exempt from taxation under section 3043
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 3044
organizations operated exclusively for charitable purposes as 3045
defined in division (B) (12) of this section, provided that the 3046
number of days on which such tangible personal property or 3047
services, other than items never subject to the tax, are sold 3048
does not exceed six in any calendar year, except as otherwise 3049
provided in division (B) (9) (b) of this section. If the number of 3050
days on which such sales are made exceeds six in any calendar 3051
year, the church or organization shall be considered to be 3052

engaged in business and all subsequent sales by it shall be 3053
subject to the tax. In counting the number of days, all sales by 3054
groups within a church or within an organization shall be 3055
considered to be sales of that church or organization. 3056

(b) The limitation on the number of days on which tax- 3057
exempt sales may be made by a church or organization under 3058
division (B) (9) (a) of this section does not apply to sales made 3059
by student clubs and other groups of students of a primary or 3060
secondary school, or a parent-teacher association, booster 3061
group, or similar organization that raises money to support or 3062
fund curricular or extracurricular activities of a primary or 3063
secondary school. 3064

(c) Divisions (B) (9) (a) and (b) of this section do not 3065
apply to sales by a noncommercial educational radio or 3066
television broadcasting station. 3067

(10) Sales not within the taxing power of this state under 3068
the Constitution or laws of the United States or the 3069
Constitution of this state including either of the following: 3070

(a) Sales or rentals of tangible personal property by 3071
construction contractors or subcontractors to provide temporary 3072
traffic control or temporary structures, including material and 3073
equipment used to comply with the Ohio manual of uniform traffic 3074
control devices adopted pursuant to section 4511.09 of the 3075
Revised Code, whereby the United States takes title to, or 3076
permanent or temporary possession of, such tangible personal 3077
property for use by the United States including for use by the 3078
general public thereof; 3079

(b) Sales of services by construction contractors or 3080
subcontractors to provide temporary traffic control or 3081

structures, including labor used to comply with the Ohio manual 3082
of uniform traffic control devices adopted pursuant to section 3083
4511.09 of the Revised Code, whereby the United States, 3084
including the general public thereof, receives the benefit of 3085
such services. 3086

As used in divisions (B) (10) (a) and (b) of this section, 3087
"temporary structures" include temporary roads, bridges, drains, 3088
and pavement. 3089

(11) Except for transactions that are sales under division 3090
(B) (3) (p) of section 5739.01 of the Revised Code, the 3091
transportation of persons or property, unless the transportation 3092
is by a private investigation and security service; 3093

(12) Sales of tangible personal property or services to 3094
churches, to organizations exempt from taxation under section 3095
501(c) (3) of the Internal Revenue Code of 1986, and to any other 3096
nonprofit organizations operated exclusively for charitable 3097
purposes in this state, no part of the net income of which 3098
inures to the benefit of any private shareholder or individual, 3099
and no substantial part of the activities of which consists of 3100
carrying on propaganda or otherwise attempting to influence 3101
legislation; sales to offices administering one or more homes 3102
for the aged or one or more hospital facilities exempt under 3103
section 140.08 of the Revised Code; and sales to organizations 3104
described in division (D) of section 5709.12 of the Revised 3105
Code. 3106

"Charitable purposes" means the relief of poverty; the 3107
improvement of health through the alleviation of illness, 3108
disease, or injury; the operation of an organization exclusively 3109
for the provision of professional, laundry, printing, and 3110
purchasing services to hospitals or charitable institutions; the 3111

operation of a home for the aged, as defined in section 5701.13 3112
of the Revised Code; the operation of a radio or television 3113
broadcasting station that is licensed by the federal 3114
communications commission as a noncommercial educational radio 3115
or television station; the operation of a nonprofit animal 3116
adoption service or a county humane society; the promotion of 3117
education by an institution of learning that maintains a faculty 3118
of qualified instructors, teaches regular continuous courses of 3119
study, and confers a recognized diploma upon completion of a 3120
specific curriculum; the operation of a parent-teacher 3121
association, booster group, or similar organization primarily 3122
engaged in the promotion and support of the curricular or 3123
extracurricular activities of a primary or secondary school; the 3124
operation of a community or area center in which presentations 3125
in music, dramatics, the arts, and related fields are made in 3126
order to foster public interest and education therein; the 3127
production of performances in music, dramatics, and the arts; or 3128
the promotion of education by an organization engaged in 3129
carrying on research in, or the dissemination of, scientific and 3130
technological knowledge and information primarily for the 3131
public. 3132

Nothing in this division shall be deemed to exempt sales 3133
to any organization for use in the operation or carrying on of a 3134
trade or business, or sales to a home for the aged for use in 3135
the operation of independent living facilities as defined in 3136
division (A) of section 5709.12 of the Revised Code. 3137

(13) Building and construction materials and services sold 3138
to construction contractors for incorporation into a structure 3139
or improvement to real property under a construction contract 3140
with this state or a political subdivision of this state, or 3141
with the United States government or any of its agencies; 3142

building and construction materials and services sold to 3143
construction contractors for incorporation into a structure or 3144
improvement to real property that are accepted for ownership by 3145
this state or any of its political subdivisions, or by the 3146
United States government or any of its agencies at the time of 3147
completion of the structures or improvements; building and 3148
construction materials sold to construction contractors for 3149
incorporation into a horticulture structure or livestock 3150
structure for a person engaged in the business of horticulture 3151
or producing livestock; building materials and services sold to 3152
a construction contractor for incorporation into a house of 3153
public worship or religious education, or a building used 3154
exclusively for charitable purposes under a construction 3155
contract with an organization whose purpose is as described in 3156
division (B) (12) of this section; building materials and 3157
services sold to a construction contractor for incorporation 3158
into a building under a construction contract with an 3159
organization exempt from taxation under section 501(c) (3) of the 3160
Internal Revenue Code of 1986 when the building is to be used 3161
exclusively for the organization's exempt purposes; tangible 3162
personal property sold for incorporation into the construction 3163
of a sports facility under section 307.696 of the Revised Code; 3164
building and construction materials and services sold to a 3165
construction contractor for incorporation into real property 3166
outside this state if such materials and services, when sold to 3167
a construction contractor in the state in which the real 3168
property is located for incorporation into real property in that 3169
state, would be exempt from a tax on sales levied by that state; 3170
building and construction materials for incorporation into a 3171
transportation facility pursuant to a public-private agreement 3172
entered into under sections 5501.70 to 5501.83 of the Revised 3173
Code; until one calendar year after the construction of a 3174

convention center that qualifies for property tax exemption 3175
under section 5709.084 of the Revised Code is completed, 3176
building and construction materials and services sold to a 3177
construction contractor for incorporation into the real property 3178
comprising that convention center; and building and construction 3179
materials sold for incorporation into a structure or improvement 3180
to real property that is used primarily as, or primarily in 3181
support of, a manufacturing facility or research and development 3182
facility and that is to be owned by a megaproject operator upon 3183
completion and located at the site of a megaproject that 3184
satisfies the criteria described in division (A) (11) (a) (ii) of 3185
section 122.17 of the Revised Code, provided that the sale 3186
occurs during the period that the megaproject operator has an 3187
agreement for such megaproject with the tax credit authority 3188
under division (D) of section 122.17 of the Revised Code that 3189
remains in effect and has not expired or been terminated. 3190

(14) Sales of ships or vessels or rail rolling stock used 3191
or to be used principally in interstate or foreign commerce, and 3192
repairs, alterations, fuel, and lubricants for such ships or 3193
vessels or rail rolling stock; 3194

(15) Sales to persons primarily engaged in any of the 3195
activities mentioned in division (B) (42) (a), (g), or (h) of this 3196
section, to persons engaged in making retail sales, or to 3197
persons who purchase for sale from a manufacturer tangible 3198
personal property that was produced by the manufacturer in 3199
accordance with specific designs provided by the purchaser, of 3200
packages, including material, labels, and parts for packages, 3201
and of machinery, equipment, and material for use primarily in 3202
packaging tangible personal property produced for sale, 3203
including any machinery, equipment, and supplies used to make 3204
labels or packages, to prepare packages or products for 3205

labeling, or to label packages or products, by or on the order 3206
of the person doing the packaging, or sold at retail. "Packages" 3207
includes bags, baskets, cartons, crates, boxes, cans, bottles, 3208
bindings, wrappings, and other similar devices and containers, 3209
but does not include motor vehicles or bulk tanks, trailers, or 3210
similar devices attached to motor vehicles. "Packaging" means 3211
placing in a package. Division (B)(15) of this section does not 3212
apply to persons engaged in highway transportation for hire. 3213

