

## As Introduced

**136th General Assembly**

**Regular Session**

**2025-2026**

**S. B. No. 197**

**Senator Manning**

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To amend sections 109.32, 109.572, 119.12, 121.95,	1
131.02, 173.121, 718.031, 959.05, 1309.109,	2
1711.09, 1716.21, 2915.01, 2915.02, 2915.06,	3
2915.061, 2915.08, 2915.081, 2915.082, 2915.09,	4
2915.091, 2915.092, 2915.093, 2915.094,	5
2915.095, 2915.10, 2915.101, 2915.11, 2915.12,	6
2915.13, 2915.14, 2915.15, 2923.121, 2927.21,	7
2933.51, 3123.89, 3123.90, 3517.091, 3763.01,	8
3769.03, 3769.031, 3769.04, 3769.041, 3769.05,	9
3769.06, 3769.07, 3769.071, 3769.072, 3769.08,	10
3769.082, 3769.083, 3769.084, 3769.085,	11
3769.087, 3769.089, 3769.0810, 3769.09,	12
3769.091, 3769.10, 3769.101, 3769.12, 3769.13,	13
3769.131, 3769.14, 3769.20, 3769.201, 3769.21,	14
3769.22, 3769.25, 3769.26, 3769.27, 3770.02,	15
3770.03, 3770.05, 3770.06, 3770.07, 3770.071,	16
3770.072, 3770.073, 3770.08, 3770.10, 3770.13,	17
3770.21, 3770.24, 3770.25, 3770.99, 3772.01,	18
3772.02, 3772.03, 3772.031, 3772.04, 3772.062,	19
3772.07, 3772.09, 3772.091, 3772.10, 3772.13,	20
3772.131, 3772.15, 3772.16, 3772.17, 3772.18,	21
3772.23, 3772.31, 3772.37, 3772.99, 3774.01,	22
3774.02, 3774.03, 3774.04, 3774.09, 3775.01,	23
3775.02, 3775.03, 3775.06, 3775.09, 3775.10,	24
3775.11, 3775.13, 3775.99, 4301.03, 4301.58,	25
4303.17, 5701.11, 5747.01, 5747.02, 5747.062,	26

5747.063, 5747.08, 5747.12, 5747.20, 5751.01, 27  
5753.01, 5753.021, 5753.03, 5753.031, and 28  
5907.18; to amend, for the purpose of adopting 29  
new section numbers as indicated in parentheses, 30  
sections 173.121 (3768.20), 2915.06 (3777.03), 31  
2915.061 (3777.04), 2915.07 (3768.18), 2915.08 32  
(3768.04), 2915.081 (3768.16), 2915.082 33  
(3768.17), 2915.09 (3768.05), 2915.091 34  
(3768.06), 2915.092 (3768.02), 2915.093 35  
(3768.07), 2915.094 (3768.08), 2915.095 36  
(3768.09), 2915.10 (3768.14), 2915.101 37  
(3768.13), 2915.11 (3768.15), 2915.12 (3768.19), 38  
2915.13 (3768.10), 2915.14 (3768.11), 2915.15 39  
(3768.12), 3769.01 (3769.02), 3770.01 40  
(3770.011), 3770.10 (3770.01), and 5907.18 41  
(3768.21); to enact new section 3769.01 and 42  
sections 3768.01, 3768.03, 3768.22, 3768.23, 43  
3769.081, 3769.11, 3769.99, 3770.211, 3770.212, 44  
3770.213, 3770.214, 3770.26, 3771.01, 3771.02, 45  
3771.03, 3771.04, 3771.05, 3771.06, 3771.07, 46  
3771.08, 3771.09, 3771.10, 3771.11, 3771.12, 47  
3771.13, 3771.99, 3772.113, 3772.132, 3772.221, 48  
3772.231, 3772.28, 3772.281, 3772.311, 3772.312, 49  
3772.313, 3772.314, 3772.315, 3772.316, 50  
3772.317, 3772.38, 3772.39, 3772.40, 3772.41, 51  
3772.98, 3777.01, 3777.02, 3777.05, 3777.06, 52  
5753.022, and 5753.032; and to repeal sections 53  
3769.02, 3769.021, 3770.23, 3772.25, 3775.16, 54  
and 5747.064 of the Revised Code to legalize 55  
internet gambling and levy a tax on businesses 56  
that provide internet gambling, to permit 57  
internet lottery gaming and online wagering on 58

horse racing, to make other changes to the 59  
Gambling Law, and to make an appropriation. 60

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

**Section 1.** That sections 109.32, 109.572, 119.12, 121.95, 61  
131.02, 173.121, 718.031, 959.05, 1309.109, 1711.09, 1716.21, 62  
2915.01, 2915.02, 2915.06, 2915.061, 2915.08, 2915.081, 63  
2915.082, 2915.09, 2915.091, 2915.092, 2915.093, 2915.094, 64  
2915.095, 2915.10, 2915.101, 2915.11, 2915.12, 2915.13, 2915.14, 65  
2915.15, 2923.121, 2927.21, 2933.51, 3123.89, 3123.90, 3517.091, 66  
3763.01, 3769.03, 3769.031, 3769.04, 3769.041, 3769.05, 3769.06, 67  
3769.07, 3769.071, 3769.072, 3769.08, 3769.082, 3769.083, 68  
3769.084, 3769.085, 3769.087, 3769.089, 3769.0810, 3769.09, 69  
3769.091, 3769.10, 3769.101, 3769.12, 3769.13, 3769.131, 70  
3769.14, 3769.20, 3769.201, 3769.21, 3769.22, 3769.25, 3769.26, 71  
3769.27, 3770.02, 3770.03, 3770.05, 3770.06, 3770.07, 3770.071, 72  
3770.072, 3770.073, 3770.08, 3770.10, 3770.13, 3770.21, 3770.24, 73  
3770.25, 3770.99, 3772.01, 3772.02, 3772.03, 3772.031, 3772.04, 74  
3772.062, 3772.07, 3772.09, 3772.091, 3772.10, 3772.13, 75  
3772.131, 3772.15, 3772.16, 3772.17, 3772.18, 3772.23, 3772.31, 76  
3772.37, 3772.99, 3774.01, 3774.02, 3774.03, 3774.04, 3774.09, 77  
3775.01, 3775.02, 3775.03, 3775.06, 3775.09, 3775.10, 3775.11, 78  
3775.13, 3775.99, 4301.03, 4301.58, 4303.17, 5701.11, 5747.01, 79  
5747.02, 5747.062, 5747.063, 5747.08, 5747.12, 5747.20, 5751.01, 80  
5753.01, 5753.021, 5753.03, 5753.031, and 5907.18 be amended; 81  
sections 173.121 (3768.20), 2915.06 (3777.03), 2915.061 82  
(3777.04), 2915.07 (3768.18), 2915.08 (3768.04), 2915.081 83  
(3768.16), 2915.082 (3768.17), 2915.09 (3768.05), 2915.091 84  
(3768.06), 2915.092 (3768.02), 2915.093 (3768.07), 2915.094 85

(3768.08), 2915.095 (3768.09), 2915.10 (3768.14), 2915.101  
(3768.13), 2915.11 (3768.15), 2915.12 (3768.19), 2915.13  
(3768.10), 2915.14 (3768.11), 2915.15 (3768.12), 3769.01  
(3769.02), 3770.01 (3770.011), 3770.10 (3770.01), and 5907.18  
(3768.21) be amended for the purpose of adopting new section  
numbers as indicated in parentheses; and new section 3769.01 and  
sections 3768.01, 3768.03, 3768.22, 3768.23, 3769.081, 3769.11,  
3769.99, 3770.211, 3770.212, 3770.213, 3770.214, 3770.26,  
3771.01, 3771.02, 3771.03, 3771.04, 3771.05, 3771.06, 3771.07,  
3771.08, 3771.09, 3771.10, 3771.11, 3771.12, 3771.13, 3771.99,  
3772.113, 3772.132, 3772.221, 3772.231, 3772.28, 3772.281,  
3772.311, 3772.312, 3772.313, 3772.314, 3772.315, 3772.316,  
3772.317, 3772.38, 3772.39, 3772.40, 3772.41, 3772.98, 3777.01,  
3777.02, 3777.05, 3777.06, 5753.022, and 5753.032 of the Revised  
Code be enacted to read as follows:

**Sec. 109.32.** (A) All—The charitable law fund is created in  
state treasury. The fund consists of all of the following:

(1) All annual filing fees obtained by the attorney  
general pursuant to section 109.31 of the Revised Code, all  
receipts obtained from the sale of the charitable foundations  
directory, all registration fees received by the attorney  
general, all bond forfeitures, awards of costs and attorney's  
fees, and civil penalties assessed under Chapter 1716. of the  
Revised Code, ~~all license fees received by the attorney general—~~  
~~under section 2915.08, 2915.081, or 2915.082 of the Revised—~~  
~~Code, all fees received by the attorney general under section—~~  
~~2915.15 of the Revised Code, and all filing fees received by the~~  
~~attorney general under divisions (F) and (G) of section 2915.02—~~  
~~of the Revised Code, which~~ shall be paid into the ~~state treasury~~  
~~to the credit of the charitable law fund;~~

(2) All amounts transferred to the fund from the  
charitable gaming fund established under section 3768.23 of the  
Revised Code.

~~(B) (1) Except as otherwise provided in divisions (B) (2)~~  
and ~~(3) of this section, the~~ (B) The charitable law fund shall  
be used insofar as its moneys are available for the expenses of  
the charitable law section of the office of the attorney  
general.

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

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

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

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised  
Code, a completed form prescribed pursuant to division (C) (1) of  
this section, and a set of fingerprint impressions obtained in  
the manner described in division (C) (2) of this section, the  
superintendent of the bureau of criminal identification and

investigation shall conduct a criminal records check in the 145  
manner described in division (B) of this section to determine 146  
whether any information exists that indicates that the person 147  
who is the subject of the request previously has been convicted 148  
of or pleaded guilty to any of the following: 149

(a) A violation of section 2903.01, 2903.02, 2903.03, 150  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 151  
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 152  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 153  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 154  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 155  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 156  
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 157  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 158  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 159  
of the Revised Code, felonious sexual penetration in violation 160  
of former section 2907.12 of the Revised Code, a violation of 161  
section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that 163  
would have been a violation of section 2905.04 of the Revised 164  
Code as it existed prior to July 1, 1996, had the violation been 165  
committed prior to that date, or a violation of section 2925.11 166  
of the Revised Code that is not a minor drug possession offense; 167

(b) A violation of an existing or former law of this 168  
state, any other state, or the United States that is 169  
substantially equivalent to any of the offenses listed in 170  
division (A)(1)(a) of this section; 171

(c) If the request is made pursuant to section 3319.39 of 172  
the Revised Code for an applicant who is a teacher, any offense 173  
specified under section 9.79 of the Revised Code or in section 174

3319.31 of the Revised Code. 175

(2) On receipt of a request pursuant to section 3712.09 or 176  
3721.121 of the Revised Code, a completed form prescribed 177  
pursuant to division (C)(1) of this section, and a set of 178  
fingerprint impressions obtained in the manner described in 179  
division (C)(2) of this section, the superintendent of the 180  
bureau of criminal identification and investigation shall 181  
conduct a criminal records check with respect to any person who 182  
has applied for employment in a position for which a criminal 183  
records check is required by those sections. The superintendent 184  
shall conduct the criminal records check in the manner described 185  
in division (B) of this section to determine whether any 186  
information exists that indicates that the person who is the 187  
subject of the request previously has been convicted of or 188  
pleaded guilty to any of the following: 189

(a) A violation of section 2903.01, 2903.02, 2903.03, 190  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 191  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 192  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 193  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 194  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 195  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 196  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 197  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 198

(b) An existing or former law of this state, any other 199  
state, or the United States that is substantially equivalent to 200  
any of the offenses listed in division (A)(2)(a) of this 201  
section. 202

(3) On receipt of a request pursuant to section 173.27, 203  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 204

5123.081, or 5123.169 of the Revised Code, a completed form 205  
prescribed pursuant to division (C)(1) of this section, and a 206  
set of fingerprint impressions obtained in the manner described 207  
in division (C)(2) of this section, the superintendent of the 208  
bureau of criminal identification and investigation shall 209  
conduct a criminal records check of the person for whom the 210  
request is made. The superintendent shall conduct the criminal 211  
records check in the manner described in division (B) of this 212  
section to determine whether any information exists that 213  
indicates that the person who is the subject of the request 214  
previously has been convicted of, has pleaded guilty to, or 215  
(except in the case of a request pursuant to section 5164.34, 216  
5164.341, or 5164.342 of the Revised Code) has been found 217  
eligible for intervention in lieu of conviction for any of the 218  
following, regardless of the date of the conviction, the date of 219  
entry of the guilty plea, or (except in the case of a request 220  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 221  
Revised Code) the date the person was found eligible for 222  
intervention in lieu of conviction: 223

(a) A violation of section 959.13, 959.131, 2903.01, 224  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 225  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 226  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 227  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 228  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 229  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 230  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 231  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 232  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 233  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 234  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 235



2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 236  
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 237  
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 238  
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 239  
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 240  
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 241  
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 242  
Revised Code; 243

(b) Felonious sexual penetration in violation of former 244  
section 2907.12 of the Revised Code; 245

(c) A violation of section 2905.04 of the Revised Code as 246  
it existed prior to July 1, 1996; 247

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 248  
the Revised Code when the underlying offense that is the object 249  
of the conspiracy, attempt, or complicity is one of the offenses 250  
listed in divisions (A)(3)(a) to (c) of this section; 251

