

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 887

Representative Brennan

Cosponsors: Representatives Synenberg, McNally, White, E.

To amend sections 102.01, 102.06, and 102.99 and to
enact section 102.032 of the Revised Code to
prohibit public officials and employees from
using prediction markets.

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

Section 1. That sections 102.01, 102.06, and 102.99 be
amended and section 102.032 of the Revised Code be enacted to
read as follows:

Sec. 102.01. As used in this chapter:

(A) "Compensation" means money, thing of value, or
financial benefit. "Compensation" does not include reimbursement
for actual and necessary expenses incurred in the performance of
official duties.

(B) "Public official or employee" means any person who is
elected or appointed to an office or is an employee of any
public agency. "Public official or employee" does not include
any of the following:

(1) A person elected or appointed to the office of
precinct, ward, or district committee member under section
3517.03 of the Revised Code, any presidential elector, or any

delegate to a national convention; 20

(2) A person who is a teacher, instructor, professor, or 21
other kind of educator whose position does not involve the 22
performance of, or authority to perform, administrative or 23
supervisory functions; 24

(3) An officer, member, or director of an existing 25
qualified nonprofit corporation that creates a special 26
improvement district under Chapter 1710. of the Revised Code, or 27
such a person's designee or proxy, when the person is not acting 28
in that role with respect to a purpose for which the district is 29
created. 30

(C) (1) "Public agency" means the general assembly, all 31
courts, any department, division, institution, board, 32
commission, authority, bureau or other instrumentality of the 33
state, a county, city, village, or township, the five state 34
retirement systems, or any other governmental entity. 35

(2) Notwithstanding any contrary provision of division (C) 36
(3) (a) of this section, "public agency" includes a regional 37
council of governments established under Chapter 167. of the 38
Revised Code. 39

(3) "Public agency" does not include any of the following: 40

(a) A department, division, institution, board, 41
commission, authority, or other instrumentality of the state or 42
a county, municipal corporation, township, or other governmental 43
entity that functions exclusively for cultural, educational, 44
historical, humanitarian, advisory, or research purposes; that 45
does not expend more than ten thousand dollars per calendar 46
year, excluding salaries and wages of employees; and whose 47
members are uncompensated; 48

(b) The nonprofit corporation formed under section 187.01 49
of the Revised Code; 50

(c) An existing qualified nonprofit corporation that 51
creates a special improvement district under Chapter 1710. of 52
the Revised Code, when the corporation is not acting with 53
respect to a purpose for which the district is created. 54

(D) "Immediate family" means a spouse residing in the 55
person's household and any dependent child. 56

(E) "Income" includes gross income as defined and used in 57
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 58
1, as amended, interest and dividends on obligations or 59
securities of any state or of any political subdivision or 60
authority of any state or political subdivision, and interest or 61
dividends on obligations of any authority, commission, or 62
instrumentality of the United States. 63

(F) Except as otherwise provided in division (A) of 64
section 102.08 of the Revised Code, "appropriate ethics 65
commission" means: 66

(1) For matters relating to members of the general 67
assembly, employees of the general assembly, employees of the 68
legislative service commission, and candidates for the office of 69
member of the general assembly, the joint legislative ethics 70
committee; 71

(2) For matters relating to judicial officers and 72
employees, and candidates for judicial office, the board of 73
commissioners on grievances and discipline of the supreme court; 74

(3) For matters relating to all other persons, the Ohio 75
ethics commission. 76

(G) "Anything of value" has the same meaning as provided 77
in section 1.03 of the Revised Code and includes, but is not 78
limited to, a contribution as defined in section 3517.01 of the 79
Revised Code. 80