(16) Sales of food to persons using supplemental nutrition 3214
assistance program benefits to purchase the food. As used in 3215
this division, "food" has the same meaning as in 7 U.S.C. 2012 3216
and federal regulations adopted pursuant to the Food and 3217
Nutrition Act of 2008. 3218

(17) Sales to persons engaged in farming, agriculture, 3219
horticulture, or floriculture, of tangible personal property for 3220
use or consumption primarily in the production by farming, 3221
agriculture, horticulture, or floriculture of other tangible 3222
personal property for use or consumption primarily in the 3223
production of tangible personal property for sale by farming, 3224
agriculture, horticulture, or floriculture; or material and 3225
parts for incorporation into any such tangible personal property 3226
for use or consumption in production; and of tangible personal 3227
property for such use or consumption in the conditioning or 3228
holding of products produced by and for such use, consumption, 3229
or sale by persons engaged in farming, agriculture, 3230
horticulture, or floriculture, except where such property is 3231
incorporated into real property; 3232

(18) Sales of drugs for a human being that may be 3233
dispensed only pursuant to a prescription; insulin as recognized 3234
in the official United States pharmacopoeia; urine and blood 3235

testing materials when used by diabetics or persons with 3236
hypoglycemia to test for glucose or acetone; hypodermic syringes 3237
and needles when used by diabetics for insulin injections; 3238
epoetin alfa when purchased for use in the treatment of persons 3239
with medical disease; hospital beds when purchased by hospitals, 3240
nursing homes, or other medical facilities; and medical oxygen 3241
and medical oxygen-dispensing equipment when purchased by 3242
hospitals, nursing homes, or other medical facilities; 3243

(19) Sales of prosthetic devices, durable medical 3244
equipment for home use, or mobility enhancing equipment, when 3245
made pursuant to a prescription and when such devices or 3246
equipment are for use by a human being. 3247

(20) Sales of emergency and fire protection vehicles and 3248
equipment to nonprofit organizations for use solely in providing 3249
fire protection and emergency services, including trauma care 3250
and emergency medical services, for political subdivisions of 3251
the state; 3252

(21) Sales of tangible personal property manufactured in 3253
this state, if sold by the manufacturer in this state to a 3254
retailer for use in the retail business of the retailer outside 3255
of this state and if possession is taken from the manufacturer 3256
by the purchaser within this state for the sole purpose of 3257
immediately removing the same from this state in a vehicle owned 3258
by the purchaser; 3259

(22) Sales of services provided by the state or any of its 3260
political subdivisions, agencies, instrumentalities, 3261
institutions, or authorities, or by governmental entities of the 3262
state or any of its political subdivisions, agencies, 3263
instrumentalities, institutions, or authorities; 3264

(23) Sales of motor vehicles to nonresidents of this state	3265
under the circumstances described in division (B) of section	3266
5739.029 of the Revised Code;	3267
(24) Sales to persons engaged in the preparation of eggs	3268
for sale of tangible personal property used or consumed directly	3269
in such preparation, including such tangible personal property	3270
used for cleaning, sanitizing, preserving, grading, sorting, and	3271
classifying by size; packages, including material and parts for	3272
packages, and machinery, equipment, and material for use in	3273
packaging eggs for sale; and handling and transportation	3274
equipment and parts therefor, except motor vehicles licensed to	3275
operate on public highways, used in intraplant or interplant	3276
transfers or shipment of eggs in the process of preparation for	3277
sale, when the plant or plants within or between which such	3278
transfers or shipments occur are operated by the same person.	3279
"Packages" includes containers, cases, baskets, flats, fillers,	3280
filler flats, cartons, closure materials, labels, and labeling	3281
materials, and "packaging" means placing therein.	3282
(25) (a) Sales of water to a consumer for residential use;	3283
(b) Sales of water by a nonprofit corporation engaged	3284
exclusively in the treatment, distribution, and sale of water to	3285
consumers, if such water is delivered to consumers through pipes	3286
or tubing.	3287
(26) Fees charged for inspection or reinspection of motor	3288
vehicles under section 3704.14 of the Revised Code;	3289
(27) Sales to persons licensed to conduct a food service	3290
operation pursuant to section 3717.43 of the Revised Code, of	3291
tangible personal property primarily used directly for the	3292
following:	3293

(a) To prepare food for human consumption for sale;	3294
(b) To preserve food that has been or will be prepared for	3295
human consumption for sale by the food service operator, not	3296
including tangible personal property used to display food for	3297
selection by the consumer;	3298
(c) To clean tangible personal property used to prepare or	3299
serve food for human consumption for sale.	3300
(28) Sales of animals by nonprofit animal adoption	3301
services or county humane societies;	3302
(29) Sales of services to a corporation described in	3303
division (A) of section 5709.72 of the Revised Code, and sales	3304
of tangible personal property that qualifies for exemption from	3305
taxation under section 5709.72 of the Revised Code;	3306
(30) Sales and installation of agricultural land tile, as	3307
defined in division (B) (5) (a) of section 5739.01 of the Revised	3308
Code;	3309
(31) Sales and erection or installation of portable grain	3310
bins, as defined in division (B) (5) (b) of section 5739.01 of the	3311
Revised Code;	3312
(32) The sale, lease, repair, and maintenance of, parts	3313
for, or items attached to or incorporated in, motor vehicles	3314
that are primarily used for transporting tangible personal	3315
property belonging to others by a person engaged in highway	3316
transportation for hire, except for packages and packaging used	3317
for the transportation of tangible personal property;	3318
(33) Sales to the state headquarters of any veterans'	3319
organization in this state that is either incorporated and	3320
issued a charter by the congress of the United States or is	3321

recognized by the United States veterans administration, for use 3322
by the headquarters; 3323

(34) Sales to a telecommunications service vendor, mobile 3324
telecommunications service vendor, or satellite broadcasting 3325
service vendor of tangible personal property and services used 3326
directly and primarily in transmitting, receiving, switching, or 3327
recording any interactive, one- or two-way electromagnetic 3328
communications, including voice, image, data, and information, 3329
through the use of any medium, including, but not limited to, 3330
poles, wires, cables, switching equipment, computers, and record 3331
storage devices and media, and component parts for the tangible 3332
personal property. The exemption provided in this division shall 3333
be in lieu of all other exemptions under division (B) (42) (a) or 3334
(n) of this section to which the vendor may otherwise be 3335
entitled, based upon the use of the thing purchased in providing 3336
the telecommunications, mobile telecommunications, or satellite 3337
broadcasting service. 3338

(35) (a) Sales where the purpose of the consumer is to use 3339
or consume the things transferred in making retail sales and 3340
consisting of newspaper inserts, catalogues, coupons, flyers, 3341
gift certificates, or other advertising material that prices and 3342
describes tangible personal property offered for retail sale. 3343

(b) Sales to direct marketing vendors of preliminary 3344
materials such as photographs, artwork, and typesetting that 3345
will be used in printing advertising material; and of printed 3346
matter that offers free merchandise or chances to win sweepstake 3347
prizes and that is mailed to potential customers with 3348
advertising material described in division (B) (35) (a) of this 3349
section; 3350

(c) Sales of equipment such as telephones, computers, 3351

facsimile machines, and similar tangible personal property 3352
primarily used to accept orders for direct marketing retail 3353
sales. 3354

(d) Sales of automatic food vending machines that preserve 3355
food with a shelf life of forty-five days or less by 3356
refrigeration and dispense it to the consumer. 3357

For purposes of division (B) (35) of this section, "direct 3358
marketing" means the method of selling where consumers order 3359
tangible personal property by United States mail, delivery 3360
service, or telecommunication and the vendor delivers or ships 3361
the tangible personal property sold to the consumer from a 3362
warehouse, catalogue distribution center, or similar fulfillment 3363
facility by means of the United States mail, delivery service, 3364
or common carrier. 3365

(36) Sales to a person engaged in the business of 3366
horticulture or producing livestock of materials to be 3367
incorporated into a horticulture structure or livestock 3368
structure; 3369

(37) Sales of personal computers, computer monitors, 3370
computer keyboards, modems, and other peripheral computer 3371
equipment to an individual who is licensed or certified to teach 3372
in an elementary or a secondary school in this state for use by 3373
that individual in preparation for teaching elementary or 3374
secondary school students; 3375