(e) A violation of an existing or former municipal 252  
ordinance or law of this state, any other state, or the United 253  
States that is substantially equivalent to any of the offenses 254  
listed in divisions (A)(3)(a) to (d) of this section. 255

(4) On receipt of a request pursuant to section 2151.86, 256  
2151.904, or 5103.053 of the Revised Code, a completed form 257  
prescribed pursuant to division (C)(1) of this section, and a 258  
set of fingerprint impressions obtained in the manner described 259  
in division (C)(2) of this section, the superintendent of the 260  
bureau of criminal identification and investigation shall 261  
conduct a criminal records check in the manner described in 262  
division (B) of this section to determine whether any 263  
information exists that indicates that the person who is the 264

subject of the request previously has been convicted of or 265  
pleaded guilty to any of the following: 266

(a) A violation of section 959.13, 2151.421, 2903.01, 267  
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 268  
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 269  
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 270  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 271  
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 272  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 273  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 274  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 275  
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 276  
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 277  
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 278  
Revised Code, a violation of section 2905.04 of the Revised Code 279  
as it existed prior to July 1, 1996, a violation of section 280  
2919.23 of the Revised Code that would have been a violation of 281  
section 2905.04 of the Revised Code as it existed prior to July 282  
1, 1996, had the violation been committed prior to that date, a 283  
violation of section 2925.11 of the Revised Code that is not a 284  
minor drug possession offense, two or more OVI or OVUAC 285  
violations committed within the three years immediately 286  
preceding the submission of the application or petition that is 287  
the basis of the request, or felonious sexual penetration in 288  
violation of former section 2907.12 of the Revised Code, or a 289  
violation of Chapter 2919. of the Revised Code that is a felony; 290

(b) A violation of an existing or former law of this 291  
state, any other state, or the United States that is 292  
substantially equivalent to any of the offenses listed in 293  
division (A) (4) (a) of this section. 294

(5) Upon receipt of a request pursuant to section 5104.013 295  
of the Revised Code, a completed form prescribed pursuant to 296  
division (C)(1) of this section, and a set of fingerprint 297  
impressions obtained in the manner described in division (C)(2) 298  
of this section, the superintendent of the bureau of criminal 299  
identification and investigation shall conduct a criminal 300  
records check in the manner described in division (B) of this 301  
section to determine whether any information exists that 302  
indicates that the person who is the subject of the request has 303  
been convicted of or pleaded guilty to any of the following: 304

(a) A violation of section 2151.421, 2903.01, 2903.02, 305  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 306  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 307  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 308  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 309  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 310  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 311  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 312  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 313  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 314  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 315  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 316  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 317  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 318  
3716.11 of the Revised Code, felonious sexual penetration in 319  
violation of former section 2907.12 of the Revised Code, a 320  
violation of section 2905.04 of the Revised Code as it existed 321  
prior to July 1, 1996, a violation of section 2919.23 of the 322  
Revised Code that would have been a violation of section 2905.04 323  
of the Revised Code as it existed prior to July 1, 1996, had the 324  
violation been committed prior to that date, a violation of 325

section 2925.11 of the Revised Code that is not a minor drug 326  
possession offense, a violation of section 2923.02 or 2923.03 of 327  
the Revised Code that relates to a crime specified in this 328  
division, or a second violation of section 4511.19 of the 329  
Revised Code within five years of the date of application for 330  
licensure or certification. 331

(b) A violation of an existing or former law of this 332  
state, any other state, or the United States that is 333  
substantially equivalent to any of the offenses or violations 334  
described in division (A) (5) (a) of this section. 335

(6) Upon receipt of a request pursuant to section 5153.111 336  
of the Revised Code, a completed form prescribed pursuant to 337  
division (C) (1) of this section, and a set of fingerprint 338  
impressions obtained in the manner described in division (C) (2) 339  
of this section, the superintendent of the bureau of criminal 340  
identification and investigation shall conduct a criminal 341  
records check in the manner described in division (B) of this 342  
section to determine whether any information exists that 343  
indicates that the person who is the subject of the request 344  
previously has been convicted of or pleaded guilty to any of the 345  
following: 346

(a) A violation of section 2903.01, 2903.02, 2903.03, 347  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 348  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 349  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 350  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 351  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 352  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 353  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 354  
Code, felonious sexual penetration in violation of former 355

section 2907.12 of the Revised Code, a violation of section 356  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 357  
a violation of section 2919.23 of the Revised Code that would 358  
have been a violation of section 2905.04 of the Revised Code as 359  
it existed prior to July 1, 1996, had the violation been 360  
committed prior to that date, or a violation of section 2925.11 361  
of the Revised Code that is not a minor drug possession offense; 362

(b) A violation of an existing or former law of this 363  
state, any other state, or the United States that is 364  
substantially equivalent to any of the offenses listed in 365  
division (A) (6) (a) of this section. 366

(7) On receipt of a request for a criminal records check 367  
from an individual pursuant to section 4749.03 or 4749.06 of the 368  
Revised Code, accompanied by a completed copy of the form 369  
prescribed in division (C) (1) of this section and a set of 370  
fingerprint impressions obtained in a manner described in 371  
division (C) (2) of this section, the superintendent of the 372  
bureau of criminal identification and investigation shall 373  
conduct a criminal records check in the manner described in 374  
division (B) of this section to determine whether any 375  
information exists indicating that the person who is the subject 376  
of the request has been convicted of or pleaded guilty to any 377  
criminal offense in this state or in any other state. If the 378  
individual indicates that a firearm will be carried in the 379  
course of business, the superintendent shall require information 380  
from the federal bureau of investigation as described in 381  
division (B) (2) of this section. Subject to division (F) of this 382  
section, the superintendent shall report the findings of the 383  
criminal records check and any information the federal bureau of 384  
investigation provides to the director of public safety. 385

(8) On receipt of a request pursuant to section 1321.37, 386  
1321.53, or 4763.05 of the Revised Code, a completed form 387  
prescribed pursuant to division (C)(1) of this section, and a 388  
set of fingerprint impressions obtained in the manner described 389  
in division (C)(2) of this section, the superintendent of the 390  
bureau of criminal identification and investigation shall 391  
conduct a criminal records check with respect to any person who 392  
has applied for a license, permit, or certification from the 393  
department of commerce or a division in the department. The 394  
superintendent shall conduct the criminal records check in the 395  
manner described in division (B) of this section to determine 396  
whether any information exists that indicates that the person 397  
who is the subject of the request previously has been convicted 398  
of or pleaded guilty to any criminal offense in this state, any 399  
other state, or the United States. 400

(9) On receipt of a request for a criminal records check 401  
from the treasurer of state under section 113.041 of the Revised 402  
Code or from an individual under section 928.03, 4701.08, 403  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 404  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 405  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 406  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 407  
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 408  
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 409  
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 410  
accompanied by a completed form prescribed under division (C)(1) 411  
of this section and a set of fingerprint impressions obtained in 412  
the manner described in division (C)(2) of this section, the 413  
superintendent of the bureau of criminal identification and 414  
investigation shall conduct a criminal records check in the 415  
manner described in division (B) of this section to determine 416

whether any information exists that indicates that the person 417  
who is the subject of the request has been convicted of or 418  
pleaded guilty to any criminal offense in this state or any 419  
other state. Subject to division (F) of this section, the 420  
superintendent shall send the results of a check requested under 421  
section 113.041 of the Revised Code to the treasurer of state 422  
and shall send the results of a check requested under any of the 423  
other listed sections to the licensing board specified by the 424  
individual in the request. 425

(10) On receipt of a request pursuant to section 124.74, 426  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 427  
Code, a completed form prescribed pursuant to division (C)(1) of 428  
this section, and a set of fingerprint impressions obtained in 429  
the manner described in division (C)(2) of this section, the 430  
superintendent of the bureau of criminal identification and 431  
investigation shall conduct a criminal records check in the 432  
manner described in division (B) of this section to determine 433  
whether any information exists that indicates that the person 434  
who is the subject of the request previously has been convicted 435  
of or pleaded guilty to any criminal offense under any existing 436  
or former law of this state, any other state, or the United 437  
States. 438

(11) On receipt of a request for a criminal records check 439  
from an appointing or licensing authority under section 3772.07 440  
or 3772.132 of the Revised Code, a completed form prescribed 441  
under division (C)(1) of this section, and a set of fingerprint 442  
impressions obtained in the manner prescribed in division (C)(2) 443  
of this section, the superintendent of the bureau of criminal 444  
identification and investigation shall conduct a criminal 445  
records check in the manner described in division (B) of this 446  
section to determine whether any information exists that 447

indicates that the person who is the subject of the request 448  
previously has been convicted of or pleaded guilty or no contest 449  
to any offense under any existing or former law of this state, 450  
any other state, or the United States that makes the person 451  
ineligible for appointment or retention under section 3772.07 of 452  
the Revised Code or that is a disqualifying offense as defined 453  
in that section or substantially equivalent to a disqualifying 454  
offense, as applicable. 455

(12) On receipt of a request pursuant to section 2151.33 456  
or 2151.412 of the Revised Code, a completed form prescribed 457  
pursuant to division (C)(1) of this section, and a set of 458  
fingerprint impressions obtained in the manner described in 459  
division (C)(2) of this section, the superintendent of the 460  
bureau of criminal identification and investigation shall 461  
conduct a criminal records check with respect to any person for 462  
whom a criminal records check is required under that section. 463  
The superintendent shall conduct the criminal records check in 464  
the manner described in division (B) of this section to 465  
determine whether any information exists that indicates that the 466  
person who is the subject of the request previously has been 467  
convicted of or pleaded guilty to any of the following: 468

(a) A violation of section 2903.01, 2903.02, 2903.03, 469  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 470  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 471  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 472  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 473  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 474  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 475  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 476  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 477



(b) An existing or former law of this state, any other 478  
state, or the United States that is substantially equivalent to 479  
any of the offenses listed in division (A) (12) (a) of this 480  
section. 481

(13) On receipt of a request pursuant to section 3796.12 482  
of the Revised Code, a completed form prescribed pursuant to 483  
division (C) (1) of this section, and a set of fingerprint 484  
impressions obtained in a manner described in division (C) (2) of 485  
this section, the superintendent of the bureau of criminal 486  
identification and investigation shall conduct a criminal 487  
records check in the manner described in division (B) of this 488  
section to determine whether any information exists that 489  
indicates that the person who is the subject of the request 490  
previously has been convicted of or pleaded guilty to a 491  
disqualifying offense as specified in rules adopted under 492  
section 9.79 and division (B) (2) (b) of section 3796.03 of the 493  
Revised Code if the person who is the subject of the request is 494  
an administrator or other person responsible for the daily 495  
operation of, or an owner or prospective owner, officer or 496  
prospective officer, or board member or prospective board member 497  
of, an entity seeking a license from the department of commerce 498  
under Chapter 3796. of the Revised Code. 499

(14) On receipt of a request required by section 3796.13 500  
of the Revised Code, a completed form prescribed pursuant to 501  
division (C) (1) of this section, and a set of fingerprint 502  
impressions obtained in a manner described in division (C) (2) of 503  
this section, the superintendent of the bureau of criminal 504  
identification and investigation shall conduct a criminal 505  
records check in the manner described in division (B) of this 506  
section to determine whether any information exists that 507  
indicates that the person who is the subject of the request 508

previously has been convicted of or pleaded guilty to a 509  
disqualifying offense as specified in rules adopted under 510  
division (B) (14) (a) of section 3796.03 of the Revised Code if 511  
the person who is the subject of the request is seeking 512  
employment with an entity licensed by the department of commerce 513  
under Chapter 3796. of the Revised Code. 514

(15) On receipt of a request pursuant to section 4768.06 515  
of the Revised Code, a completed form prescribed under division 516  
(C) (1) of this section, and a set of fingerprint impressions 517  
obtained in the manner described in division (C) (2) of this 518  
section, the superintendent of the bureau of criminal 519  
identification and investigation shall conduct a criminal 520  
records check in the manner described in division (B) of this 521  
section to determine whether any information exists indicating 522  
that the person who is the subject of the request has been 523  
convicted of or pleaded guilty to any criminal offense in this 524  
state or in any other state. 525

(16) On receipt of a request pursuant to division (B) of 526  
section 4764.07 or division (A) of section 4735.143 of the 527  
Revised Code, a completed form prescribed under division (C) (1) 528  
of this section, and a set of fingerprint impressions obtained 529  
in the manner described in division (C) (2) of this section, the 530  
superintendent of the bureau of criminal identification and 531  
investigation shall conduct a criminal records check in the 532  
manner described in division (B) of this section to determine 533  
whether any information exists indicating that the person who is 534  
the subject of the request has been convicted of or pleaded 535  
guilty to any criminal offense in any state or the United 536  
States. 537

(17) On receipt of a request for a criminal records check 538

under section 147.022 of the Revised Code, a completed form 539  
prescribed under division (C)(1) of this section, and a set of 540  
fingerprint impressions obtained in the manner prescribed in 541  
division (C)(2) of this section, the superintendent of the 542  
bureau of criminal identification and investigation shall 543  
conduct a criminal records check in the manner described in 544  
division (B) of this section to determine whether any 545  
information exists that indicates that the person who is the 546  
subject of the request previously has been convicted of or 547  
pleaded guilty or no contest to any criminal offense under any 548  
existing or former law of this state, any other state, or the 549  
United States. 550