(H) "Honorarium" means any payment made in consideration 81
for any speech given, article published, or attendance at any 82
public or private conference, convention, meeting, social event, 83
meal, or similar gathering. "Honorarium" does not include 84
ceremonial gifts or awards that have insignificant monetary 85
value; unsolicited gifts of nominal value or trivial items of 86
informational value; or earned income from any person, other 87
than a legislative agent, for personal services that are 88
customarily provided in connection with the practice of a bona 89
fide business, if that business initially began before the 90
public official or employee conducting that business was elected 91
or appointed to the public official's or employee's office or 92
position of employment. 93

(I) "Employer" means any person who, directly or 94
indirectly, engages an executive agency lobbyist or legislative 95
agent. 96

(J) "Executive agency decision," "executive agency 97
lobbyist," and "executive agency lobbying activity" have the 98
same meanings as in section 121.60 of the Revised Code. 99

(K) "Legislation," "legislative agent," "financial 100
transaction," and "actively advocate" have the same meanings as 101
in section 101.70 of the Revised Code. 102

(L) "Expenditure" has the same meaning as in section 103
101.70 of the Revised Code when used in relation to activities 104
of a legislative agent, and the same meaning as in section 105

121.60 of the Revised Code when used in relation to activities	106
of an executive agency lobbyist.	107
<u>(M) "Event contract" means an instrument that provides for</u>	108
<u>payment based on the occurrence, the nonoccurrence, or the</u>	109
<u>extent of the occurrence of an event or contingency.</u>	110
<u>(N) (1) "Prediction market" means a system that allows a</u>	111
<u>person to acquire, sell, or trade event contracts.</u>	112
<u>(2) "Prediction market" does not include a system that</u>	113
<u>includes only sports gaming operated under a valid license in</u>	114
<u>accordance with Chapter 3775. of the Revised Code.</u>	115
<u>Sec. 102.032. (A) No public official or employee shall</u>	116
<u>knowingly do any of the following:</u>	117
<u>(1) Maintain an account on a prediction market;</u>	118
<u>(2) Participate, directly or indirectly, in the</u>	119
<u>acquisition, sale, or trading of event contracts;</u>	120
<u>(3) Facilitate or assist another person in the</u>	121
<u>acquisition, sale, or trading of event contracts;</u>	122
<u>(4) Disclose any confidential information in violation of</u>	123
<u>division (B) of section 102.03 of the Revised Code to any person</u>	124
<u>for the purpose of informing the person's decision to create,</u>	125
<u>acquire, sell, or trade an event contract.</u>	126
<u>(B) (1) No public official or employee described in</u>	127
<u>division (B) (2) of this section shall knowingly do either of the</u>	128
<u>following:</u>	129
<u>(a) Have a direct or indirect financial interest in a</u>	130
<u>person that operates a prediction market;</u>	131
<u>(b) Receive anything of value as compensation, directly or</u>	132

<u>indirectly, from a person that operates a prediction market.</u>	133
<u>(2) Division (B) (1) of this section applies to a public official or employee who is any of the following:</u>	134
<u>(a) The governor, the lieutenant governor, the secretary of state, the auditor of state, the treasurer of state, or the attorney general or an employee of any of those officers;</u>	136
<u>(b) A member or employee of the general assembly or a legislative agency;</u>	139
<u>(c) A justice or employee of the supreme court;</u>	141
<u>(d) An officer or employee of the department of commerce, the department of insurance, or the department of administrative services;</u>	142
<u>(e) A member or employee of the Ohio casino control commission, the state lottery commission, or the state racing commission;</u>	146
<u>(f) A member or employee of the Ohio ethics commission;</u>	148
<u>(g) The inspector general or an employee of the inspector general.</u>	149
<u>(C) Divisions (A) and (B) of this section do not prohibit a public official or employee from doing either of the following:</u>	151
<u>(1) Investing in a person that operates a prediction market through a mutual fund, blind trust, or other similar means in which the public official or employee has no control of the investments or investment decisions;</u>	154
<u>(2) Participating in educational or research activities that do not involve the potential for personal financial gain.</u>	158