(38) Sales of tangible personal property that is not 3376
required to be registered or licensed under the laws of this 3377
state to a citizen of a foreign nation that is not a citizen of 3378
the United States, provided the property is delivered to a 3379
person in this state that is not a related member of the 3380

purchaser, is physically present in this state for the sole 3381
purpose of temporary storage and package consolidation, and is 3382
subsequently delivered to the purchaser at a delivery address in 3383
a foreign nation. As used in division (B) (38) of this section, 3384
"related member" has the same meaning as in section 5733.042 of 3385
the Revised Code, and "temporary storage" means the storage of 3386
tangible personal property for a period of not more than sixty 3387
days. 3388

(39) Sales of used manufactured homes and used mobile 3389
homes, as defined in section 5739.0210 of the Revised Code, made 3390
on or after January 1, 2000; 3391

(40) Sales of tangible personal property and services to a 3392
provider of electricity used or consumed directly and primarily 3393
in generating, transmitting, or distributing electricity for use 3394
by others, including property that is or is to be incorporated 3395
into and will become a part of the consumer's production, 3396
transmission, or distribution system and that retains its 3397
classification as tangible personal property after 3398
incorporation; fuel or power used in the production, 3399
transmission, or distribution of electricity; energy conversion 3400
equipment as defined in section 5727.01 of the Revised Code; and 3401
tangible personal property and services used in the repair and 3402
maintenance of the production, transmission, or distribution 3403
system, including only those motor vehicles as are specially 3404
designed and equipped for such use. The exemption provided in 3405
this division shall be in lieu of all other exemptions in 3406
division (B) (42) (a) or (n) of this section to which a provider 3407
of electricity may otherwise be entitled based on the use of the 3408
tangible personal property or service purchased in generating, 3409
transmitting, or distributing electricity. 3410

(41) Sales to a person providing services under division 3411
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 3412
personal property and services used directly and primarily in 3413
providing taxable services under that section. 3414

(42) Sales where the purpose of the purchaser is to do any 3415
of the following: 3416

(a) To incorporate the thing transferred as a material or 3417
a part into tangible personal property to be produced for sale 3418
by manufacturing, assembling, processing, or refining; or to use 3419
or consume the thing transferred directly in producing tangible 3420
personal property for sale by mining, including, without 3421
limitation, the extraction from the earth of all substances that 3422
are classed geologically as minerals, or directly in the 3423
rendition of a public utility service, except that the sales tax 3424
levied by this section shall be collected upon all meals, 3425
drinks, and food for human consumption sold when transporting 3426
persons. This paragraph does not exempt from "retail sale" or 3427
"sales at retail" the sale of tangible personal property that is 3428
to be incorporated into a structure or improvement to real 3429
property. 3430

(b) To hold the thing transferred as security for the 3431
performance of an obligation of the vendor; 3432

(c) To resell, hold, use, or consume the thing transferred 3433
as evidence of a contract of insurance; 3434

(d) To use or consume the thing directly in commercial 3435
fishing; 3436

(e) To incorporate the thing transferred as a material or 3437
a part into, or to use or consume the thing transferred directly 3438
in the production of, magazines distributed as controlled 3439

circulation publications; 3440

(f) To use or consume the thing transferred in the 3441
production and preparation in suitable condition for market and 3442
sale of printed, imprinted, overprinted, lithographic, 3443
multilithic, blueprinted, photostatic, or other productions or 3444
reproductions of written or graphic matter; 3445

(g) To use the thing transferred, as described in section 3446
5739.011 of the Revised Code, primarily in a manufacturing 3447
operation to produce tangible personal property for sale; 3448

(h) To use the benefit of a warranty, maintenance or 3449
service contract, or similar agreement, as described in division 3450
(B) (7) of section 5739.01 of the Revised Code, to repair or 3451
maintain tangible personal property, if all of the property that 3452
is the subject of the warranty, contract, or agreement would not 3453
be subject to the tax imposed by this section; 3454

(i) To use the thing transferred as qualified research and 3455
development equipment; 3456

(j) To use or consume the thing transferred primarily in 3457
storing, transporting, mailing, or otherwise handling purchased 3458
sales inventory in a warehouse, distribution center, or similar 3459
facility when the inventory is primarily distributed outside 3460
this state to retail stores of the person who owns or controls 3461
the warehouse, distribution center, or similar facility, to 3462
retail stores of an affiliated group of which that person is a 3463
member, or by means of direct marketing. This division does not 3464
apply to motor vehicles registered for operation on the public 3465
highways. As used in this division, "affiliated group" has the 3466
same meaning as in division (B) (3) (e) of section 5739.01 of the 3467
Revised Code and "direct marketing" has the same meaning as in 3468

division (B) (35) of this section. 3469

(k) To use or consume the thing transferred to fulfill a 3470
contractual obligation incurred by a warrantor pursuant to a 3471
warranty provided as a part of the price of the tangible 3472
personal property sold or by a vendor of a warranty, maintenance 3473
or service contract, or similar agreement the provision of which 3474
is defined as a sale under division (B) (7) of section 5739.01 of 3475
the Revised Code; 3476

(l) To use or consume the thing transferred in the 3477
production of a newspaper for distribution to the public; 3478

(m) To use tangible personal property to perform a service 3479
listed in division (B) (3) of section 5739.01 of the Revised 3480
Code, if the property is or is to be permanently transferred to 3481
the consumer of the service as an integral part of the 3482
performance of the service; 3483

(n) To use or consume the thing transferred primarily in 3484
producing tangible personal property for sale by farming, 3485
agriculture, horticulture, or floriculture. Persons engaged in 3486
rendering farming, agriculture, horticulture, or floriculture 3487
services for others are deemed engaged primarily in farming, 3488
agriculture, horticulture, or floriculture. This paragraph does 3489
not exempt from "retail sale" or "sales at retail" the sale of 3490
tangible personal property that is to be incorporated into a 3491
structure or improvement to real property. 3492

(o) To use or consume the thing transferred in acquiring, 3493
formatting, editing, storing, and disseminating data or 3494
information by electronic publishing; 3495

(p) To provide the thing transferred to the owner or 3496
lessee of a motor vehicle that is being repaired or serviced, if 3497

the thing transferred is a rented motor vehicle and the 3498
purchaser is reimbursed for the cost of the rented motor vehicle 3499
by a manufacturer, warrantor, or provider of a maintenance, 3500
service, or other similar contract or agreement, with respect to 3501
the motor vehicle that is being repaired or serviced; 3502

(q) To use or consume the thing transferred directly in 3503
production of crude oil and natural gas for sale. Persons 3504
engaged in rendering production services for others are deemed 3505
engaged in production. 3506

As used in division (B) (42) (q) of this section, 3507
"production" means operations and tangible personal property 3508
directly used to expose and evaluate an underground reservoir 3509
that may contain hydrocarbon resources, prepare the wellbore for 3510
production, and lift and control all substances yielded by the 3511
reservoir to the surface of the earth. 3512

(i) For the purposes of division (B) (42) (q) of this 3513
section, the "thing transferred" includes, but is not limited 3514
to, any of the following: 3515

(I) Services provided in the construction of permanent 3516
access roads, services provided in the construction of the well 3517
site, and services provided in the construction of temporary 3518
impoundments; 3519

(II) Equipment and rigging used for the specific purpose 3520
of creating with integrity a wellbore pathway to underground 3521
reservoirs; 3522

(III) Drilling and workover services used to work within a 3523
subsurface wellbore, and tangible personal property directly 3524
used in providing such services; 3525

(IV) Casing, tubulars, and float and centralizing 3526

equipment;	3527
(V) Trailers to which production equipment is attached;	3528
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	3529 3530 3531
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	3532 3533 3534
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	3535 3536 3537 3538
(IX) Pressure pumping equipment;	3539
(X) Artificial lift systems equipment;	3540
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	3541 3542 3543
(XII) Tangible personal property directly used to control production equipment.	3544 3545
(ii) For the purposes of division (B) (42) (q) of this section, the "thing transferred" does not include any of the following:	3546 3547 3548
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	3549 3550 3551
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well	3552 3553

stimulation as defined in section 1509.01 of the Revised Code;	3554
(III) Tangible personal property used primarily in	3555
preparing, installing, or reclaiming foundations for drilling or	3556
pumping equipment or well stimulation material tanks;	3557
(IV) Tangible personal property used primarily in	3558
transporting, delivering, or removing equipment to or from the	3559
well site or storing such equipment before its use at the well	3560
site;	3561
(V) Tangible personal property used primarily in gathering	3562
operations occurring off the well site, including gathering	3563
pipelines transporting hydrocarbon gas or liquids away from a	3564
crude oil or natural gas production facility;	3565
(VI) Tangible personal property that is to be incorporated	3566
into a structure or improvement to real property;	3567
(VII) Well site fencing, lighting, or security systems;	3568
(VIII) Communication devices or services;	3569
(IX) Office supplies;	3570
(X) Trailers used as offices or lodging;	3571
(XI) Motor vehicles of any kind;	3572
(XII) Tangible personal property used primarily for the	3573
storage of drilling byproducts and fuel not used for production;	3574
(XIII) Tangible personal property used primarily as a	3575
safety device;	3576
(XIV) Data collection or monitoring devices;	3577
(XV) Access ladders, stairs, or platforms attached to	3578
storage tanks.	3579