(18) Upon receipt of a request pursuant to division (F) of 551  
section ~~2915.081~~3768.16 or division (E) of section ~~2915.082~~ 552  
3768.17 of the Revised Code, a completed form prescribed under 553  
division (C)(1) of this section, and a set of fingerprint 554  
impressions obtained in the manner described in division (C)(2) 555  
of this section, the superintendent of the bureau of criminal 556  
identification and investigation shall conduct a criminal 557  
records check in the manner described in division (B) of this 558  
section to determine whether any information exists indicating 559  
that the person who is the subject of the request has been 560  
convicted of or pleaded guilty or no contest to any offense that 561  
is a violation of Chapter 2915. or 3768. of the Revised Code or 562  
to any offense under any existing or former law of this state, 563  
any other state, or the United States that is substantially 564  
equivalent to such an offense. 565

(19) On receipt of a request pursuant to section 3771.03 566  
or 3775.03 of the Revised Code, a completed form prescribed 567  
under division (C)(1) of this section, and a set of fingerprint 568  
impressions obtained in the manner described in division (C)(2) 569

of this section, the superintendent of the bureau of criminal 570  
identification and investigation shall conduct a criminal 571  
records check in the manner described in division (B) of this 572  
section and shall request information from the federal bureau of 573  
investigation to determine whether any information exists 574  
indicating that the person who is the subject of the request has 575  
been convicted of any offense under any existing or former law 576  
of this state, any other state, or the United States that is a 577  
disqualifying offense as defined in section 3772.07 of the 578  
Revised Code. 579

(B) Subject to division (F) of this section, the 580  
superintendent shall conduct any criminal records check to be 581  
conducted under this section as follows: 582

(1) The superintendent shall review or cause to be 583  
reviewed any relevant information gathered and compiled by the 584  
bureau under division (A) of section 109.57 of the Revised Code 585  
that relates to the person who is the subject of the criminal 586  
records check, including, if the criminal records check was 587  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 588  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 589  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 590  
3712.09, 3721.121, 3771.03, 3772.07, 3772.132, 3775.03, 3796.12, 591  
3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 592  
4763.05, 4764.07, 4768.06, 5103.053, 5104.013, 5164.34, 593  
5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the 594  
Revised Code, any relevant information contained in records that 595  
have been sealed under section 2953.32 of the Revised Code; 596

(2) If the request received by the superintendent asks for 597  
information from the federal bureau of investigation, the 598  
superintendent shall request from the federal bureau of 599

investigation any information it has with respect to the person 600  
who is the subject of the criminal records check, including 601  
fingerprint-based checks of national crime information databases 602  
as described in 42 U.S.C. 671 if the request is made pursuant to 603  
section 2151.86, 5103.053, or 5104.013 of the Revised Code or if 604  
any other Revised Code section requires fingerprint-based checks 605  
of that nature, and shall review or cause to be reviewed any 606  
information the superintendent receives from that bureau. If a 607  
request under section 3319.39 of the Revised Code asks only for 608  
information from the federal bureau of investigation, the 609  
superintendent shall not conduct the review prescribed by 610  
division (B) (1) of this section. 611

(3) The superintendent or the superintendent's designee 612  
may request criminal history records from other states or the 613  
federal government pursuant to the national crime prevention and 614  
privacy compact set forth in section 109.571 of the Revised 615  
Code. 616

(4) The superintendent shall include in the results of the 617  
criminal records check a list or description of the offenses 618  
listed or described in the relevant provision of division (A) of 619  
this section. The superintendent shall exclude from the results 620  
any information the dissemination of which is prohibited by 621  
federal law. 622

(5) The superintendent shall send the results of the 623  
criminal records check to the person to whom it is to be sent 624  
not later than the following number of days after the date the 625  
superintendent receives the request for the criminal records 626  
check, the completed form prescribed under division (C) (1) of 627  
this section, and the set of fingerprint impressions obtained in 628  
the manner described in division (C) (2) of this section: 629

(a) If the superintendent is required by division (A) of 630  
this section (other than division (A)(3) of this section) to 631  
conduct the criminal records check, thirty; 632

(b) If the superintendent is required by division (A)(3) 633  
of this section to conduct the criminal records check, sixty. 634

(C)(1) The superintendent shall prescribe a form to obtain 635  
the information necessary to conduct a criminal records check 636  
from any person for whom a criminal records check is to be 637  
conducted under this section. The form that the superintendent 638  
prescribes pursuant to this division may be in a tangible 639  
format, in an electronic format, or in both tangible and 640  
electronic formats. 641

(2) The superintendent shall prescribe standard impression 642  
sheets to obtain the fingerprint impressions of any person for 643  
whom a criminal records check is to be conducted under this 644  
section. Any person for whom a records check is to be conducted 645  
under this section shall obtain the fingerprint impressions at a 646  
county sheriff's office, municipal police department, or any 647  
other entity with the ability to make fingerprint impressions on 648  
the standard impression sheets prescribed by the superintendent. 649  
The office, department, or entity may charge the person a 650  
reasonable fee for making the impressions. The standard 651  
impression sheets the superintendent prescribes pursuant to this 652  
division may be in a tangible format, in an electronic format, 653  
or in both tangible and electronic formats. 654

(3) Subject to division (D) of this section, the 655  
superintendent shall prescribe and charge a reasonable fee for 656  
providing a criminal records check under this section. The 657  
person requesting the criminal records check shall pay the fee 658  
prescribed pursuant to this division. In the case of a request 659

under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 660  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 661  
fee shall be paid in the manner specified in that section. 662

(4) The superintendent of the bureau of criminal 663  
identification and investigation may prescribe methods of 664  
forwarding fingerprint impressions and information necessary to 665  
conduct a criminal records check, which methods shall include, 666  
but not be limited to, an electronic method. 667

(D) The results of a criminal records check conducted 668  
under this section, other than a criminal records check 669  
specified in division (A) (7) of this section, are valid for the 670  
person who is the subject of the criminal records check for a 671  
period of one year from the date upon which the superintendent 672  
completes the criminal records check. If during that period the 673  
superintendent receives another request for a criminal records 674  
check to be conducted under this section for that person, the 675  
superintendent shall provide the results from the previous 676  
criminal records check of the person at a lower fee than the fee 677  
prescribed for the initial criminal records check. 678

(E) When the superintendent receives a request for 679  
information from a registered private provider, the 680  
superintendent shall proceed as if the request was received from 681  
a school district board of education under section 3319.39 of 682  
the Revised Code. The superintendent shall apply division (A) (1) 683  
(c) of this section to any such request for an applicant who is 684  
a teacher. 685

(F) (1) Subject to division (F) (2) of this section, all 686  
information regarding the results of a criminal records check 687  
conducted under this section that the superintendent reports or 688  
sends under division (A) (7) or (9) of this section to the 689

director of public safety, the treasurer of state, or the 690  
person, board, or entity that made the request for the criminal 691  
records check shall relate to the conviction of the subject 692  
person, or the subject person's plea of guilty to, a criminal 693  
offense. 694

(2) Division (F)(1) of this section does not limit, 695  
restrict, or preclude the superintendent's release of 696  
information that relates to the arrest of a person who is 697  
eighteen years of age or older, to an adjudication of a child as 698  
a delinquent child, or to a criminal conviction of a person 699  
under eighteen years of age in circumstances in which a release 700  
of that nature is authorized under division (E)(2), (3), or (4) 701  
of section 109.57 of the Revised Code pursuant to a rule adopted 702  
under division (E)(1) of that section. 703

(G) As used in this section: 704

(1) "Criminal records check" means any criminal records 705  
check conducted by the superintendent of the bureau of criminal 706  
identification and investigation in accordance with division (B) 707  
of this section. 708

(2) "Minor drug possession offense" has the same meaning 709  
as in section 2925.01 of the Revised Code. 710

(3) "OVI or OVUAC violation" means a violation of section 711  
4511.19 of the Revised Code or a violation of an existing or 712  
former law of this state, any other state, or the United States 713  
that is substantially equivalent to section 4511.19 of the 714  
Revised Code. 715

(4) "Registered private provider" means a nonpublic school 716  
or entity registered with the department of education and 717  
workforce under section 3310.41 of the Revised Code to 718



participate in the autism scholarship program or section 3310.58 719  
of the Revised Code to participate in the Jon Peterson special 720  
needs scholarship program. 721

**Sec. 119.12.** (A) Any party adversely affected by any order 722  
of an agency issued pursuant to an adjudication may appeal from 723  
the order of the agency to the court of common pleas of the 724  
county designated in division (B) of this section. 725

(B) An appeal from an order described in division (A) of 726  
this section shall be filed in the county designated as follows: 727

(1) Except as otherwise provided in division (B) (2) of 728  
this section, an appeal from an order of an agency issued 729  
pursuant to an adjudication denying an applicant admission to an 730  
examination, denying the issuance or renewal of a license or 731  
registration of a licensee, revoking or suspending a license, or 732  
allowing the payment of a forfeiture under section 4301.252 of 733  
the Revised Code shall be filed in the county in which the place 734  
of business of the licensee is located or the county in which 735  
the licensee is a resident. 736

(2) An appeal from an order issued by any of the following 737  
agencies shall be made to the court of common pleas of Franklin 738  
county or the court of common pleas in the county in which the 739  
place of business of the licensee is located or the county in 740  
which the licensee is a resident: 741

(a) The liquor control commission; 742

(b) The Ohio casino control commission; 743

(c) The state medical board; 744

(d) The state chiropractic board; 745

(e) The board of nursing; 746

(f) The bureau of workers' compensation regarding 747  
participation in the health partnership program created in 748  
sections 4121.44 and 4121.441 of the Revised Code. 749

(3) Appeals from orders of the fire marshal issued under 750  
Chapter 3737. of the Revised Code shall be to the court of 751  
common pleas of the county in which the building of the 752  
aggrieved person is located. 753

(4) Appeals under division (B) of section 124.34 of the 754  
Revised Code from a decision of the state personnel board of 755  
review or a municipal or civil service township civil service 756  
commission shall be taken to the court of common pleas of the 757  
county in which the appointing authority is located or, in the 758  
case of an appeal by the department of rehabilitation and 759  
correction, to the court of common pleas of Franklin county. 760

(5) If any party appealing from an order described in 761  
division (B)(1), (2), or (6) of this section is not a resident 762  
of and has no place of business in this state, the party shall 763  
appeal to the court of common pleas of Franklin county. 764

(6) Any party adversely affected by any order of an agency 765  
issued pursuant to any other adjudication may appeal to the 766  
court of common pleas of Franklin county or the court of common 767  
pleas of the county in which the business of the party is 768  
located or in which the party is a resident. 769

(C) This section does not apply to appeals from the 770  
department of taxation. 771

(D) Any party desiring to appeal shall file a notice of 772  
appeal with the agency setting forth the order appealed from and 773  
stating that the agency's order is not supported by reliable, 774  
probative, and substantial evidence and is not in accordance 775

with law. The notice of appeal may, but need not, set forth the 776  
specific grounds of the party's appeal beyond the statement that 777  
the agency's order is not supported by reliable, probative, and 778  
substantial evidence and is not in accordance with law. The 779  
notice of appeal shall also be filed by the appellant with the 780  
court. In filing a notice of appeal with the agency or court, 781  
the notice that is filed may be either the original notice or a 782  
copy of the original notice. Unless otherwise provided by law 783  
relating to a particular agency, notices of appeal shall be 784  
filed within fifteen days after the service of the notice of the 785  
agency's order as provided in section 119.05 of the Revised 786  
Code. For purposes of this paragraph, an order includes a 787  
determination appealed pursuant to division (C) of section 788  
119.092 of the Revised Code. The amendments made to this 789  
paragraph by Sub. H.B. 215 of the 128th general assembly are 790  
procedural, and this paragraph as amended by those amendments 791  
shall be applied retrospectively to all appeals pursuant to this 792  
paragraph filed before September 13, 2010, but not earlier than 793  
May 7, 2009, which was the date the supreme court of Ohio 794  
released its opinion and judgment in *Medcorp, Inc. v. Ohio* 795  
*Dep't. of Job and Family Servs.* (2009), 121 Ohio St.3d 622. 796

(E) The filing of a notice of appeal shall not 797  
automatically operate as a suspension of the order of an agency. 798  
If it appears to the court that an unusual hardship to the 799  
appellant will result from the execution of the agency's order 800  
pending determination of the appeal, the court may grant a 801  
suspension and fix its terms. If an appeal is taken from the 802  
judgment of the court and the court has previously granted a 803  
suspension of the agency's order as provided in this section, 804  
the suspension of the agency's order shall not be vacated and 805  
shall be given full force and effect until the matter is finally 806

adjudicated. No renewal of a license or permit shall be denied 807  
by reason of the suspended order during the period of the appeal 808  
from the decision of the court of common pleas. In the case of 809  
an appeal from the Ohio casino control commission, the state 810  
medical board, or the state chiropractic board, the court may 811  
grant a suspension and fix its terms if it appears to the court 812  
that an unusual hardship to the appellant will result from the 813  
execution of the agency's order pending determination of the 814  
appeal and the health, safety, and welfare of the public will 815  
not be threatened by suspension of the order. This provision 816  
shall not be construed to limit the factors the court may 817  
consider in determining whether to suspend an order of any other 818  
agency pending determination of an appeal. 819

(F) The final order of adjudication may apply to any 820  
renewal of a license or permit which has been granted during the 821  
period of the appeal. 822