Sec. 102.06. (A) The appropriate ethics commission shall 160
receive and may initiate complaints against persons subject to 161
this chapter concerning conduct alleged to be in violation of 162
this chapter or section 2921.42 or 2921.43 of the Revised Code. 163
All complaints except those by the commission shall be by 164
affidavit made on personal knowledge, subject to the penalties 165
of perjury. Complaints by the commission shall be by affidavit, 166
based upon reasonable cause to believe that a violation has 167
occurred. 168

(B) The appropriate ethics commission shall investigate 169
complaints, may investigate charges presented to it, and may 170
request further information, including the specific amount of 171
income from a source, from any person filing with the commission 172
a statement required by section 102.02 or 102.021 of the Revised 173
Code, if the information sought is directly relevant to a 174
complaint or charges received by the commission pursuant to this 175
section. This information is confidential, except that the 176
commission, in its discretion, may share information gathered in 177
the course of any investigation with, or disclose the 178
information to, the inspector general, any appropriate 179
prosecuting authority, any law enforcement agency, or any other 180
appropriate ethics commission. If the accused person is a member 181
of the public employees retirement board, state teachers 182
retirement board, school employees retirement board, board of 183
trustees of the Ohio police and fire pension fund, or state 184
highway patrol retirement board, or is a member of the bureau of 185
workers' compensation board of directors, the appropriate ethics 186
commission, in its discretion, also may share information 187
gathered in the course of an investigation with, or disclose the 188
information to, the attorney general and the auditor of state. 189
The person so requested shall furnish the information to the 190

commission, unless within fifteen days from the date of the 191
request the person files an action for declaratory judgment 192
challenging the legitimacy of the request in the court of common 193
pleas of the county of the person's residence, the person's 194
place of employment, or Franklin county. The requested 195
information need not be furnished to the commission during the 196
pendency of the judicial proceedings. Proceedings of the 197
commission in connection with the declaratory judgment action 198
shall be kept confidential except as otherwise provided by this 199
section. Before the commission proceeds to take any formal 200
action against a person who is the subject of an investigation 201
based on charges presented to the commission, a complaint shall 202
be filed against the person. If the commission finds that a 203
complaint is not frivolous, and there is reasonable cause to 204
believe that the facts alleged in a complaint constitute a 205
violation of section 102.02, 102.021, 102.03, 102.032, 102.04, 206
102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a 207
hearing. If the commission does not so find, it shall dismiss 208
the complaint and notify the accused person in writing of the 209
dismissal of the complaint. The commission shall not make a 210
report of its finding unless the accused person requests a 211
report. Upon the request of the accused person, the commission 212
shall make a public report of its finding. The person against 213
whom the complaint is directed shall be given reasonable notice 214
by certified mail of the date, time, and place of the hearing 215
and a statement of the charges and the law directly involved and 216
shall be given the opportunity to be represented by counsel, to 217
have counsel appointed for the person if the person is unable to 218
afford counsel without undue hardship, to examine the evidence 219
against the person, to produce evidence and to call and subpoena 220
witnesses in the person's defense, to confront the person's 221
accusers, and to cross-examine witnesses. The commission shall 222

have a stenographic record made of the hearing. The hearing 223
shall be closed to the public. 224

(C) (1) (a) If, upon the basis of the hearing, the 225
appropriate ethics commission finds by a preponderance of the 226
evidence that the facts alleged in the complaint are true and 227
constitute a violation of section 102.02, 102.021, 102.03, 228
102.032, 102.04, 102.07, 2921.42, or 2921.43 of the Revised 229
Code, it shall report its findings to the appropriate 230
prosecuting authority for proceedings in prosecution of the 231
violation and to the appointing or employing authority of the 232
accused. If the accused person is a member of the public 233
employees retirement board, state teachers retirement board, 234
school employees retirement board, board of trustees of the Ohio 235
police and fire pension fund, or state highway patrol retirement 236
board, the commission also shall report its findings to the Ohio 237
retirement study council. 238