The enumeration of tangible personal property in division 3580
(B) (42) (q) (ii) of this section is not intended to be exhaustive, 3581
and any tangible personal property not so enumerated shall not 3582
necessarily be construed to be a "thing transferred" for the 3583
purposes of division (B) (42) (q) of this section. 3584

The commissioner shall adopt and promulgate rules under 3585
sections 119.01 to 119.13 of the Revised Code that the 3586
commissioner deems necessary to administer division (B) (42) (q) 3587
of this section. 3588

As used in division (B) (42) of this section, "thing" 3589
includes all transactions included in divisions (B) (3) (a), (b), 3590
and (e) of section 5739.01 of the Revised Code. 3591

(43) Sales conducted through a coin operated device that 3592
activates vacuum equipment or equipment that dispenses water, 3593
whether or not in combination with soap or other cleaning agents 3594
or wax, to the consumer for the consumer's use on the premises 3595
in washing, cleaning, or waxing a motor vehicle, provided no 3596
other personal property or personal service is provided as part 3597
of the transaction. 3598

(44) Sales of replacement and modification parts for 3599
engines, airframes, instruments, and interiors in, and paint 3600
for, aircraft used primarily in a fractional aircraft ownership 3601
program, and sales of services for the repair, modification, and 3602
maintenance of such aircraft, and machinery, equipment, and 3603
supplies primarily used to provide those services. 3604

(45) Sales of telecommunications service that is used 3605
directly and primarily to perform the functions of a call 3606
center. As used in this division, "call center" means any 3607
physical location where telephone calls are placed or received 3608

in high volume for the purpose of making sales, marketing, 3609
customer service, technical support, or other specialized 3610
business activity, and that employs at least fifty individuals 3611
that engage in call center activities on a full-time basis, or 3612
sufficient individuals to fill fifty full-time equivalent 3613
positions. 3614

(46) Sales by a telecommunications service vendor of 900 3615
service to a subscriber. This division does not apply to 3616
information services. 3617

(47) Sales of value-added non-voice data service. This 3618
division does not apply to any similar service that is not 3619
otherwise a telecommunications service. 3620

(48) Sales of feminine hygiene products. 3621

(49) Sales of materials, parts, equipment, or engines used 3622
in the repair or maintenance of aircraft or avionics systems of 3623
such aircraft, and sales of repair, remodeling, replacement, or 3624
maintenance services in this state performed on aircraft or on 3625
an aircraft's avionics, engine, or component materials or parts. 3626
As used in division (B) (49) of this section, "aircraft" means 3627
aircraft of more than six thousand pounds maximum certified 3628
takeoff weight or used exclusively in general aviation. 3629

(50) Sales of full flight simulators that are used for 3630
pilot or flight-crew training, sales of repair or replacement 3631
parts or components, and sales of repair or maintenance services 3632
for such full flight simulators. "Full flight simulator" means a 3633
replica of a specific type, or make, model, and series of 3634
aircraft cockpit. It includes the assemblage of equipment and 3635
computer programs necessary to represent aircraft operations in 3636
ground and flight conditions, a visual system providing an out- 3637

of-the-cockpit view, and a system that provides cues at least 3638
equivalent to those of a three-degree-of-freedom motion system, 3639
and has the full range of capabilities of the systems installed 3640
in the device as described in appendices A and B of part 60 of 3641
chapter 1 of title 14 of the Code of Federal Regulations. 3642

(51) Any transfer or lease of tangible personal property 3643
between the state and JobsOhio in accordance with section 3644
4313.02 of the Revised Code. 3645

(52) (a) Sales to a qualifying corporation. 3646

(b) As used in division (B) (52) of this section: 3647

(i) "Qualifying corporation" means a nonprofit corporation 3648
organized in this state that leases from an eligible county 3649
land, buildings, structures, fixtures, and improvements to the 3650
land that are part of or used in a public recreational facility 3651
used by a major league professional athletic team or a class A 3652
to class AAA minor league affiliate of a major league 3653
professional athletic team for a significant portion of the 3654
team's home schedule, provided the following apply: 3655

(I) The facility is leased from the eligible county 3656
pursuant to a lease that requires substantially all of the 3657
revenue from the operation of the business or activity conducted 3658
by the nonprofit corporation at the facility in excess of 3659
operating costs, capital expenditures, and reserves to be paid 3660
to the eligible county at least once per calendar year. 3661

(II) Upon dissolution and liquidation of the nonprofit 3662
corporation, all of its net assets are distributable to the 3663
board of commissioners of the eligible county from which the 3664
corporation leases the facility. 3665

(ii) "Eligible county" has the same meaning as in section 3666

307.695 of the Revised Code. 3667

(53) Sales to or by a cable service provider, video 3668
service provider, or radio or television broadcast station 3669
regulated by the federal government of cable service or 3670
programming, video service or programming, audio service or 3671
programming, or electronically transferred digital audiovisual 3672
or audio work. As used in division (B) (53) of this section, 3673
"cable service" and "cable service provider" have the same 3674
meanings as in section 1332.01 of the Revised Code, and "video 3675
service," "video service provider," and "video programming" have 3676
the same meanings as in section 1332.21 of the Revised Code. 3677

(54) Sales of a digital audio work electronically 3678
transferred for delivery through use of a machine, such as a 3679
juke box, that does all of the following: 3680

(a) Accepts direct payments to operate; 3681

(b) Automatically plays a selected digital audio work for 3682
a single play upon receipt of a payment described in division 3683
(B) (54) (a) of this section; 3684

(c) Operates exclusively for the purpose of playing 3685
digital audio works in a commercial establishment. 3686

(55) (a) Sales of the following occurring on the first 3687
Friday of August and the following Saturday and Sunday of any 3688
year, except in 2024 or any subsequent year in which a sales tax 3689
holiday is held pursuant to section 5739.41 of the Revised Code: 3690

(i) An item of clothing, the price of which is seventy- 3691
five dollars or less; 3692

(ii) An item of school supplies, the price of which is 3693
twenty dollars or less; 3694

(iii) An item of school instructional material, the price 3695
of which is twenty dollars or less. 3696

(b) As used in division (B) (55) of this section: 3697

(i) "Clothing" means all human wearing apparel suitable 3698
for general use. "Clothing" includes, but is not limited to, 3699
aprons, household and shop; athletic supporters; baby receiving 3700
blankets; bathing suits and caps; beach capes and coats; belts 3701
and suspenders; boots; coats and jackets; costumes; diapers, 3702
children and adult, including disposable diapers; earmuffs; 3703
footlets; formal wear; garters and garter belts; girdles; gloves 3704
and mittens for general use; hats and caps; hosiery; insoles for 3705
shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 3706
rubber pants; sandals; scarves; shoes and shoe laces; slippers; 3707
sneakers; socks and stockings; steel-toed shoes; underwear; 3708
uniforms, athletic and nonathletic; and wedding apparel. 3709
"Clothing" does not include items purchased for use in a trade 3710
or business; clothing accessories or equipment; protective 3711
equipment; sports or recreational equipment; belt buckles sold 3712
separately; costume masks sold separately; patches and emblems 3713
sold separately; sewing equipment and supplies including, but 3714
not limited to, knitting needles, patterns, pins, scissors, 3715
sewing machines, sewing needles, tape measures, and thimbles; 3716
and sewing materials that become part of "clothing" including, 3717
but not limited to, buttons, fabric, lace, thread, yarn, and 3718
zippers. 3719

(ii) "School supplies" means items commonly used by a 3720
student in a course of study. "School supplies" includes only 3721
the following items: binders; book bags; calculators; cellophane 3722
tape; blackboard chalk; compasses; composition books; crayons; 3723
erasers; folders, expandable, pocket, plastic, and manila; glue, 3724

paste, and paste sticks; highlighters; index cards; index card 3725
boxes; legal pads; lunch boxes; markers; notebooks; paper, 3726
loose-leaf ruled notebook paper, copy paper, graph paper, 3727
tracing paper, manila paper, colored paper, poster board, and 3728
construction paper; pencil boxes and other school supply boxes; 3729
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 3730
and writing tablets. "School supplies" does not include any item 3731
purchased for use in a trade or business. 3732