(G) Notwithstanding any other provision of this section, 823  
any order issued by a court of common pleas or a court of 824  
appeals suspending the effect of an order of the liquor control 825  
commission issued pursuant to Chapter 4301. or 4303. of the 826  
Revised Code that suspends, revokes, or cancels a permit issued 827  
under Chapter 4303. of the Revised Code or that allows the 828  
payment of a forfeiture under section 4301.252 of the Revised 829  
Code shall terminate not more than six months after the date of 830  
the filing of the record of the liquor control commission with 831  
the clerk of the court of common pleas and shall not be 832  
extended. The court of common pleas, or the court of appeals on 833  
appeal, shall render a judgment in that matter within six months 834  
after the date of the filing of the record of the liquor control 835  
commission with the clerk of the court of common pleas. A court 836  
of appeals shall not issue an order suspending the effect of an 837

order of the liquor control commission that extends beyond six 838  
months after the date on which the record of the liquor control 839  
commission is filed with a court of common pleas. 840

(H) Notwithstanding any other provision of this section, 841  
any order issued by a court of common pleas or a court of 842  
appeals suspending the effect of an order of the Ohio casino 843  
control commission issued under Chapter 3769., 3771., 3772., or 844  
3775. or sections 3770.21 to 3770.22 of the Revised Code that 845  
limits, conditions, restricts, suspends, revokes, denies, not 846  
renews, fines, or otherwise penalizes an applicant, a licensee, 847  
or a person excluded or ejected from a casino facility gaming in 848  
accordance with section 3772.031 of the Revised Code shall 849  
terminate not more than six months after the date of the filing 850  
of the record of the Ohio casino control commission with the 851  
clerk of the court of common pleas and shall not be extended. 852  
The court of common pleas, or the court of appeals on appeal, 853  
shall render a judgment in that matter within six months after 854  
the date of the filing of the record of the Ohio casino control 855  
commission with the clerk of the court of common pleas. A court 856  
of appeals shall not issue an order suspending the effect of an 857  
order of the Ohio casino control commission that extends beyond 858  
six months after the date on which the record of the Ohio casino 859  
control commission is filed with the clerk of a court of common 860  
pleas. 861

(I) Notwithstanding any other provision of this section, 862  
any order issued by a court of common pleas suspending the 863  
effect of an order of the state medical board or state 864  
chiropractic board that limits, revokes, suspends, places on 865  
probation, or refuses to register or reinstate a certificate 866  
issued by the board or reprimands the holder of the certificate 867  
shall terminate not more than fifteen months after the date of 868

the filing of a notice of appeal in the court of common pleas, 869  
or upon the rendering of a final decision or order in the appeal 870  
by the court of common pleas, whichever occurs first. 871

(J) Within thirty days after receipt of a notice of appeal 872  
from an order in any case in which a hearing is required by 873  
sections 119.01 to 119.13 of the Revised Code, the agency shall 874  
prepare and certify to the court a complete record of the 875  
proceedings in the case. Failure of the agency to comply within 876  
the time allowed, upon motion, shall cause the court to enter a 877  
finding in favor of the party adversely affected. Additional 878  
time, however, may be granted by the court, not to exceed thirty 879  
days, when it is shown that the agency has made substantial 880  
effort to comply. The record shall be prepared and transcribed, 881  
and the expense of it shall be taxed as a part of the costs on 882  
the appeal. The appellant shall provide security for costs 883  
satisfactory to the court of common pleas. Upon demand by any 884  
interested party, the agency shall furnish at the cost of the 885  
party requesting it a copy of the stenographic report of 886  
testimony offered and evidence submitted at any hearing and a 887  
copy of the complete record. 888

(K) Notwithstanding any other provision of this section, 889  
any party desiring to appeal an order or decision of the state 890  
personnel board of review shall, at the time of filing a notice 891  
of appeal with the board, provide a security deposit in an 892  
amount and manner prescribed in rules that the board shall adopt 893  
in accordance with this chapter. In addition, the board is not 894  
required to prepare or transcribe the record of any of its 895  
proceedings unless the appellant has provided the deposit 896  
described above. The failure of the board to prepare or 897  
transcribe a record for an appellant who has not provided a 898  
security deposit shall not cause a court to enter a finding 899

adverse to the board. 900

(L) Unless otherwise provided by law, in the hearing of 901  
the appeal, the court is confined to the record as certified to 902  
it by the agency. Unless otherwise provided by law, the court 903  
may grant a request for the admission of additional evidence 904  
when satisfied that the additional evidence is newly discovered 905  
and could not with reasonable diligence have been ascertained 906  
prior to the hearing before the agency. 907

(M) The court shall conduct a hearing on the appeal and 908  
shall give preference to all proceedings under sections 119.01 909  
to 119.13 of the Revised Code, over all other civil cases, 910  
irrespective of the position of the proceedings on the calendar 911  
of the court. An appeal from an order of the state medical board 912  
issued pursuant to division (G) of either section 4730.25 or 913  
4731.22 of the Revised Code, the state chiropractic board issued 914  
pursuant to section 4734.37 of the Revised Code, the liquor 915  
control commission issued pursuant to Chapter 4301. or 4303. of 916  
the Revised Code, or the Ohio casino control commission issued 917  
pursuant to Chapter 3772. of the Revised Code shall be set down 918  
for hearing at the earliest possible time and takes precedence 919  
over all other actions. The hearing in the court of common pleas 920  
shall proceed as in the trial of a civil action, and the court 921  
shall determine the rights of the parties in accordance with the 922  
laws applicable to a civil action. At the hearing, counsel may 923  
be heard on oral argument, briefs may be submitted, and evidence 924  
may be introduced if the court has granted a request for the 925  
presentation of additional evidence. 926

(N) The court may affirm the order of the agency 927  
complained of in the appeal if it finds, upon consideration of 928  
the entire record and any additional evidence the court has 929

admitted, that the order is supported by reliable, probative, 930  
and substantial evidence and is in accordance with law. In the 931  
absence of this finding, it may reverse, vacate, or modify the 932  
order or make such other ruling as is supported by reliable, 933  
probative, and substantial evidence and is in accordance with 934  
law. The court shall award compensation for fees in accordance 935  
with section 2335.39 of the Revised Code to a prevailing party, 936  
other than an agency, in an appeal filed pursuant to this 937  
section. 938

(O) The judgment of the court shall be final and 939  
conclusive unless reversed, vacated, or modified on appeal. 940  
These appeals may be taken either by the party or the agency, 941  
shall proceed as in the case of appeals in civil actions, and 942  
shall be pursuant to the Rules of Appellate Procedure and, to 943  
the extent not in conflict with those rules, Chapter 2505. of 944  
the Revised Code. An appeal by the agency shall be taken on 945  
questions of law relating to the constitutionality, 946  
construction, or interpretation of statutes and rules of the 947  
agency, and, in the appeal, the court may also review and 948  
determine the correctness of the judgment of the court of common 949  
pleas that the order of the agency is not supported by any 950  
reliable, probative, and substantial evidence in the entire 951  
record. 952

The court shall certify its judgment to the agency or take 953  
any other action necessary to give its judgment effect. 954

**Sec. 121.95.** (A) As used in sections 121.95, 121.951, 955  
121.952, 121.953, and 121.954 of the Revised Code, "state 956  
agency" means an administrative department created under section 957  
121.02 of the Revised Code, an administrative department head 958  
appointed under section 121.03 of the Revised Code, and a state 959



agency organized under an administrative department or 960  
administrative department head. "State agency" also includes the 961  
department of education and workforce, the state lottery 962  
commission, the Ohio casino control commission, ~~the state racing~~ 963  
~~commission,~~ and the public utilities commission of Ohio. Rules 964  
adopted by an otherwise independent official or entity organized 965  
under a state agency shall be attributed to the agency under 966  
which the official or entity is organized for the purposes of 967  
sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the 968  
Revised Code. 969

(B) Not later than December 31, 2019, a state agency shall 970  
review its existing rules to identify rules having one or more 971  
regulatory restrictions that require or prohibit an action and 972  
prepare a base inventory of the regulatory restrictions in its 973  
existing rules. Rules that include the words "shall," "must," 974  
"require," "shall not," "may not," and "prohibit" shall be 975  
considered to contain regulatory restrictions. 976

(C) In the base inventory, the state agency shall indicate 977  
all of the following concerning each regulatory restriction: 978

(1) A description of the regulatory restriction; 979

(2) The rule number of the rule in which the regulatory 980  
restriction appears; 981

(3) The statute under which the regulatory restriction was 982  
adopted; 983

(4) Whether state or federal law expressly and 984  
specifically requires the agency to adopt the regulatory 985  
restriction or the agency adopted the regulatory restriction 986  
under the agency's general authority; 987

(5) Whether removing the regulatory restriction would 988

require a change to state or federal law, provided that removing 989  
a regulatory restriction adopted under a law granting the agency 990  
general authority shall be presumed not to require a change to 991  
state or federal law; 992

(6) Any other information the joint committee on agency 993  
rule review considers necessary. 994

(D) The state agency shall compute and state the total 995  
number of regulatory restrictions indicated in the base 996  
inventory, shall post the base inventory on its web site, and 997  
shall electronically transmit a copy of the inventory to the 998  
joint committee. The joint committee shall review the base 999  
inventory, then transmit it electronically to the speaker of the 1000  
house of representatives and the president of the senate. 1001

(E) The following types of rules or regulatory 1002  
restrictions are not required to be included in a state agency's 1003  
inventory of regulatory restrictions: 1004

(1) An internal management rule; 1005

(2) An emergency rule; 1006

(3) A rule that state or federal law requires the state 1007  
agency to adopt verbatim; 1008

(4) A regulatory restriction contained in materials or 1009  
documents incorporated by reference into a rule pursuant to 1010  
sections 121.71 to 121.75 of the Revised Code; 1011

(5) A rule adopted pursuant to section 1347.15 of the 1012  
Revised Code; 1013

(6) A rule concerning instant lottery games; 1014

(7) A rule adopted by the Ohio casino control commission 1015

or the state lottery commission concerning sports gaming; 1016

(8) Any other rule that is not subject to review under 1017  
Chapter 106. of the Revised Code; 1018

(9) Any rule that is adopted as a requirement for the 1019  
state agency to obtain or maintain accreditation or 1020  
certification from a multistate organization consisting of at 1021  
least forty-five participating states. 1022

(F) Beginning on October 17, 2019, and ending on June 30, 1023  
2025, a state agency may not adopt a new regulatory restriction 1024  
unless it simultaneously removes two or more other existing 1025  
regulatory restrictions. The state agency may not satisfy this 1026  
section by merging two or more existing regulatory restrictions 1027  
into a single surviving regulatory restriction. 1028

**Sec. 131.02.** (A) Except as otherwise provided in section 1029  
4123.37, section 5703.061, and division (K) of section 4123.511 1030  
of the Revised Code, whenever any amount is payable to the 1031  
state, the officer, employee, or agent responsible for 1032  
administering the law under which the amount is payable shall 1033  
immediately proceed to collect the amount or cause the amount to 1034  
be collected and shall pay the amount into the state treasury or 1035  
into the appropriate custodial fund in the manner set forth 1036  
pursuant to section 113.08 of the Revised Code. Except as 1037  
otherwise provided in this division, if the amount is not paid 1038  
within forty-five days after payment is due, the officer, 1039  
employee, or agent shall certify the amount due to the attorney 1040  
general, in the form and manner prescribed by the attorney 1041  
general. In the case of an amount payable by a student enrolled 1042  
in a state institution of higher education, the amount shall be 1043  
certified within the later of forty-five days after the amount 1044  
is due or the tenth day after the beginning of the next academic 1045

semester, quarter, or other session following the session for 1046  
which the payment is payable. The attorney general may assess 1047  
the collection cost to the amount certified in such manner and 1048  
amount as prescribed by the attorney general. If an amount 1049  
payable to a political subdivision is past due, the political 1050  
subdivision may, with the approval of the attorney general, 1051  
certify the amount to the attorney general pursuant to this 1052  
section. 1053

For the purposes of this section, the attorney general and 1054  
the officer, employee, or agent responsible for administering 1055  
the law under which the amount is payable shall agree on the 1056  
time a payment is due, and that agreed upon time shall be one of 1057  
the following times: 1058

(1) If a law, including an administrative rule, of this 1059  
state prescribes the time a payment is required to be made or 1060  
reported, when the payment is required by that law to be paid or 1061  
reported. 1062

(2) If the payment is for services rendered, when the 1063  
rendering of the services is completed. 1064

(3) If the payment is reimbursement for a loss, when the 1065  
loss is incurred. 1066

(4) In the case of a fine or penalty for which a law or 1067  
administrative rule does not prescribe a time for payment, when 1068  
the fine or penalty is first assessed. 1069

(5) If the payment arises from a legal finding, judgment, 1070  
or adjudication order, when the finding, judgment, or order is 1071  
rendered or issued. 1072

(6) If the payment arises from an overpayment of money by 1073  
the state to another person, when the overpayment is discovered. 1074

(7) The date on which the amount for which an individual  
is personally liable under section 5735.35, section 5739.33, or  
division (G) of section 5747.07 of the Revised Code is  
determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the attorney  
general and the officer, employee, or agent responsible for  
administering the law under which the amount is payable on the  
basis of statutory requirements or ordinary business processes  
of the agency, institution, or political subdivision to which  
the payment is owed.

(B) (1) The attorney general shall give immediate notice by  
mail or otherwise to the party indebted of the nature and amount  
of the indebtedness.