(b) If the Ohio ethics commission reports its findings to 239
the appropriate prosecuting authority under division (C) (1) (a) 240
of this section and the prosecuting authority has not initiated 241
any official action on those findings within ninety days after 242
receiving the commission's report of them, the commission may 243
publicly comment that no official action has been taken on its 244
findings, except that the commission shall make no comment in 245
violation of the Rules of Criminal Procedure or about any 246
indictment that has been sealed pursuant to any law or those 247
rules. The commission shall make no comment regarding the merits 248
of its findings. As used in division (C) (1) (b) of this section, 249
"official action" means prosecution, closure after 250
investigation, or grand jury action resulting in a true bill of 251
indictment or no true bill of indictment. 252

(2) If the appropriate ethics commission does not find by 253
a preponderance of the evidence that the facts alleged in the 254
complaint are true and constitute a violation of section 102.02, 255
102.021, 102.03, 102.032, 102.04, 102.07, 2921.42, or 2921.43 of 256
the Revised Code or if the commission has not scheduled a 257
hearing within ninety days after the complaint is filed or has 258
not finally disposed of the complaint within six months after it 259
has been heard, it shall dismiss the complaint and notify the 260
accused person in writing of the dismissal of the complaint. The 261
commission shall not make a report of its finding unless the 262
accused person requests a report. Upon the request of the 263
accused person, the commission shall make a public report of the 264
finding, but in this case all evidence and the record of the 265
hearing shall remain confidential unless the accused person also 266
requests that the evidence and record be made public. Upon 267
request by the accused person, the commission shall make the 268
evidence and the record available for public inspection. 269

(D) The appropriate ethics commission, or a member of the 270
commission, may administer oaths, and the commission may issue 271
subpoenas to any person in the state compelling the attendance 272
of witnesses and the production of relevant papers, books, 273
accounts, and records. The commission shall issue subpoenas to 274
compel the attendance of witnesses and the production of 275
documents upon the request of an accused person. Section 101.42 276
of the Revised Code shall govern the issuance of these subpoenas 277
insofar as applicable. Upon the refusal of any person to obey a 278
subpoena or to be sworn or to answer as a witness, the 279
commission may apply to the court of common pleas of Franklin 280
county under section 2705.03 of the Revised Code. The court 281
shall hold proceedings in accordance with Chapter 2705. of the 282
Revised Code. The commission or the accused person may take the 283

depositions of witnesses residing within or without the state in 284
the same manner as prescribed by law for the taking of 285
depositions in civil actions in the court of common pleas. 286

(E) At least once each year, the Ohio ethics commission 287
shall report on its activities of the immediately preceding year 288
to the majority and minority leaders of the senate and house of 289
representatives of the general assembly. The report shall 290
indicate the total number of complaints received, initiated, and 291
investigated by the commission, the total number of complaints 292
for which formal hearings were held, and the total number of 293
complaints for which formal prosecution was recommended or 294
requested by the commission. The report also shall indicate the 295
nature of the inappropriate conduct alleged in each complaint 296
and the governmental entity with which any employee or official 297
that is the subject of a complaint was employed at the time of 298
the alleged inappropriate conduct. 299

(F) All papers, records, affidavits, and documents upon 300
any complaint, inquiry, or investigation relating to the 301
proceedings of the appropriate ethics commission shall be sealed 302
and are private and confidential, except as otherwise provided 303
in this section and section 102.07 of the Revised Code. 304

(G) (1) When a complaint or charge is before it, the Ohio 305
ethics commission or the appropriate prosecuting authority, in 306
consultation with the person filing the complaint or charge, the 307
accused, and any other person the commission or prosecuting 308
authority considers necessary, may compromise or settle the 309
complaint or charge with the agreement of the accused. The 310
compromise or settlement may include mediation, restitution, 311
rescission of affected contracts, forfeiture of any benefits 312
resulting from a violation or potential violation of law, 313

resignation of a public official or employee, or any other 314
relief that is agreed upon between the commission or prosecuting 315
authority and the accused. 316