(iii) "School instructional material" means written 3733
material commonly used by a student in a course of study as a 3734
reference and to learn the subject being taught. "School 3735
instructional material" includes only the following items: 3736
reference books, reference maps and globes, textbooks, and 3737
workbooks. "School instructional material" does not include any 3738
material purchased for use in a trade or business. 3739

(56) (a) Sales of adult diapers or incontinence underpads 3740
sold pursuant to a prescription, for the benefit of a medicaid 3741
recipient with a diagnosis of incontinence, and by a medicaid 3742
provider that maintains a valid provider agreement under section 3743
5164.30 of the Revised Code with the department of medicaid, 3744
provided that the medicaid program covers diapers or 3745
incontinence underpads as an incontinence garment. 3746

(b) As used in division (B) (56) (a) of this section, 3747
"incontinence underpad" means an absorbent product, not worn on 3748
the body, designed to protect furniture or other tangible 3749
personal property from soiling or damage due to human 3750
incontinence. 3751

(57) Sales of investment metal bullion and investment 3752
coins. "Investment metal bullion" means any bullion described in 3753
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 3754

whether that bullion is in the physical possession of a trustee. 3755
"Investment coin" means any coin composed primarily of gold, 3756
silver, platinum, or palladium. 3757

(58) Sales of tangible personal property used primarily 3758
for any of the following purposes by a megaproject operator at 3759
the site of a megaproject that satisfies the criteria described 3760
in division (A) (11) (a) (ii) of section 122.17 of the Revised 3761
Code, provided that the sale occurs during the period that the 3762
megaproject operator has an agreement for such megaproject with 3763
the tax credit authority under division (D) of section 122.17 of 3764
the Revised Code that remains in effect and has not expired or 3765
been terminated: 3766

(a) To store, transmit, convey, distribute, recycle, 3767
circulate, or clean water, steam, or other gases used in or 3768
produced as a result of manufacturing activity, including items 3769
that support or aid in the operation of such property; 3770

(b) To clean or prepare inventory, at any stage of storage 3771
or production, or equipment used in a manufacturing activity, 3772
including chemicals, solvents, catalysts, soaps, and other items 3773
that support or aid in the operation of property; 3774

(c) To regulate, treat, filter, condition, improve, clean, 3775
maintain, or monitor environmental conditions within areas where 3776
manufacturing activities take place; 3777

(d) To handle, transport, or convey inventory during 3778
production or manufacturing. 3779

(59) Documentary services charges imposed pursuant to 3780
section 4517.261 or 4781.24 of the Revised Code. 3781

(60) Sales of children's diapers. 3782

(61) Sales of therapeutic or preventative creams and wipes marketed primarily for use on the skin of children.	3783 3784
(62) Sales of a child restraint device or booster seat that meets the national highway traffic safety administration standard for child restraint systems under 49 C.F.R. 571.213.	3785 3786 3787
(63) Sales of cribs intended to provide sleeping accommodations for children that comply with the United States consumer product safety commission's safety standard for full-size baby cribs under 16 C.F.R. 1219 or the commission's safety standard for non-full-size baby cribs under 16 C.F.R. 1220.	3788 3789 3790 3791 3792
(64) Sales of strollers meant for transporting children from infancy to about thirty-six months of age that meet the United States consumer product safety commission safety standard for carriages and strollers under 16 C.F.R. 1227.2.	3793 3794 3795 3796
(65) The fee imposed by section 3743.22 of the Revised Code, if it is separately stated on the invoice, bill of sale, or similar document given by the vendor to the consumer for a retail sale made in this state.	3797 3798 3799 3800
(66) Sales of eligible tangible personal property occurring during the period of a sales tax holiday held pursuant to section 5739.41 of the Revised Code.	3801 3802 3803
<u>(67) (a) Sales of both of the following:</u>	3804
<u>(i) Electronic instant bingo deals by a distributor with a license under section 2915.081 of the Revised Code that has an electronic instant bingo endorsement;</u>	3805 3806 3807
<u>(ii) Electronic instant bingo tickets by a charitable organization or instant bingo host as authorized under Chapter 2915. of the Revised Code.</u>	3808 3809 3810

(b) As used in division (B) (67) of this section, 3811
"charitable organization," "distributor," "deal," "electronic 3812
instant bingo," and "instant bingo host" have the same meanings 3813
as in section 2915.01 of the Revised Code. 3814

(68) Sales of retailer video lottery terminals as defined 3815
in section 3770.31 of the Revised Code. 3816

(C) For the purpose of the proper administration of this 3817
chapter, and to prevent the evasion of the tax, it is presumed 3818
that all sales made in this state are subject to the tax until 3819
the contrary is established. 3820

(D) The tax collected by the vendor from the consumer 3821
under this chapter is not part of the price, but is a tax 3822
collection for the benefit of the state, and of counties levying 3823
an additional sales tax pursuant to section 5739.021 or 5739.026 3824
of the Revised Code and of transit authorities levying an 3825
additional sales tax pursuant to section 5739.023 of the Revised 3826
Code. Except for the discount authorized under section 5739.12 3827
of the Revised Code and the effects of any rounding pursuant to 3828
section 5703.055 of the Revised Code, no person other than the 3829
state or such a county or transit authority shall derive any 3830
benefit from the collection or payment of the tax levied by this 3831
section or section 5739.021, 5739.023, or 5739.026 of the 3832
Revised Code. 3833

Sec. 5747.064. The requirements imposed under this section 3834
are in addition to the municipal income tax withholding 3835
requirements under section 718.031 of the Revised Code. 3836

(A) As used in this section: 3837

(1) "Video lottery terminal" has the same meaning as in 3838
section 3770.21 of the Revised Code. 3839

(2) "Lottery sports gaming" has the same meaning as in 3840
section 3770.23 of the Revised Code. 3841

(3) "Retailer video lottery terminal" and "retailer video 3842
lottery terminal operator" have the same meanings as in section 3843
3770.31 of the Revised Code. 3844

(B) If a person's prize award from a video lottery 3845
terminal or retailer video lottery terminal from lottery sports 3846
gaming offered in a video lottery terminal facility is an amount 3847
for which reporting to the internal revenue service of the 3848
amount is required by section 6041 of the Internal Revenue Code, 3849
as amended, the lottery sales agent or retailer video lottery 3850
terminal operator shall deduct and withhold Ohio income tax from 3851
the person's prize award at a rate of four per cent of the 3852
amount won. The ~~lottery sales agent~~ or operator shall issue, to 3853
a person from whose prize award an amount has been deducted or 3854
withheld, a receipt for the amount deducted and withheld, and 3855
also shall obtain from the person additional information that 3856
will be necessary for the ~~lottery sales agent~~ or operator to 3857
prepare the returns required by this section. 3858

(C) Amounts deducted and withheld by a lottery sales agent 3859
or retailer video lottery terminal operator are held in trust 3860
for the benefit of the state. 3861

(1) On or before the tenth day of each month, the lottery 3862
sales agent or video gaming terminal operator shall file a 3863
return electronically with the tax commissioner identifying the 3864
persons from whose prize awards amounts were deducted and 3865
withheld, the amount of each such deduction and withholding 3866
during the preceding month, the amount of the prize award from 3867
which each such amount was withheld, and any other information 3868
required by the commissioner. With the return, the ~~lottery sales~~ 3869

agent or operator shall remit electronically to the commissioner 3870
all the amounts deducted and withheld during the preceding 3871
month. 3872

(2) A lottery sales agent or video gaming terminal 3873
operator shall maintain a record of all receipts issued under 3874
division (B) of this section and shall make those records 3875
available to the commissioner upon request. Such records shall 3876
be maintained in accordance with section 5747.17 of the Revised 3877
Code and any rules adopted pursuant thereto. 3878

(3) Annually, on or before the thirty-first day of 3879
January, a lottery sales agent or video gaming terminal operator 3880
shall file an annual return electronically with the tax 3881
commissioner indicating the total amount deducted and withheld 3882
during the preceding calendar year. The ~~lottery sales agent~~ or 3883
operator shall remit electronically with the annual return any 3884
amount that was deducted and withheld and that was not 3885
previously remitted. If the identity of a person and the amount 3886
deducted and withheld with respect to that person were omitted 3887
on a monthly return, that information shall be indicated on the 3888
annual return. 3889