(2) If the amount payable to this state arises from a tax  
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the  
Revised Code, the notice also shall specify all of the  
following:

(a) The assessment or case number;

(b) The tax pursuant to which the assessment is made;

(c) The reason for the liability, including, if  
applicable, that a penalty or interest is due;

(d) An explanation of how and when interest will be added  
to the amount assessed;

(e) That the attorney general and tax commissioner, acting  
together, have the authority, but are not required, to  
compromise the claim and accept payment over a reasonable time,  
if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure 1103  
a judgment and issue an execution for its collection. 1104

(D) Each claim shall bear interest, from the day on which 1105  
the claim became due, at the rate per annum required by section 1106  
5703.47 of the Revised Code. 1107

(E) The attorney general and the chief officer of the 1108  
agency reporting a claim, acting together, may do any of the 1109  
following if such action is in the best interests of the state: 1110

(1) Compromise the claim; 1111

(2) Extend for a reasonable period the time for payment of 1112  
the claim by agreeing to accept monthly or other periodic 1113  
payments. The agreement may require security for payment of the 1114  
claim. 1115

(3) Add fees to recover the cost of processing checks or 1116  
other draft instruments returned for insufficient funds and the 1117  
cost of providing electronic payment options. 1118

(F) (1) Except as provided in division (F) (2) of this 1119  
section, if the attorney general finds, after investigation, 1120  
that any claim due and owing to the state is uncollectible, the 1121  
attorney general, with the consent of the chief officer of the 1122  
agency reporting the claim, may do the following: 1123

(a) Sell, convey, or otherwise transfer the claim to one 1124  
or more private entities for collection; 1125

(b) Cancel the claim or cause it to be canceled. 1126

(2) The attorney general shall cancel or cause to be 1127  
canceled an unsatisfied claim on the date that is forty years 1128  
after the date the claim is certified, unless the attorney 1129  
general has adopted a rule under division (F) (5) of this section 1130

shortening this time frame with respect to a subset of claims. 1131

(3) No initial action shall be commenced to collect any 1132  
tax payable to the state that is administered by the tax 1133  
commissioner, whether or not such tax is subject to division (B) 1134  
of this section, or any penalty, interest, or additional charge 1135  
on such tax, after the expiration of the period ending on the 1136  
later of the dates specified in divisions (F) (3) (a) and (b) of 1137  
this section, provided that such period shall be extended by the 1138  
period of any stay to such collection or by any other period to 1139  
which the parties mutually agree. If the initial action in aid 1140  
of execution is commenced before the later of the dates 1141  
specified in divisions (F) (3) (a) and (b) of this section, any 1142  
and all subsequent actions may be pursued in aid of execution of 1143  
judgment for as long as the debt exists. 1144

(a) Seven years after the assessment of the tax, penalty, 1145  
interest, or additional charge is issued. 1146

(b) Four years after the assessment of the tax, penalty, 1147  
interest, or additional charge becomes final. For the purposes 1148  
of division (F) (3) (b) of this section, the assessment becomes 1149  
final at the latest of the following: upon expiration of the 1150  
period to petition for reassessment, or if applicable, to appeal 1151  
a final determination of the commissioner or decision of the 1152  
board of tax appeals or a court, or, if applicable, upon 1153  
decision of the United States supreme court. 1154

For the purposes of division (F) (3) of this section, an 1155  
initial action to collect a tax debt is commenced at the time 1156  
when a certified copy of the tax commissioner's entry making an 1157  
assessment final has been filed in the office of the clerk of 1158  
court of common pleas in the county in which the taxpayer 1159  
resides or has its principal place of business in this state, or 1160

in the office of the clerk of court of common pleas of Franklin 1161  
county, as provided in section 5739.13, 5741.14, 5747.13, or 1162  
5751.09 of the Revised Code or in any other applicable law 1163  
requiring such a filing. If an assessment has not been issued 1164  
and there is no time limitation on the issuance of an assessment 1165  
under applicable law, an action to collect a tax debt commences 1166  
when the action is filed in the courts of this state to collect 1167  
the liability. 1168

(4) If information contained in a claim that is sold, 1169  
conveyed, or transferred to a private entity pursuant to this 1170  
section is confidential pursuant to federal law or a section of 1171  
the Revised Code that implements a federal law governing 1172  
confidentiality, such information remains subject to that law 1173  
during and following the sale, conveyance, or transfer. 1174

(5) The attorney general may adopt rules to aid in the 1175  
implementation of this section. 1176

(G) The attorney general shall develop and implement a 1177  
real time data match program and make it available to all of the 1178  
following persons to identify patrons who owe amounts to the 1179  
state or a political subdivision pursuant to sections 3770.073 1180  
and 3772.37 of the Revised Code: 1181

(1) Each permit holder operating under Chapter 3769. of 1182  
the Revised Code; 1183

(2) The state lottery commission; 1184

(3) Each video lottery sales agent operating under 1185  
sections 3770.21 to 3770.22 of the Revised Code; 1186

(4) Each internet gambling operator operating under 1187  
Chapter 3771. of the Revised Code; 1188



(5) Each casino operator and management company operating 1189  
under Chapter 3772. of the Revised Code; 1190

(6) Each sports gaming proprietor operating under Chapter 1191  
3775. of the Revised Code. 1192

**Sec. 718.031.** As used in this section, ~~"sports :~~ 1193

"Permit holder" and "track" have the same meanings as in 1194  
section 3769.01 of the Revised Code. 1195

"Sports gaming facility" and "type B sports gaming 1196  
proprietor" have the same meanings as in section 3775.01 of the 1197  
Revised Code ~~and "lottery .~~ 1198

"Lottery sports gaming," has "video lottery terminal," and 1199  
"video lottery sales agent" have the same meaning ~~meanings~~ as in 1200  
section 3770.23-3770.01 of the Revised Code. 1201

"Casino facility" and "casino operator" have the same 1202  
meanings as in section 3772.01 of the Revised Code. 1203

(A) A municipal corporation shall require the following 1204  
persons to withhold and remit municipal income tax with respect 1205  
to amounts other than qualifying wages as provided in this 1206  
section: 1207

(1) A casino facility or a casino operator, ~~as defined in~~ 1208  
~~Section 6(C) (9) of Article XV, Ohio Constitution, and section~~ 1209  
~~3772.01 of the Revised Code, respectively~~ with respect to 1210  
winnings from casino gaming; 1211

(2) A ~~lottery sales agent conducting video lottery-~~ 1212  
~~terminals on behalf of the state~~ sales agent, with respect to 1213  
winnings from a video lottery terminal at a track; 1214

(3) A type B sports gaming proprietor ~~offering,~~ with 1215

respect to winnings from sports gaming conducted at a sports 1216  
gaming facility; 1217

(4) A permit holder, with respect to winnings from pari- 1218  
mutuel wagering on horse racing conducted in person at a track. 1219

(B) If a person's winnings at a casino facility or sports 1220  
gaming facility described in division (A) of this section are an 1221  
amount for which reporting to the internal revenue service of 1222  
the amount is required by section 6041 of the Internal Revenue 1223  
Code, as amended, a casino operator or sports gaming proprietor 1224  
the applicable person described in division (A) of this section 1225  
shall deduct and withhold municipal income tax from the person's 1226  
winnings at the rate of the tax imposed by the municipal 1227  
corporation in which the casino facility ~~or,~~ sports gaming 1228  
facility, or track is located. 1229

(C) Amounts deducted and withheld by a casino operator or 1230  
sports gaming proprietor under this section are held in trust 1231  
for the benefit of the municipal corporation to which the tax is 1232  
owed. 1233

(1) On or before the tenth day of each month, the casino 1234  
operator or sports gaming proprietor person conducting the 1235  
withholding shall file a return electronically with the tax 1236  
administrator of the municipal corporation, providing the name, 1237  
address, and social security number of the person from whose 1238  
winnings amounts were deducted and withheld, the amount of each 1239  
such deduction and withholding during the preceding calendar 1240  
month, the amount of the winnings from which each such amount 1241  
was withheld, the type of casino gaming or sports gaming that 1242  
resulted in such winnings, and any other information required by 1243  
the tax administrator. With this return, the casino operator or 1244  
sports gaming proprietor person conducting the withholding shall 1245

remit electronically to the municipal corporation all amounts 1246  
deducted and withheld during the preceding month. 1247

(2) Annually, on or before the thirty-first day of 1248  
January, ~~a casino operator or sports gaming proprietor~~ the 1249  
person conducting the withholding shall file an annual return 1250  
electronically with the tax administrator of the municipal 1251  
corporation in which the casino facility ~~or~~ , sports gaming 1252  
facility, or track is located, indicating the total amount 1253  
deducted and withheld during the preceding calendar year. The 1254  
~~casino operator or sports gaming proprietor~~ person conducting 1255  
the withholding shall remit electronically with the annual 1256  
return any amount that was deducted and withheld and that was 1257  
not previously remitted. If the name, address, or social 1258  
security number of a person or the amount deducted and withheld 1259  
with respect to that person was omitted on a monthly return for 1260  
that reporting period, that information shall be indicated on 1261  
the annual return. 1262

(3) Annually, on or before the thirty-first day of 1263  
January, ~~a casino operator or sports gaming proprietor~~ the 1264  
person conducting the withholding shall issue an information 1265  
return to each person with respect to whom an amount has been 1266  
deducted and withheld during the preceding calendar year. The 1267  
information return shall show the total amount of municipal 1268  
income tax deducted from the person's winnings during the 1269  
preceding year. The ~~casino operator or sports gaming proprietor~~ 1270  
person conducting the withholding shall provide to the tax 1271  
administrator a copy of each information return issued under 1272  
this division. The administrator may require that such copies be 1273  
transmitted electronically. 1274

(4) A ~~casino operator or sports gaming proprietor~~ person 1275

described in division (A) of this section that fails to file a 1276  
return and remit the amounts deducted and withheld shall be 1277  
personally liable for the amount withheld and not remitted. Such 1278  
personal liability extends to any penalty and interest imposed 1279  
for the late filing of a return or the late payment of tax 1280  
deducted and withheld. 1281

(5) If a ~~casino operator or sports gaming proprietor~~ 1282  
person described in division (A) of this section sells the 1283  
casino facility ~~or, sports gaming facility, or track or~~ 1284  
otherwise quits the ~~casino or sports gaming applicable~~ business, 1285  
the amounts deducted and withheld along with any penalties and 1286  
interest thereon are immediately due and payable. The successor 1287  
shall withhold an amount of the purchase money that is 1288  
sufficient to cover the amounts deducted and withheld along with 1289  
any penalties and interest thereon until the predecessor ~~casino-~~ 1290  
~~operator or sports gaming proprietor~~ produces either of the 1291  
following: 1292

(a) A receipt from the tax administrator showing that the 1293  
amounts deducted and withheld and penalties and interest thereon 1294  
have been paid; 1295

(b) A certificate from the tax administrator indicating 1296  
that no amounts are due. 1297

If the successor fails to withhold purchase money, the 1298  
successor is personally liable for the payment of the amounts 1299  
deducted and withheld and penalties and interest thereon. 1300

(6) The failure of a ~~casino operator or sports gaming~~ 1301  
~~proprietor~~ person described in division (A) of this section to 1302  
deduct and withhold the required amount from a person's winnings 1303  
does not relieve that person from liability for the municipal 1304

income tax with respect to those winnings. 1305

~~(D) If a person's prize award from a video lottery terminal or from lottery sports gaming offered in a video lottery terminal facility is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's prize award at the rate of the tax imposed by the municipal corporation in which the video lottery terminal facility is located.~~ 1306  
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~~(E) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the municipal corporation to which the tax is owed.~~ 1315  
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~~(1) The video lottery sales agent shall issue to a person from whose prize award an amount has been deducted and withheld a receipt for the amount deducted and withheld, and shall obtain from the person receiving a prize award the person's name, address, and social security number in order to facilitate the preparation of returns required by this section.~~ 1318  
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~~(2) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the tax administrator of the municipal corporation providing the names, addresses, and social security numbers of the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the prize award from which each such amount was withheld, and any other information required by the tax administrator. With the return, the video lottery sales agent shall remit electronically to the tax administrator all amounts deducted and withheld during the~~ 1324  
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~~preceding month.~~ 1335

~~(3) A video lottery sales agent shall maintain a record of 1336  
all receipts issued under division (E) of this section and shall 1337  
make those records available to the tax administrator upon 1338  
request. Such records shall be maintained in accordance with 1339  
section 5747.17 of the Revised Code and any rules adopted 1340  
pursuant thereto. 1341~~

~~(4) Annually, on or before the thirty-first day of 1342  
January, each video lottery terminal sales agent shall file an 1343  
annual return electronically with the tax administrator of the 1344  
municipal corporation in which the facility is located 1345  
indicating the total amount deducted and withheld during the 1346  
preceding calendar year. The video lottery sales agent shall 1347  
remit electronically with the annual return any amount that was 1348  
deducted and withheld and that was not previously remitted. If 1349  
the name, address, or social security number of a person or the 1350  
amount deducted and withheld with respect to that person was 1351  
omitted on a monthly return for that reporting period, that 1352  
information shall be indicated on the annual return. 1353~~

~~(5) Annually, on or before the thirty-first day of 1354  
January, a video lottery sales agent shall issue an information 1355  
return to each person with respect to whom an amount has been 1356  
deducted and withheld during the preceding calendar year. The 1357  
information return shall show the total amount of municipal 1358  
income tax deducted and withheld from the person's prize award 1359  
by the video lottery sales agent during the preceding year. A 1360  
video lottery sales agent shall provide to the tax administrator 1361  
of the municipal corporation a copy of each information return 1362  
issued under this division. The tax administrator may require 1363  
that such copies be transmitted electronically. 1364~~