(2) Any settlement agreement entered into under division 317
(G) (1) of this section shall be in writing and be accompanied by 318
a statement of the findings of the commission or prosecuting 319
authority and the reasons for entering into the agreement. The 320
commission or prosecuting authority shall retain the agreement 321
and statement in the commission's or prosecuting authority's 322
office and, in the commission's or prosecuting authority's 323
discretion, may make the agreement, the statement, and any 324
supporting information public, unless the agreement provides 325
otherwise. 326

(3) If a settlement agreement is breached by the accused, 327
the commission or prosecuting authority, in the commission's or 328
prosecuting authority's discretion, may rescind the agreement 329
and reinstitute any investigation, hearing, or prosecution of 330
the accused. No information obtained from the accused in 331
reaching the settlement that is not otherwise discoverable from 332
the accused shall be used in any proceeding before the 333
commission or by the appropriate prosecuting authority in 334
prosecuting the violation. Notwithstanding any other section of 335
the Revised Code, if a settlement agreement is breached, any 336
statute of limitations for a violation of this chapter or 337
section 2921.42 or 2921.43 of the Revised Code is tolled from 338
the date the complaint or charge is filed until the date the 339
settlement agreement is breached. 340

Sec. 102.99. (A) Whoever violates division (C) of section 341
102.02 or division (C) of section 102.031 of the Revised Code is 342
guilty of a misdemeanor of the fourth degree. 343

(B) Whoever violates division (D) of section 102.02 or 344
section 102.021, 102.03, 102.032, 102.04, or 102.07 of the 345
Revised Code is guilty of a misdemeanor of the first degree. 346

(C) In addition to the penalty provided in division (B) of 347
this section, whoever violates division (M) (1), (2), or (3) of 348
section 102.03 of the Revised Code forfeits the individual's 349
office or employment. 350

(D) In addition to the penalty provided in division (B) of 351
this section, any person who violates division (F) of section 352
102.03 of the Revised Code is subject to the following: 353

(1) The court may prohibit the person from participating 354
in a public contract with any public agency in this state for a 355
period of two years if recommended by the agency by whom the 356
offending public official or employee was employed. 357

(2) The court may order the person to pay an additional 358
fine equal to the amount of any thing of value given in 359
violation of division (F) of section 102.03 of the Revised Code. 360

(E) In addition to the penalty provided in division (B) of 361
this section, any person who violates section 102.032 of the 362
Revised Code is subject to a maximum fine of ten thousand 363
dollars per violation. 364

(F) Upon application of the Ohio ethics commission, the 365
court shall order a person who is convicted of a violation of 366
section 102.021, 102.03, 102.032, or 102.04 of the Revised Code 367
to pay the costs incurred to investigate and prosecute the case. 368
The amount ordered under this division shall not exceed the 369
amount a person unlawfully secured, solicited, or accepted; the 370
amount a person received as improper compensation, as an 371
unlawful honorarium, or from the unlawful sale of goods or 372

services; the net profit a person realized from the acquisition, 373
sale, or trading of event contracts; the value of the person's 374
financial interest or compensation with respect to a prediction 375
market; or the amount otherwise applicable under section 376
102.021, 102.03, 102.032, or 102.04 of the Revised Code. These 377
costs are in addition to any other cost or penalty provided in 378
the Revised Code or any other provision of law. 379

Section 2. That existing sections 102.01, 102.06, and 380
102.99 of the Revised Code are hereby repealed. 381

Section 3. For purposes of financial disclosure statements 382
filed under sections 102.02 and 102.021 of the Revised Code in 383
the calendar year following the year in which this section takes 384
effect, the person filing the statement shall include on the 385
statement identification of every prediction market on which the 386
person had an account in the person's own name or in the name of 387
any other person for the person's use or benefit at any time 388
during the twelve months immediately preceding the effective 389
date of this section. 390