(4) (a) A lottery sales agent or video gaming terminal 3890
operator who fails to file a return and remit the amounts 3891
deducted and withheld is personally liable for the amount 3892
deducted and withheld and not remitted. The commissioner may 3893
impose a penalty of up to one thousand dollars if a return is 3894
filed late, if amounts deducted and withheld are remitted late, 3895
if a return is not filed, or if amounts deducted and withheld 3896
are not remitted. Interest accrues on past due amounts deducted 3897
and withheld at the rate prescribed in section 5703.47 of the 3898
Revised Code. The commissioner may collect past due amounts 3899

deducted and withheld and penalties and interest thereon by 3900
assessment under section 5747.13 of the Revised Code as if they 3901
were income taxes collected by an employer. 3902

(b) If a lottery sales agent ceases to operate video 3903
lottery terminals, or if a retailer video lottery terminal 3904
operator ceases to operate retailer video lottery terminals, the 3905
amounts deducted and withheld and any penalties and interest 3906
thereon are immediately due and payable. A successor of the 3907
~~lottery sales agent~~ or operator that purchases the video lottery 3908
terminals or retailer video lottery terminals from the agent or 3909
operator shall withhold an amount of the purchase money that is 3910
sufficient to cover the amounts deducted and withheld and 3911
penalties and interest thereon until the predecessor lottery 3912
sales agent or retailer video lottery terminal operator produces 3913
either a receipt from the tax commissioner showing that the 3914
amounts deducted and withheld and penalties and interest thereon 3915
have been paid or a certificate from the commissioner indicating 3916
that no amounts deducted and withheld or penalties and interest 3917
thereon are due. If the successor fails to withhold purchase 3918
money, the successor is personally liable for payment of the 3919
amounts deducted and withheld and penalties and interest 3920
thereon, up to the amount of the purchase money. 3921

(D) (1) Annually, on or before the thirty-first day of 3922
January, a lottery sales agent or retailer video lottery 3923
terminal operator shall issue an information return to each 3924
person with respect to whom an amount has been deducted and 3925
withheld during the preceding calendar year. The information 3926
return shall show the total amount deducted from the person's 3927
prize award by the ~~lottery sales agent~~ or operator during the 3928
preceding year. 3929

(2) Annually, on or before the thirty-first day of 3930
January, a lottery sales agent or retailer video lottery 3931
terminal operator shall provide to the tax commissioner a copy 3932
of each information return issued under division (D) (1) of this 3933
section for the preceding calendar year. The commissioner may 3934
require that such copies be transmitted electronically. 3935

(E) Amounts deducted and withheld shall be allowed as a 3936
credit against payment of the tax imposed by section 5747.02 of 3937
the Revised Code and shall be treated as taxes paid for purposes 3938
of section 5747.09 of the Revised Code. This division applies 3939
only to the person for whom the amount is deducted and withheld. 3940

(F) The failure of a lottery sales agent or retailer video 3941
lottery terminal operator to deduct and withhold the required 3942
amount from a person's prize award does not relieve the person 3943
from liability for the tax imposed by section 5747.02 of the 3944
Revised Code with respect to that income. Compliance with this 3945
section does not relieve ~~a lottery sales an~~ agent or operator, 3946
or a person who has a prize award, from compliance with relevant 3947
provisions of federal tax laws. 3948

(G) The commissioner shall prescribe the form of the 3949
receipt and returns required by this section and may promulgate 3950
any rules necessary to administer the section. 3951

Sec. 5753.01. As used in Chapter 5753. of the Revised Code 3952
and for no other purpose under Title LVII of the Revised Code: 3953

(A) "Casino facility" has the same meaning as in section 3954
3772.01 of the Revised Code. 3955

(B) "Casino gaming" has the same meaning as in section 3956
3772.01 of the Revised Code. 3957

(C) "Casino operator" has the same meaning as in section 3958

3772.01 of the Revised Code. 3959

(D) "Gross casino revenue" means the total amount of money 3960
exchanged for the purchase of chips, tokens, tickets, electronic 3961
cards, or similar objects by casino patrons, less winnings paid 3962
to wagerers. "Gross casino revenue" does not include either of 3963
the following: 3964

(1) The issuance to casino patrons or wagering by casino 3965
patrons of any promotional gaming credit as defined in section 3966
3772.01 of the Revised Code. When issuance of the promotional 3967
gaming credit requires money exchanged as a match from the 3968
patron, the excludible portion of the promotional gaming credit 3969
does not include the portion of the wager purchased by the 3970
patron. 3971

(2) Sports gaming receipts. 3972

(E) "Person" has the same meaning as in section 3772.01 of 3973
the Revised Code. 3974

(F) "Slot machine" has the same meaning as in section 3975
3772.01 of the Revised Code. 3976

(G) "Sports gaming facility" and "sports gaming 3977
proprietor" have the same meanings as in section 3775.01 of the 3978
Revised Code. 3979

(H) "Sports gaming receipts" means the total gross 3980
receipts received by a sports gaming proprietor from the 3981
operation of sports gaming in this state, less the total of the 3982
following: 3983

(1) All cash and cash equivalents paid as winnings to 3984
sports gaming patrons; 3985

(2) The dollar amount of all voided wagers. 3986

(3) Receipts received from the operation of lottery sports 3987
gaming on behalf of the state under sections 3770.23 to 3770.25 3988
of the Revised Code. 3989

(4) (a) On and after January 1, 2027, but before January 1, 3990
2032, ten per cent of the promotional gaming credits wagered by 3991
patrons; 3992

(b) On and after January 1, 2032, twenty per cent of the 3993
promotional gaming credits wagered by patrons. 3994

As used in division (H) of this section, "promotional 3995
gaming credit" has the same meaning as in section 3775.01 of the 3996
Revised Code. When issuance of a promotional gaming credit 3997
requires money exchanged as a match from the patron, the 3998
deductible portion of the promotional gaming credit does not 3999
include the portion of the wager purchased by the patron. 4000

(I) "Table game" has the same meaning as in section 4001
3772.01 of the Revised Code. 4002

(J) "Taxpayer" means a casino operator subject to the tax 4003
levied under section 5753.02 of the Revised Code ~~or~~, a sports 4004
gaming proprietor subject to the tax levied under section 4005
5753.021 of the Revised Code, or an electronic instant bingo 4006
distributor subject to the tax levied under section 5753.022 of 4007
the Revised Code. 4008

(K) "Tax period" means one twenty-four-hour period with 4009
regard to which a casino operator is required to pay the tax 4010
levied by section 5753.02 of the Revised Code ~~and~~, one calendar 4011
month with regard to which a sports gaming proprietor is 4012
required to pay the tax levied by section 5753.021 of the 4013
Revised Code, and one calendar month with regard to which an 4014
electronic instant bingo distributor is required to pay the tax 4015

levied by section 5753.022 of the Revised Code. 4016

(L) "Charitable instant bingo organization," "deal," 4017
"distributor," "electronic instant bingo," "electronic instant 4018
bingo system," "fraternal organization," "ideal gross profit of 4019
a deal," and "veteran's organization" have the same meanings as 4020
in section 2915.01 of the Revised Code. 4021

(M) "Electronic instant bingo distributor" means a 4022
distributor that provides an electronic instant bingo system to 4023
a charitable instant bingo organization for use under section 4024
2915.093 of the Revised Code. 4025

(N) "Ideal gross profit of an electronic instant bingo 4026
deal" means the ideal gross profit of a deal of electronic 4027
instant bingo tickets sold by a charitable instant bingo 4028
organization. 4029

Sec. 5753.022. For the purposes of supporting arts 4030
projects and programs, sports development, and veterans and 4031
defraying the costs of administering the tax, a tax is levied on 4032
the gross profits of electronic instant bingo conducted by 4033
charitable instant bingo organizations at the rate of thirty- 4034
five per cent of the ideal gross profit of an electronic instant 4035
bingo deal sold by a charitable instant bingo organization, to 4036
be remitted by an electronic instant bingo distributor under 4037
division (D) (3) (b) of section 2915.093 of the Revised Code. The 4038
tax does not apply to the gross profits of electronic instant 4039
bingo conducted by a veteran's organization or fraternal 4040
organization as permitted under Chapter 2915. of the Revised 4041
Code. 4042

The tax imposed under this section is in addition to any 4043
other taxes or fees imposed under the Revised Code. 4044

Sec. 5753.032. (A) For the purpose of receiving and 4045
distributing, and accounting for, revenue received from the tax 4046
levied by section 5753.022 of the Revised Code, the following 4047
funds are created in the state treasury: 4048