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

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

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

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

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

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

~~(H) If a casino operator, sports gaming proprietor, or lottery sales agent person described in division (A) of this~~

section files a return late, fails to file a return, remits 1394  
amounts deducted and withheld late, or fails to remit amounts 1395  
deducted and withheld as required under this section, the tax 1396  
administrator of a municipal corporation may impose the 1397  
following applicable penalty: 1398

(1) For the late remittance of, or failure to remit, tax 1399  
deducted and withheld under this section, a penalty equal to 1400  
fifty per cent of the tax deducted and withheld; 1401

(2) For the failure to file, or the late filing of, a 1402  
monthly or annual return, a penalty of five hundred dollars for 1403  
each return not filed or filed late. Interest shall accrue on 1404  
past due amounts deducted and withheld at the rate prescribed in 1405  
section 5703.47 of the Revised Code. 1406

~~(I)~~ (E) Amounts deducted and withheld on behalf of a 1407  
municipal corporation shall be allowed as a credit against 1408  
payment of the tax imposed by the municipal corporation and 1409  
shall be treated as taxes paid for purposes of section 718.08 of 1410  
the Revised Code. This division applies only to the person for 1411  
whom the amount is deducted and withheld. 1412

~~(J)~~ (F) The tax administrator shall prescribe the forms of 1413  
the receipts and returns required under this section. 1414

**Sec. 959.05.** No person shall administer to any animal 1415  
within forty-eight hours prior to the time that the animal 1416  
competes at a fair or exhibition conducted by a county or 1417  
independent agricultural society authorized under Chapter 1711. 1418  
of the Revised Code or by the Ohio expositions commission any 1419  
drug or medicament not specifically permitted under rules of the 1420  
~~state racing~~ Ohio casino control commission promulgated pursuant 1421  
to Chapter 3769. of the Revised Code or under rules of the 1422



society, in respect to a county or independent agricultural 1423  
society, or of the Ohio expositions commission, in respect to 1424  
the Ohio state fair. This section does not apply to any horse 1425  
racing meeting conducted under a permit issued pursuant to 1426  
Chapter 3769. of the Revised Code. 1427

**Sec. 1309.109.** (A) Except as otherwise provided in 1428  
divisions (C) and (D) of this section, this chapter applies to 1429  
the following: 1430

(1) A transaction, regardless of its form, that creates a 1431  
security interest in personal property or fixtures by contract; 1432

(2) An agricultural lien; 1433

(3) A sale of accounts, chattel paper, payment 1434  
intangibles, or promissory notes; 1435

(4) A consignment; 1436

(5) A security interest arising under section 1302.42 or 1437  
1302.49, division (C) of section 1302.85, or division (E) of 1438  
section 1310.54 of the Revised Code, as provided in section 1439  
1309.110 of the Revised Code; and 1440

(6) A security interest arising under section 1304.20 or 1441  
1305.18 of the Revised Code. 1442

(B) The application of this chapter to a security interest 1443  
in a secured obligation is not affected by the fact that the 1444  
obligation is itself secured by a transaction or interest to 1445  
which this chapter does not apply. 1446

(C) This chapter does not apply to the extent that: 1447

(1) A statute, regulation, or treaty of the United States 1448  
preempts this chapter; or 1449

(2) The rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under section 1305.13 of the Revised Code.

(D) This chapter does not apply to the following:

(1) A landlord's lien, other than an agricultural lien;

(2) (a) A lien, not enumerated in division (D) (2) of this section and other than an agricultural lien, given by statute or other rule of law for services or materials, including any lien created under any provision of Chapter 926., sections 1311.55 to 1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter 4585. of the Revised Code;

(b) Notwithstanding division (D) (2) (a) of this section, section 1309.333 of the Revised Code applies with respect to priority of the lien.

(3) An assignment of a claim for wages, salary, or other compensation of an employee;

(4) A sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;

(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;

(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;

(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;

(8) A transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds;

(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;

(10) A right of recoupment or set-off, but:

(a) Section 1309.340 of the Revised Code applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and

(b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor.

(11) The creation or transfer of an interest in or lien on real property, including a lease or rents under a lease, except to the extent that provision is made for:

(a) Liens on real property in sections 1309.203 and 1309.308 of the Revised Code;

(b) Fixtures in section 1309.334 of the Revised Code;

(c) Fixture filings in sections 1309.501, 1309.502, 1309.512, 1309.516, and 1309.519 of the Revised Code; and

(d) Security agreements covering personal and real property in section 1309.604 of the Revised Code.

(12) An assignment of a claim arising in tort, other than a commercial tort claim, but sections 1309.315 and 1309.322 of

the Revised Code apply with respect to proceeds and priorities 1505  
in proceeds; 1506

(13) An assignment of a deposit account in a consumer 1507  
transaction, but sections 1309.315 and 1309.322 of the Revised 1508  
Code apply with respect to proceeds and priorities in proceeds; 1509  
or 1510

(14) A transfer by a government, state, or governmental 1511  
unit. 1512

(E) The granting of a security interest in all or any part 1513  
of a lottery prize award for consideration is subject to the 1514  
prohibition of division (C) of section 3770.07 of the Revised 1515  
Code. The sale, assignment, or other redirection of a lottery 1516  
prize award for consideration is subject to the provisions of 1517  
division (D) of section 3770.07 and sections ~~3770.10~~ 3770.11 to 1518  
3770.14 of the Revised Code. 1519

**Sec. 1711.09.** (A) Except as otherwise provided in this 1520  
section, county agricultural societies, independent agricultural 1521  
societies, and the Ohio expositions commission shall not permit 1522  
during any fair, or for one week before or three days after any 1523  
fair, any dealing in spirituous liquors, or at any time allow or 1524  
tolerate immoral shows, lottery devices, games of chance, or 1525  
gambling of any kind, including pool selling and paddle wheels, 1526  
anywhere on the fairground. 1527

(B) A county or independent agricultural society or the 1528  
Ohio expositions commission shall not permit a person at any 1529  
time to operate any side show, amusement, game, or device, or 1530  
offer for sale any novelty by auction or solicitation, on the 1531  
fairground who has not first obtained from the director of 1532  
agriculture a license under section 1711.11 of the Revised Code. 1533

(C) This section does not prohibit the sale of lottery tickets by the state lottery commission pursuant to Chapter 3770. of the Revised Code at the state fairground during the state fair. In addition, a county or independent agricultural society may permit, at any time except during a fair or for one week before or three days after a fair, a charitable organization to conduct in accordance with Chapter ~~2915.~~3768. of the Revised Code games of chance or bingo on the fairground of any county. A charitable organization may lease all or part of the fairground from the agricultural society for that purpose.

(D) Any sales of intoxicating liquor transacted on the fairground is subject to Chapters 4301., 4303., and 4399. of the Revised Code.

**Sec. 1716.21.** (A) (1) Except as provided in division (B) of this section or as specifically required or authorized by federal law, no agency or official of this state shall impose any filing or reporting requirement on a charitable organization, regulated or specifically exempted from regulation under Chapter 1716. of the Revised Code, that is more stringent, restrictive, or expansive than the requirements explicitly authorized by the Revised Code.

(2) Division (A) (1) of this section shall not be construed as repealing or otherwise negating any rule or requirement already in existence as of ~~the effective date of this section~~ September 30, 2021.

(3) Division (A) (1) of this section shall not be construed as negating or limiting any of the following:

(a) Any civil or criminal right, claim, or defense that

the attorney general may assert under the Revised Code or common law;	1563 1564
(b) The authority of the attorney general to institute and prosecute an action to enforce any provision of the Revised Code the attorney general is authorized to enforce;	1565 1566 1567
(c) The independent authority of the attorney general to protect charitable assets in this state.	1568 1569
(B) This section does not apply to any of the following:	1570
(1) State grants and contracts;	1571
(2) Fraud investigations;	1572
(3) Any enforcement action taken against a specific charitable organization;	1573 1574
(4) Settlement agreements;	1575
(5) Assurances of discontinuance;	1576
(6) Court judgments;	1577
(7) Entities operating under Chapter <del>2915.</del> <u>3768.</u> of the Revised Code.	1578 1579
<b>Sec. 2915.01.</b> As used in this chapter:	1580
(A) "Bookmaking" means the business of receiving or paying off bets.	1581 1582
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	1583 1584 1585
(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code,	1586 1587 1588

numbers game, pool conducted for profit, or other scheme in 1589  
which a participant gives a valuable consideration for a chance 1590  
to win a prize, but does not include bingo, a skill-based 1591  
amusement machine, internet gambling authorized under Chapter 1592  
3771. of the Revised Code, or a pool not conducted for profit. 1593  
"Scheme of chance" includes the use of an electronic device to 1594  
reveal the results of a game entry if valuable consideration is 1595  
paid, directly or indirectly, for a chance to win a prize. 1596  
Valuable consideration is deemed to be paid for a chance to win 1597  
a prize in the following instances: 1598

(1) Less than fifty per cent of the goods or services sold 1599  
by a scheme of chance operator in exchange for game entries are 1600  
used or redeemed by participants at any one location; 1601

(2) Less than fifty per cent of participants who purchase 1602  
goods or services at any one location do not accept, use, or 1603  
redeem the goods or services sold or purportedly sold; 1604

(3) More than fifty per cent of prizes at any one location 1605  
are revealed to participants through an electronic device 1606  
simulating a game of chance or a "casino game" as defined in 1607  
section 3772.01 of the Revised Code; 1608

(4) The good or service sold by a scheme of chance 1609  
operator in exchange for a game entry cannot be used or redeemed 1610  
in the manner advertised; 1611

(5) A participant pays more than fair market value for 1612  
goods or services offered by a scheme of chance operator in 1613  
order to receive one or more game entries; 1614

(6) A participant may use the electronic device to 1615  
purchase additional game entries; 1616

(7) A participant may purchase additional game entries by 1617

using points or credits won as prizes while using the electronic 1618  
device; 1619

(8) A scheme of chance operator pays out in prize money 1620  
more than twenty per cent of the gross revenue received at one 1621  
location; or 1622

(9) A participant makes a purchase or exchange in order to 1623  
obtain any good or service that may be used to facilitate play 1624  
on the electronic device. 1625

As used in this division, "electronic device" means a 1626  
mechanical, video, digital, or electronic machine or device that 1627  
is capable of displaying information on a screen or other 1628  
mechanism and that is owned, leased, or otherwise possessed by 1629  
any person conducting a scheme of chance, or by that person's 1630  
partners, affiliates, subsidiaries, or contractors. "Electronic 1631  
device" does not include an electronic instant bingo system. 1632

(D) "Game of chance" means poker, craps, roulette, or 1633  
other game in which a player gives anything of value in the hope 1634  
of gain, the outcome of which is determined largely by chance, 1635  
but does not include bingo. 1636

(E) "Game of chance conducted for profit" means any game 1637  
of chance designed to produce income for the person who conducts 1638  
or operates the game of chance, but does not include bingo. 1639

(F) "Gambling device" means any of the following: 1640

(1) A book, totalizer, or other equipment for recording 1641  
bets; 1642

(2) A ticket, token, or other device representing a 1643  
chance, share, or interest in a scheme of chance or evidencing a 1644  
bet; 1645



(3) A deck of cards, dice, gaming table, roulette wheel, 1646  
slot machine, or other apparatus designed for use in connection 1647  
with a game of chance; 1648

(4) Any equipment, device, apparatus, or paraphernalia 1649  
specially designed for gambling purposes; 1650

(5) Bingo supplies sold or otherwise provided, or used, in 1651  
violation of ~~this chapter~~ Chapter 3768. of the Revised Code. 1652

(G) "Gambling offense" means any of the following: 1653

(1) A violation of this chapter; 1654

(2) A violation of an existing or former municipal 1655  
ordinance or law of this or any other state or the United States 1656  
substantially equivalent to any provision of this chapter or a 1657  
violation of section 2915.06 of the Revised Code as it existed 1658  
prior to July 1, 1996; 1659

(3) An offense under an existing or former municipal 1660  
ordinance or law of this or any other state or the United 1661  
States, of which gambling is an element; 1662

(4) A conspiracy or attempt to commit, or complicity in 1663  
committing, any offense under division (G) (1), (2), or (3) of 1664  
this section. 1665

(H) ~~Except as otherwise provided in this chapter,~~ 1666  
~~"charitable organization" means either of the following:~~ 1667

~~(1) An organization that is exempt from federal income~~ 1668  
~~taxation under subsection 501(a) and described in subsection~~ 1669  
~~501(c)(3) of the Internal Revenue Code;~~ 1670

~~(2) A volunteer rescue service organization, volunteer~~ 1671  
~~firefighter's organization, veteran's organization, fraternal~~ 1672

~~organization, or sporting organization that is exempt from~~ 1673  
~~federal income taxation under subsection 501(c)(4), (c)(7), (c)~~ 1674  
~~(8), (c)(10), or (c)(19) of the Internal Revenue Code.~~ 1675

~~To qualify as a "charitable organization," an organization~~ 1676  
~~shall have been in continuous existence as such in this state~~ 1677  
~~for a period of two years immediately preceding either the~~ 1678  
~~making of an application for a bingo license under section~~ 1679  
~~2915.08 of the Revised Code or the conducting of any game of~~ 1680  
~~chance as provided in division (D) of section 2915.02 of the~~ 1681  
~~Revised Code.~~ 1682

~~(I) "Religious organization" means any church, body of~~ 1683  
~~communicants, or group that is not organized or operated for~~ 1684  
~~profit and that gathers in common membership for regular worship~~ 1685  
~~and religious observances.~~ 1686

~~(J) "Veteran's organization" means any individual post or~~ 1687  
~~state headquarters of a national veteran's association or an~~ 1688  
~~auxiliary unit of any individual post of a national veteran's~~ 1689  
~~association, which post, state headquarters, or auxiliary unit~~ 1690  
~~is incorporated as a nonprofit corporation and either has~~ 1691  
~~received a letter from the state headquarters of the national~~ 1692  
~~veteran's association indicating that the individual post or~~ 1693  
~~auxiliary unit is in good standing with the national veteran's~~ 1694  
~~association or has received a letter from the national veteran's~~ 1695  
~~association indicating that the state headquarters is in good~~ 1696  
~~standing with the national veteran's association. As used in~~ 1697  
~~this division, "national veteran's association" means any~~ 1698  
~~veteran's association that has been in continuous existence as~~ 1699  
~~such for a period of at least five years and either is~~ 1700  
~~incorporated by an act of the United States congress or has a~~ 1701  
~~national dues-paying membership of at least five thousand~~ 1702

persons.— 1703

~~(K) "Volunteer firefighter's organization" means any~~ 1704  
~~organization of volunteer firefighters, as defined in section~~ 1705  
~~146.01 of the Revised Code, that is organized and operated~~ 1706  
~~exclusively to provide financial support for a volunteer fire~~ 1707  
~~department or a volunteer fire company and that is recognized or~~ 1708  
~~ratified by a county, municipal corporation, or township.~~ 1709

~~(L) "Fraternal organization" means any society, order,~~ 1710  
~~state headquarters, or association within this state, except a~~ 1711  
~~college or high school fraternity, that is not organized for~~ 1712  
~~profit, that is a branch, lodge, or chapter of a national or~~ 1713  
~~state organization, that exists exclusively for the common~~ 1714  
~~business or sodality of its members.~~ 1715

~~(M) "Volunteer rescue service organization" means any~~ 1716  
~~organization of volunteers organized to function as an emergency~~ 1717  
~~medical service organization, as defined in section 4765.01 of~~ 1718  
~~the Revised Code.~~ 1719

~~(N) "Charitable bingo game" means any bingo game described~~ 1720  
~~in division (O) (1) or (2) of this section that is conducted by a~~ 1721  
~~charitable organization that has obtained a license pursuant to~~ 1722  
~~section 2915.08 of the Revised Code and the proceeds of which~~ 1723  
~~are used for a charitable purpose.~~ 1724

~~(O) "Bingo" means either of the following:~~ 1725

~~(1) A game with all of the following characteristics:~~ 1726

~~(a) The participants use bingo cards or sheets, including~~ 1727  
~~paper formats and electronic representation or image formats,~~ 1728  
~~that are divided into twenty-five spaces arranged in five~~ 1729  
~~horizontal and five vertical rows of spaces, with each space,~~ 1730  
~~except the central space, being designated by a combination of a~~ 1731

~~letter and a number and with the central space being designated~~ 1732  
~~as a free space.~~ 1733

~~(b) The participants cover the spaces on the bingo cards~~ 1734  
~~or sheets that correspond to combinations of letters and numbers~~ 1735  
~~that are announced by a bingo game operator.~~ 1736

~~(c) A bingo game operator announces combinations of~~ 1737  
~~letters and numbers that appear on objects that a bingo game~~ 1738  
~~operator selects by chance, either manually or mechanically,~~ 1739  
~~from a receptacle that contains seventy-five objects at the~~ 1740  
~~beginning of each game, each object marked by a different~~ 1741  
~~combination of a letter and a number that corresponds to one of~~ 1742  
~~the seventy-five possible combinations of a letter and a number~~ 1743  
~~that can appear on the bingo cards or sheets.~~ 1744

~~(d) The winner of the bingo game includes any participant~~ 1745  
~~who properly announces during the interval between the~~ 1746  
~~announcements of letters and numbers as described in division~~ 1747  
~~(O) (1) (c) of this section, that a predetermined and preannounced~~ 1748  
~~pattern of spaces has been covered on a bingo card or sheet~~ 1749  
~~being used by the participant.~~ 1750

~~(2) Instant bingo, electronic instant bingo, and raffles,~~ 1751  
~~"instant bingo ticket dispenser," "electronic instant bingo~~ 1752  
~~system," and "Internal Revenue Code" have the same meanings as~~ 1753  
~~in section 3768.01 of the Revised Code.~~ 1754

~~(P) (I) "Conduct" means to back, promote, organize,~~ 1755  
~~manage, carry on, sponsor, or prepare for the operation of bingo~~ 1756  
~~or a game of chance, or a scheme of chance, or a sweepstakes.~~ 1757

~~(Q) "Bingo game operator" means any person, except~~ 1758  
~~security personnel, who performs work or labor at the site of~~ 1759  
~~bingo, including, but not limited to, collecting money from~~ 1760

~~participants, handing out bingo cards or sheets or objects to~~ 1761  
~~cover spaces on bingo cards or sheets, selecting from a~~ 1762  
~~receptacle the objects that contain the combination of letters~~ 1763  
~~and numbers that appear on bingo cards or sheets, calling out~~ 1764  
~~the combinations of letters and numbers, distributing prizes,~~ 1765  
~~selling or redeeming instant bingo tickets or cards, selling or~~ 1766  
~~redeeming electronic instant bingo tickets, credits, or~~ 1767  
~~vouchers, accessing an electronic instant bingo system other~~ 1768  
~~than as a participant, supervising the operation of a punch~~ 1769  
~~board, selling raffle tickets, selecting raffle tickets from a~~ 1770  
~~receptacle and announcing the winning numbers in a raffle, and~~ 1771  
~~preparing, selling, and serving food or beverages. "Bingo game~~ 1772  
~~operator" does not include a person who is installing,~~ 1773  
~~maintaining, updating, or repairing an electronic instant bingo~~ 1774  
~~system.—~~ 1775

~~(R) "Participant" means any person who plays bingo.—~~ 1776

~~(S) "Bingo session" means a period that includes both of~~ 1777  
~~the following:—~~ 1778

~~(1) Not to exceed five continuous hours for the conduct of~~ 1779  
~~one or more games described in division (O) (1) of this section,~~ 1780  
~~instant bingo, and electronic instant bingo;—~~ 1781

~~(2) A period for the conduct of instant bingo and~~ 1782  
~~electronic instant bingo for not more than two hours before and~~ 1783  
~~not more than two hours after the period described in division~~ 1784  
~~(S) (1) of this section.—~~ 1785

~~(T) "Gross receipts" means all money or assets, including~~ 1786  
~~admission fees, that a person receives from bingo without the~~ 1787  
~~deduction of any amounts for prizes paid out or for the expenses~~ 1788  
~~of conducting bingo. "Gross receipts" does not include any money~~ 1789

~~directly taken in from the sale of food or beverages by a~~ 1790  
~~charitable organization conducting bingo, or by a bona fide~~ 1791  
~~auxiliary unit or society of a charitable organization~~ 1792  
~~conducting bingo, provided all of the following apply:~~ 1793

~~(1) The auxiliary unit or society has been in existence as~~ 1794  
~~a bona fide auxiliary unit or society of the charitable~~ 1795  
~~organization for at least two years prior to conducting bingo.~~ 1796

~~(2) The person who purchases the food or beverage receives~~ 1797  
~~nothing of value except the food or beverage and items~~ 1798  
~~customarily received with the purchase of that food or beverage.~~ 1799

~~(3) The food and beverages are sold at customary and~~ 1800  
~~reasonable prices.~~ 1801

~~(U) "Security personnel" includes any person who either is~~ 1802  
~~a sheriff, deputy sheriff, marshal, deputy marshal, township~~ 1803  
~~constable, or member of an organized police department of a~~ 1804  
~~municipal corporation or has successfully completed a peace~~ 1805  
~~officer's training course pursuant to sections 109.71 to 109.79~~ 1806  
~~of the Revised Code and who is hired to provide security for the~~ 1807  
~~premises on which bingo is conducted.~~ 1808

~~(V) "Charitable purpose" means that the net profit of~~ 1809  
~~bingo, other than instant bingo or electronic instant bingo, is~~ 1810  
~~used by, or is given, donated, or otherwise transferred to, any~~ 1811  
~~of the following:~~ 1812

~~(1) Any organization that is described in subsection~~ 1813  
~~509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code~~ 1814  
~~and is either a governmental unit or an organization that is tax~~ 1815  
~~exempt under subsection 501(a) and described in subsection~~ 1816  
~~501(c)(3) of the Internal Revenue Code;~~ 1817

~~(2) A veteran's organization that is a post, chapter, or~~ 1818

~~organization of veterans, or an auxiliary unit or society of, or 1819~~  
~~a trust or foundation for, any such post, chapter, or 1820~~  
~~organization organized in the United States or any of its 1821~~  
~~possessions, at least seventy-five per cent of the members of 1822~~  
~~which are veterans and substantially all of the other members of 1823~~  
~~which are individuals who are spouses, widows, or widowers of 1824~~  
~~veterans, or such individuals, provided that no part of the net 1825~~  
~~earnings of such post, chapter, or organization inures to the 1826~~  
~~benefit of any private shareholder or individual, and further 1827~~  
~~provided that the net profit is used by the post, chapter, or 1828~~  
~~organization for the charitable purposes set forth in division 1829~~  
~~(B) (12) of section 5739.02 of the Revised Code, is used for 1830~~  
~~awarding scholarships to or for attendance at an institution 1831~~  
~~mentioned in division (B) (12) of section 5739.02 of the Revised 1832~~  
~~Code, is donated to a governmental agency, or is used for 1833~~  
~~nonprofit youth activities, the purchase of United States or 1834~~  
~~Ohio flags that are donated to schools, youth groups, or other 1835~~  
~~bona fide nonprofit organizations, promotion of patriotism, or 1836~~  
~~disaster relief; 1837~~

~~(3) A fraternal organization that has been in continuous 1838~~  
~~existence in this state for fifteen years and that uses the net 1839~~  
~~profit exclusively for religious, charitable, scientific, 1840~~  
~~literary, or educational purposes, or for the prevention of 1841~~  
~~cruelty to children or animals, if contributions for such use 1842~~  
~~would qualify as a deductible charitable contribution under 1843~~  
~~subsection 170 of the Internal Revenue Code; 1844~~

~~(4) A volunteer firefighter's organization that uses the 1845~~  
~~net profit for the purposes set forth in division (K) of this 1846~~  
~~section. 1847~~

~~(W) "Internal Revenue Code" means the "Internal Revenue 1848~~

~~Code of 1986, " 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter~~ 1849  
~~amended.—~~ 1850

~~(X) "Youth athletic organization" means any organization,~~ 1851  
~~not organized for profit, that is organized and operated~~ 1852  
~~exclusively to provide financial support to, or to operate,~~ 1853  
~~athletic activities for persons who are twenty-one years of age~~ 1854  
~~or younger by means of sponsoring, organizing, operating, or~~ 1855  
~~contributing to the support of an athletic team, club, league,~~ 1856  
~~or association.—~~ 1857

~~(Y) "Youth athletic park organization" means any~~ 1858  
~~organization, not organized for profit, that satisfies both of~~ 1859  
~~the following:—~~ 1860

~~(1) It owns, operates, and maintains playing fields that~~ 1861  
~~satisfy both of the following:—~~ 1862

~~(a) The playing fields are used for athletic activities by~~ 1863  
~~one or more organizations, not organized for profit, each of~~ 1864  
~~which is organized and operated exclusively to provide financial~~ 1865  
~~support to, or to operate, athletic activities for persons who~~ 1866  
~~are eighteen years of age or younger by means of sponsoring,~~ 1867  
~~organizing, operating, or contributing to the support of an~~ 1868  
~~athletic team, club, league, or association.—~~ 1869

~~(b) The playing fields are not used for any profit-making~~ 1870  
~~activity at any time during the year.—~~ 1871

~~(2) It uses the proceeds of bingo it conducts exclusively~~ 1872  
~~for the operation, maintenance, and improvement of its playing~~ 1873  
~~fields of the type described in division (Y) (1) of this section.~~ 1874

~~(Z) "Bingo supplies" means bingo cards or sheets; instant~~ 1875  
~~bingo tickets or cards; electronic bingo aids; raffle tickets;~~ 1876  
~~punch boards; seal cards; instant bingo ticket dispensers;—~~ 1877



~~electronic instant bingo systems; and devices for selecting or~~ 1878  
~~displaying the combination of bingo letters and numbers or~~ 1879  
~~raffle tickets. Items that are "bingo supplies" are not gambling~~ 1880  
~~devices if sold or otherwise provided, and used, in accordance~~ 1881  
~~with this chapter. For purposes of this chapter, "bingo~~ 1882  
~~supplies" are not to be considered equipment used to conduct a~~ 1883  
~~bingo game.~~ 1884

~~(AA) "Instant bingo" means a form of bingo that shall use~~ 1885  
~~folded or banded tickets or paper cards with perforated break-~~ 1886  
~~open tabs, a face of which is covered or otherwise hidden from~~ 1887  
~~view to conceal a number, letter, or symbol, or set of numbers,~~ 1888  
~~letters, or symbols, some of which have been designated in~~ 1889  
~~advance as prize winners, and may also include games in which~~ 1890  
~~some winners are determined by the random selection of one or~~ 1891  
~~more bingo numbers by the use of a seal card or bingo blower.~~ 1892  
~~"Instant bingo" also includes a punch board game. In all~~ 1893  
~~"instant bingo" the prize amount and structure shall be~~ 1894  
~~predetermined. "Instant bingo" does not include electronic~~ 1895  
~~instant bingo or any device that is activated by the insertion~~ 1896  
~~of a coin, currency, token, or an equivalent, and that contains~~ 1897  
~~as one of its components a video display monitor that is capable~~ 1898  
~~of displaying numbers, letters, symbols, or characters in~~ 1899  
~~winning or losing combinations.~~ 1900