(1) The electronic instant bingo revenue fund; 4049

(2) The electronic instant bingo profits fund; 4050

(3) The electronic instant bingo tax administration fund, 4051
which the tax commissioner shall use to defray the costs 4052
incurred in administering the tax levied by section 5753.022 of 4053
the Revised Code. 4054

(B) All money collected from the tax levied under section 4055
5753.022 of the Revised Code shall be deposited in the 4056
electronic instant bingo revenue fund. 4057

(C) (1) From the electronic instant bingo revenue fund, the 4058
director of budget and management shall transfer as needed to 4059
the tax refund fund amounts equal to the refunds certified by 4060
the tax commissioner under section 5753.06 of the Revised Code 4061
and attributable to the tax levied under section 5753.022 of the 4062
Revised Code. 4063

(2) Not later than the fifteenth day of each month, the 4064
director of budget and management shall transfer from the 4065
electronic instant bingo revenue fund to the electronic instant 4066
bingo tax administration fund the amount necessary to reimburse 4067
the department of taxation's actual expenses incurred in 4068
administering the tax levied under section 5753.022 of the 4069
Revised Code. 4070

(3) Of the amount in the electronic instant bingo revenue 4071
fund remaining after making the transfers required by divisions 4072
(C) (1) and (2) of this section, the director of budget and 4073

management shall transfer the remaining amount to the electronic 4074
instant bingo profits fund on or before the fifteenth day of the 4075
month following the end of each calendar quarter. 4076

(D) The money in the electronic instant bingo profits fund 4077
shall be used for the following purposes: 4078

(1) To support arts projects and programs; 4079

(2) To support construction and renovation of major sports 4080
facilities and minor league sports facilities throughout the 4081
state for the economic benefit of the state; 4082

(3) To support veterans. 4083

(E) All interest generated by the funds created under this 4084
section shall be credited back to them. 4085

Sec. 5753.04. ~~(A)~~ (A) (1) Each taxpayer shall file returns 4086
electronically with the tax commissioner. Casino operators shall 4087
file returns daily each day banks are open for business, not 4088
later than noon, and sports gaming proprietors and electronic 4089
instant bingo distributors shall file returns on or before the 4090
fifteenth day of each month, not later than noon. The return 4091
shall be in the form required by the tax commissioner, and shall 4092
reflect the relevant tax period. ~~The~~ 4093

(2) A return filed under this section shall include, but 4094
is not limited to, the following amounts, as applicable: 4095

(a) The amount of the taxpayer's gross casino revenue ~~or~~ 4096
and the amount of the tax due under section 5753.02 of the 4097
Revised Code for the tax period; 4098

(b) The amount of the taxpayer's sports gaming receipts 4099
and the amount of the tax due under section 5753.021 of the 4100
Revised Code for the tax period ~~and the amount of tax due under~~ 4101

~~section 5753.02 or 5753.021 of the Revised Code for ;~~ 4102

(c) The ideal gross profit of all electronic instant bingo 4103
deals for which the taxpayer has received payment from 4104
charitable instant bingo organizations under section 2915.093 of 4105
the Revised Code during the tax period and the amount of the tax 4106
due under section 5753.022 of the Revised Code for the tax 4107
period. The 4108

(3) The taxpayer shall remit electronically with the 4109
return the tax due. 4110

(B) If a casino operator ~~or, sports gaming proprietor, or~~ 4111
electronic instant bingo distributor ceases to be a taxpayer at 4112
any time, the ~~operator or proprietor person~~ shall indicate the 4113
last date for which the ~~operator or proprietor person~~ was liable 4114
for the tax. The return shall include a space for this purpose. 4115

(C) Except as otherwise provided in division (A) of 4116
section 3775.14 of the Revised Code, the information in a return 4117
a sports gaming proprietor files with the tax commissioner under 4118
this section concerning sports gaming receipts is subject to 4119
disclosure as a public record under section 149.43 of the 4120
Revised Code. 4121

Sec. 5753.05. (A) (1) A taxpayer who fails to file a return 4122
or to remit the tax due as required by section 5753.04 of the 4123
Revised Code shall pay a penalty not to exceed the greater of 4124
five hundred dollars or ten per cent of the tax due. 4125

(2) If the tax commissioner finds additional tax to be 4126
due, the tax commissioner may impose an additional penalty of up 4127
to fifteen per cent of the additional tax found to be due. A 4128
delinquent payment of tax made as the result of a notice or an 4129
audit is subject to the additional penalty imposed by this 4130

division. 4131

(3) If a taxpayer fails to file a return electronically or 4132
to remit the tax electronically, the tax commissioner may impose 4133
an additional penalty of fifty dollars or ten per cent of the 4134
tax due as shown on the return, whichever is greater. 4135

(B) If the tax due under section 5753.02 or 5753.021 of 4136
the Revised Code is not timely paid, the taxpayer shall pay 4137
interest at the rate per annum prescribed in section 5703.47 of 4138
the Revised Code beginning on the day the tax was due through 4139
the day the tax is paid or an assessment is issued, whichever 4140
occurs first. 4141

(C) The tax commissioner shall collect any penalty or 4142
interest as if it were the tax levied by section 5753.02~~or~~, 4143
5753.021, or 5753.022 of the Revised Code, as applicable. 4144
Penalties and interest shall be treated as if they were revenue 4145
arising from the applicable tax. 4146

(D) The tax commissioner may abate all or a portion of any 4147
penalty imposed under this section and may adopt rules governing 4148
abatements. 4149

(E) If a casino operator or sports gaming proprietor fails 4150
to file a return or remit the tax due as required by section 4151
5753.04 of the Revised Code within a period of one year after 4152
the due date for filing the return or remitting the tax, the 4153
Ohio casino control commission may suspend the operator's or 4154
proprietor's license. 4155

(F) If an electronic instant bingo distributor fails to 4156
file a return or remit the tax due as required by section 4157
5753.04 of the Revised Code within a period of one year after 4158
the due date for filing the return or remitting the tax, the 4159

attorney general may suspend the distributor's license issued 4160
under section 2915.081 of the Revised Code. 4161

Sec. 5753.07. (A) (1) The tax commissioner may issue an 4162
assessment, based on any information in the tax commissioner's 4163
possession, against a taxpayer who fails to pay the tax levied 4164
under section 5753.02~~or~~, 5753.021, or 5753.022 of the Revised 4165
Code or to file a return under section 5753.04 of the Revised 4166
Code. The tax commissioner shall give the taxpayer written 4167
notice of the assessment under section 5703.37 of the Revised 4168
Code. With the notice, the tax commissioner shall include 4169
instructions on how to petition for reassessment and on how to 4170
request a hearing with respect to the petition. 4171

(2) Unless the taxpayer, within sixty days after service 4172
of the notice of assessment, files with the tax commissioner, 4173
either personally or by certified mail, a written petition 4174
signed by the taxpayer, or by the taxpayer's authorized agent 4175
who has knowledge of the facts, the assessment becomes final, 4176
and the amount of the assessment is due and payable from the 4177
taxpayer to the treasurer of state. The petition shall indicate 4178
the taxpayer's objections to the assessment. Additional 4179
objections may be raised in writing if they are received by the 4180
tax commissioner before the date shown on the final 4181
determination. 4182

(3) If a petition for reassessment has been properly 4183
filed, the tax commissioner shall proceed under section 5703.60 4184
of the Revised Code. 4185

(4) After an assessment becomes final, if any portion of 4186
the assessment, including penalties and accrued interest, 4187
remains unpaid, the tax commissioner may file a certified copy 4188
of the entry making the assessment final in the office of the 4189

clerk of the court of common pleas of Franklin county or in the 4190
office of the clerk of the court of common pleas of the county 4191
in which the taxpayer resides, the taxpayer's casino facility or 4192
sports gaming facility is located, or the taxpayer's principal 4193
place of business in this state is located. Immediately upon the 4194
filing of the entry, the clerk shall enter a judgment for the 4195
state against the taxpayer assessed in the amount shown on the 4196
entry. The judgment may be filed by the clerk in a loose-leaf 4197
book entitled, "special judgments for the gross casino revenue 4198
tax~~and~~, sports gaming receipts tax, and electronic instant 4199
bingo tax." The judgment has the same effect as other judgments. 4200
Execution shall issue upon the judgment at the request of the 4201
tax commissioner, and all laws applicable to sales on execution 4202
apply to sales made under the judgment. 4203

(5) If the assessment is not paid in its entirety within 4204
sixty days after the day the assessment was issued, the portion 4205
of the assessment consisting of tax due shall bear interest at 4206
the rate per annum prescribed by section 5703.47 of the Revised 4207
Code from the day the tax commissioner issued the assessment 4208
until the assessment is paid or until it is certified to the 4209
attorney general for collection under section 131.02 of the 4210
Revised Code, whichever comes first. If the unpaid portion of 4211
the assessment is certified to the attorney general for 4212
collection, the entire unpaid portion of the assessment shall 4213
bear interest at the rate per annum prescribed by section 4214
5703.47 of the Revised Code from the date of certification until 4215
the date it is paid in its entirety. Interest shall be paid in 4216
the same manner as the tax levied under section 5753.02~~or~~, 5753.021, or 5753.022 of the Revised Code, as applicable, and 4217
may be collected by the issuance of an assessment under this 4218
section. 4219
4220

(B) If the tax commissioner believes that collection of
the tax levied under section 5753.02~~or~~, 5753.021, or 5753.022
of the Revised Code will be jeopardized unless proceedings to
collect or secure collection of the tax are instituted without
delay, the commissioner may issue a jeopardy assessment against
the taxpayer that is liable for the tax. Immediately upon the
issuance of a jeopardy assessment, the tax commissioner shall
file an entry with the clerk of the court of common pleas in the
manner prescribed by division (A)(4) of this section, and the
clerk shall proceed as directed in that division. Notice of the
jeopardy assessment shall be served on the taxpayer or the
taxpayer's authorized agent under section 5703.37 of the Revised
Code within five days after the filing of the entry with the
clerk. The total amount assessed is immediately due and payable,
unless the taxpayer assessed files a petition for reassessment
under division (A)(2) of this section and provides security in a
form satisfactory to the tax commissioner that is in an amount
sufficient to satisfy the unpaid balance of the assessment. If a
petition for reassessment has been filed, and if satisfactory
security has been provided, the tax commissioner shall proceed
under division (A)(3) of this section. Full or partial payment
of the assessment does not prejudice the tax commissioner's
consideration of the petition for reassessment.

(C) The tax commissioner shall immediately forward to the
treasurer of state all amounts the tax commissioner receives
under this section, and the amounts forwarded shall be treated
as if they were revenue arising from the tax levied under
section 5753.02~~or~~, 5753.021, or 5753.022 of the Revised Code,
as applicable.

(D) Except as otherwise provided in this division, no
assessment shall be issued against a taxpayer for the tax levied

under section 5753.02~~or~~, 5753.021, or 5753.022 of the Revised 4252
Code more than four years after the due date for filing the 4253
return for the tax period for which the tax was reported, or 4254
more than four years after the return for the tax period was 4255
filed, whichever is later. This division does not bar an 4256
assessment against a taxpayer who fails to file a return as 4257
required by section 5753.04 of the Revised Code or who files a 4258
fraudulent return, or when the taxpayer and the tax commissioner 4259
waive in writing the time limitation. 4260

(E) If the tax commissioner possesses information that 4261
indicates that the amount of tax a taxpayer is liable to pay 4262
under section 5753.02~~or~~, 5753.021, or 5753.022 of the Revised 4263
Code exceeds the amount the taxpayer paid, the tax commissioner 4264
may audit a sample of the taxpayer's gross casino revenue~~or~~, 4265
sports gaming receipts, or payments received under division (D) 4266
(3) (a) of section 2915.093 of the Revised Code, as applicable, 4267
over a representative period of time to ascertain the amount of 4268
tax due, and may issue an assessment based on the audit. The tax 4269
commissioner shall make a good faith effort to reach agreement 4270
with the taxpayer in selecting a representative sample. The tax 4271
commissioner may apply a sampling method only if the tax 4272
commissioner has prescribed the method by rule. 4273

(F) If the whereabouts of a taxpayer who is liable for the 4274
tax levied under section 5753.02~~or~~, 5753.021, or 5753.022 of 4275
the Revised Code are unknown to the tax commissioner, the tax 4276
commissioner shall proceed under section 5703.37 of the Revised 4277
Code. 4278

Sec. 5753.08. If a taxpayer who is liable for the tax 4279
levied under section 5753.02~~or~~, 5753.021, or 5753.022 of the 4280
Revised Code sells a casino facility or sports gaming facility, 4281

disposes of a casino facility or sports gaming facility in any 4282
manner other than in the regular course of business, or quits 4283
the casino gaming~~er~~, sports gaming, or electronic instant 4284
bingo distributor business, any tax owed by that person becomes 4285
immediately due and payable, and the person shall pay the tax 4286
due, including any applicable penalties and interest. The 4287
person's successor shall withhold a sufficient amount of the 4288
purchase money to cover the amounts due and unpaid until the 4289
predecessor produces a receipt from the tax commissioner showing 4290
that the amounts due have been paid or a certificate indicating 4291
that no taxes are due. If the successor fails to withhold 4292
purchase money, the successor is personally liable, up to the 4293
purchase money amount, for amounts that were unpaid during the 4294
operation of the business by the predecessor. 4295

Sec. 5753.12. (A) Notwithstanding any provision of this 4296
chapter, any person who ~~operates a casino facility without~~ 4297
~~holding a current, valid license issued under Chapter 3772. of~~ 4298
~~the Revised Code or a sports gaming facility without holding a~~ 4299
~~current, valid license issued under Chapter 3775. of the Revised~~ 4300
~~Code~~ does any of the following is liable for any amounts, 4301
including tax, interest, and penalties, imposed under this 4302
chapter in the same manner as persons that do hold such a 4303
license: 4304

(1) Operates a casino facility without holding a current, 4305
valid license issued under Chapter 3772. of the Revised Code; 4306

(2) Operates a sports gaming facility without holding a 4307
current, valid license issued under Chapter 3775. of the Revised 4308
Code; 4309

(3) Conducts electronic instant bingo or acts as a 4310
distributor of electronic instant bingo systems without holding 4311

a current, valid license or endorsement issued under Chapter 4312
2915. of the Revised Code. 4313

(B) The tax commissioner may issue an assessment against a 4314
person described in division (A) of this section for any amount 4315
due under this chapter in the same manner provided under section 4316
5753.07 of the Revised Code. 4317

Section 2. That existing sections 718.031, 2915.01, 4318
2915.02, 2915.07, 2915.09, 2915.091, 2915.093, 2915.094, 4319
2915.10, 2915.101, 2915.13, 2915.14, 3770.06, 3770.99, 5739.02, 4320
5747.064, 5753.01, 5753.04, 5753.05, 5753.07, 5753.08, and 4321
5753.12 of the Revised Code are hereby repealed. 4322

Section 3. The amendment by this act of section 5739.02 of 4323
the Revised Code with respect to retailer video lottery 4324
terminals applies on and after January 1, 2026. 4325

Section 4. (A) As used in this section, "charitable 4326
instant bingo organization," "charitable organization," 4327
"electronic instant bingo," "fraternal organization," and 4328
"veteran's organization" have the same meanings as in section 4329
2915.01 of the Revised Code, as amended by this act. 4330

(B) Sections 2915.01, 2915.07, 2915.09, 2915.091, 4331
2915.093, 2915.094, 2915.10, 2915.101, 2915.13, 2915.14, 4332
5739.02, 5753.01, 5753.022, 5753.032, 5753.04, 5753.05, 5753.07, 4333
5753.08, and 5753.12 of the Revised Code, as amended or enacted 4334
by this act, first apply to the conduct of electronic instant 4335
bingo beginning on January 1, 2026. 4336

(C) No charitable instant bingo organization shall conduct 4337
electronic instant bingo before January 1, 2026. 4338

(D) Notwithstanding any contrary provision of section 4339
2915.01, 2915.07, 2915.09, 2915.091, 2915.093, 2915.094, 4340

2915.10, 2915.101, 2915.13, 2915.14, 5739.02, 5753.01, 5753.022, 4341
5753.032, 5753.04, 5753.05, 5753.07, 5753.08, or 5753.12 of the 4342
Revised Code, as amended or enacted by this act, a charitable 4343
organization that holds a valid type II or type III license 4344
issued under section 2915.08 of the Revised Code may conduct 4345
instant bingo, electronic instant bingo, or both under that 4346
license through December 31, 2025, only in accordance with the 4347
versions of sections 2915.01, 2915.07, 2915.09, 2915.091, 4348
2915.093, 2915.094, 2915.10, 2915.101, 2915.13, 2915.14, 4349
5739.02, 5753.01, 5753.04, 5753.05, 5753.07, 5753.08, and 4350
5753.12 of the Revised Code that were in effect before the 4351
effective date of this section. 4352