~~(BB) "Seal card" means a form of instant bingo that uses~~ 1901  
~~instant bingo tickets in conjunction with a board or placard~~ 1902  
~~that contains one or more seals that, when removed or opened,~~ 1903  
~~reveal predesignated winning numbers, letters, or symbols.~~ 1904

~~(CC) "Raffle" means a form of bingo in which the one or~~ 1905  
~~more prizes are won by one or more persons who have purchased a~~ 1906  
~~raffle ticket. The one or more winners of the raffle are~~ 1907

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  
sporting event; and—

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

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

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

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

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

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

(2) The annual license fee required under section 2915.08—

<del>of the Revised Code;</del>	1936
<del>(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;</del>	1937
<del>(4) Audits and accounting services;</del>	1938
<del>(5) Safes;</del>	1939
<del>(6) Cash registers;</del>	1940
<del>(7) Hiring security personnel;</del>	1941
<del>(8) Advertising bingo;</del>	1942
<del>(9) Renting premises in which to conduct a bingo session;</del>	1943
<del>(10) Tables and chairs;</del>	1944
<del>(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;</del>	1945
<del>(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;</del>	1946
<del>(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.</del>	1947
<del>(HH) (J) "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.</del>	1948
<del>(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section</del>	1949
	1950
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~~2915.08, 2915.081, or 2915.082 of the Revised Code or a~~ 1962  
~~charitable gaming license issued by another jurisdiction.~~ 1963

~~(JJ) "Suspend" means to interrupt temporarily all rights~~ 1964  
~~and privileges of the holder of a license issued under section~~ 1965  
~~2915.08, 2915.081, or 2915.082 of the Revised Code or a~~ 1966  
~~charitable gaming license issued by another jurisdiction.~~ 1967

~~(KK) "Distributor" means any person who purchases or~~ 1968  
~~obtains bingo supplies and who does either of the following:~~ 1969

~~(1) Sells, offers for sale, or otherwise provides or~~ 1970  
~~offers to provide the bingo supplies to another person for use~~ 1971  
~~in this state;~~ 1972

~~(2) Modifies, converts, adds to, or removes parts from the~~ 1973  
~~bingo supplies to further their promotion or sale for use in~~ 1974  
~~this state.~~ 1975

~~(LL) "Manufacturer" means any person who assembles~~ 1976  
~~completed bingo supplies from raw materials, other items, or~~ 1977  
~~subparts or who modifies, converts, adds to, or removes parts~~ 1978  
~~from bingo supplies to further their promotion or sale.~~ 1979

~~(MM) "Gross annual revenues" means the annual gross~~ 1980  
~~receipts derived from the conduct of bingo described in division~~ 1981  
~~(O) (1) of this section plus the annual net profit derived from~~ 1982  
~~the conduct of bingo described in division (O) (2) of this~~ 1983  
~~section.~~ 1984

~~(NN) "Instant bingo ticket dispenser" means a mechanical~~ 1985  
~~device that dispenses an instant bingo ticket or card as the~~ 1986  
~~sole item of value dispensed and that has the following~~ 1987  
~~characteristics:~~ 1988

~~(1) It is activated upon the insertion of United States~~ 1989

<del>currency.—</del>	1990
<del>(2) It performs no gaming functions.—</del>	1991
<del>(3) It does not contain a video display monitor or generate noise.—</del>	1992
	1993
<del>(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.—</del>	1994
	1995
<del>(5) It does not simulate or display rolling or spinning reels.—</del>	1996
	1997
<del>(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.—</del>	1998
	1999
	2000
	2001
<del>(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.—</del>	2002
	2003
	2004
<del>(8) It is not part of an electronic network and is not interactive.—</del>	2005
	2006
<del>(00) (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:—</del>	2007
	2008
	2009
	2010
<del>(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.—</del>	2011
	2012
<del>(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.—</del>	2013
	2014
	2015
<del>(c) It identifies a winning bingo pattern.—</del>	2016

~~(2) "Electronic bingo aid" does not include any device~~ 2017  
~~into which a coin, currency, token, or an equivalent is inserted~~ 2018  
~~to activate play.~~ 2019

~~(PP) "Deal" means a single game of instant bingo tickets,~~ 2020  
~~or a single game of electronic instant bingo tickets, all with~~ 2021  
~~the same serial number.~~ 2022

~~(QQ) (1) (K) (1)~~ "Slot machine" means either of the 2023  
following: 2024

(a) Any mechanical, electronic, video, or digital device 2025  
that is capable of accepting anything of value, directly or 2026  
indirectly, from or on behalf of a player who gives the thing of 2027  
value in the hope of gain; 2028

(b) Any mechanical, electronic, video, or digital device 2029  
that is capable of accepting anything of value, directly or 2030  
indirectly, from or on behalf of a player to conduct bingo or a 2031  
scheme or game of chance. 2032

(2) "Slot machine" does not include a skill-based 2033  
amusement machine, an instant bingo ticket dispenser, ~~or an~~ 2034  
electronic instant bingo system, or an internet gambling system 2035  
authorized under Chapter 3771. of the Revised Code. 2036

~~(RR) "Net profit from the proceeds of the sale of instant~~ 2037  
~~bingo or electronic instant bingo" means gross profit minus the~~ 2038  
~~ordinary, necessary, and reasonable expense expended for the~~ 2039  
~~purchase of bingo supplies for the purpose of conducting instant~~ 2040  
~~bingo or electronic instant bingo, and, in the case of instant~~ 2041  
~~bingo or electronic instant bingo conducted by a veteran's,~~ 2042  
~~fraternal, or sporting organization, minus the payment by that~~ 2043  
~~organization of real property taxes and assessments levied on a~~ 2044  
~~premises on which instant bingo or electronic instant bingo is~~ 2045

conducted.— 2046

~~(SS) "Charitable instant bingo organization" means an~~ 2047  
~~organization that is exempt from federal income taxation under~~ 2048  
~~subsection 501(a) and described in subsection 501(c) (3) of the~~ 2049  
~~Internal Revenue Code and is a charitable organization as~~ 2050  
~~defined in this section. A "charitable instant bingo~~ 2051  
~~organization" does not include a charitable organization that is~~ 2052  
~~exempt from federal income taxation under subsection 501(a) and~~ 2053  
~~described in subsection 501(c) (3) of the Internal Revenue Code~~ 2054  
~~and that is created by a veteran's organization, a fraternal~~ 2055  
~~organization, or a sporting organization in regards to bingo~~ 2056  
~~conducted or assisted by a veteran's organization, a fraternal~~ 2057  
~~organization, or a sporting organization pursuant to section~~ 2058  
~~2915.13 of the Revised Code.—~~ 2059

~~(TT) "Game flare" means the board or placard, or~~ 2060  
~~electronic representation of a board or placard, that~~ 2061  
~~accompanies each deal of instant bingo or electronic instant~~ 2062  
~~bingo tickets and that includes the following information for~~ 2063  
~~the game:—~~ 2064

- ~~(1) The name of the game;—~~ 2065
- ~~(2) The manufacturer's name or distinctive logo;—~~ 2066
- ~~(3) The form number;—~~ 2067
- ~~(4) The ticket count;—~~ 2068
- ~~(5) The prize structure, including the number of winning~~ 2069  
~~tickets by denomination and the respective winning symbol or~~ 2070  
~~number combinations for the winning tickets;—~~ 2071
- ~~(6) The cost per play;—~~ 2072
- ~~(7) The serial number of the game.—~~ 2073

~~(UU) (1) (L) "Skill-based amusement machine" means a~~ 2074  
~~mechanical, video, digital, or electronic device that rewards~~ 2075  
~~the player or players, if at all, only with merchandise prizes~~ 2076  
~~or with redeemable vouchers redeemable only for merchandise~~ 2077  
~~prizes, provided that with respect to rewards for playing the~~ 2078  
~~game all of the following apply:—~~ 2079

~~(a) The wholesale value of a merchandise prize awarded as~~ 2080  
~~a result of the single play of a machine does not exceed ten~~ 2081  
~~dollars;—~~ 2082

~~(b) Redeemable vouchers awarded for any single play of a~~ 2083  
~~machine are not redeemable for a merchandise prize with a~~ 2084  
~~wholesale value of more than ten dollars;—~~ 2085

~~(c) Redeemable vouchers are not redeemable for a~~ 2086  
~~merchandise prize that has a wholesale value of more than ten~~ 2087  
~~dollars times the fewest number of single plays necessary to~~ 2088  
~~accrue the redeemable vouchers required to obtain that prize;—~~ 2089  
~~and—~~ 2090

~~(d) Any redeemable vouchers or merchandise prizes are~~ 2091  
~~distributed at the site of the skill-based amusement machine at~~ 2092  
~~the time of play has the same meaning as in section 3777.01 of~~ 2093  
~~the Revised Code.~~ 2094

~~A card for the purchase of gasoline is a redeemable~~ 2095  
~~voucher for purposes of division (UU) (1) of this section even if~~ 2096  
~~the skill-based amusement machine for the play of which the card~~ 2097  
~~is awarded is located at a place where gasoline may not be~~ 2098  
~~legally distributed to the public or the card is not redeemable~~ 2099  
~~at the location of, or at the time of playing, the skill-based~~ 2100  
~~amusement machine.—~~ 2101

~~(2) A device shall not be considered a skill-based~~ 2102



~~amusement machine and shall be considered a slot machine if it~~ 2103  
~~pays cash or one or more of the following apply:—~~ 2104

~~(a) The ability of a player to succeed at the game is~~ 2105  
~~impacted by the number or ratio of prior wins to prior losses of~~ 2106  
~~players playing the game.—~~ 2107

~~(b) Any reward of redeemable vouchers is not based solely~~ 2108  
~~on the player achieving the object of the game or the player's~~ 2109  
~~score;—~~ 2110

~~(c) The outcome of the game, or the value of the~~ 2111  
~~redeemable voucher or merchandise prize awarded for winning the~~ 2112  
~~game, can be controlled by a source other than any player~~ 2113  
~~playing the game.—~~ 2114

~~(d) The success of any player is or may be determined by a~~ 2115  
~~chance event that cannot be altered by player actions.—~~ 2116

~~(e) The ability of any player to succeed at the game is~~ 2117  
~~determined by game features not visible or known to the player.—~~ 2118

~~(f) The ability of the player to succeed at the game is~~ 2119  
~~impacted by the exercise of a skill that no reasonable player~~ 2120  
~~could exercise.—~~ 2121

~~(3) All of the following apply to any machine that is~~ 2122  
~~operated as described in division (UU) (1) of this section:—~~ 2123

~~(a) As used in division (UU) of this section, "game" and~~ 2124  
~~"play" mean one event from the initial activation of the machine~~ 2125  
~~until the results of play are determined without payment of~~ 2126  
~~additional consideration. An individual utilizing a machine that~~ 2127  
~~involves a single game, play, contest, competition, or~~ 2128  
~~tournament may be awarded redeemable vouchers or merchandise~~ 2129  
~~prizes based on the results of play.—~~ 2130

~~(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.~~ 2131  
2132  
2133  
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2135

~~(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.~~ 2136  
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~~(4) For purposes of division (UU) (1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.~~ 2143  
2144  
2145  
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2147

~~(VV) "Merchandise prize" means any item of value, but shall not include any of the following:~~ 2148  
2149

~~(1) Cash, gift cards, or any equivalent thereof;~~ 2150

~~(2) Plays on games of chance, state lottery tickets, or bingo;~~ 2151  
2152

~~(3) Firearms, tobacco, or alcoholic beverages; or~~ 2153

~~(4) A redeemable voucher that is redeemable for any of the items listed in division (VV) (1), (2), or (3) of this section.~~ 2154  
2155

~~(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.~~ 2156  
2157

~~(XX) (M) "Pool not conducted for profit" means a scheme in~~ 2158

which a participant gives a valuable consideration for a chance 2159  
to win a prize and the total amount of consideration wagered is 2160  
distributed to a participant or participants. 2161

~~(YY) "Sporting organization" means a hunting, fishing, or 2162  
trapping organization, other than a college or high school 2163  
fraternity or sorority, that is not organized for profit, that 2164  
is affiliated with a state or national sporting organization, 2165  
including but not limited to, the league of Ohio sportsmen, and 2166  
that has been in continuous existence in this state for a period 2167  
of three years. 2168~~

~~(ZZ) "Community action agency" has the same meaning as in 2169  
section 122.66 of the Revised Code. 2170~~

~~(AAA) (1) "Sweepstakes terminal device" means a mechanical, 2171  
video, digital, or electronic machine or device that is owned, 2172  
leased, or otherwise possessed by any person conducting a 2173  
sweepstakes, or by that person's partners, affiliates, 2174  
subsidiaries, or contractors, that is intended to be used by a 2175  
sweepstakes participant, and that is capable of displaying 2176  
information on a screen or other mechanism. A device is a 2177  
sweepstakes terminal device if any of the following apply: 2178~~

~~(a) The device uses a simulated game terminal as a 2179  
representation of the prizes associated with the results of the 2180  
sweepstakes entries. 2181~~

~~(b) The device utilizes software such that the simulated 2182  
game influences or determines the winning of or value of the 2183  
prize. 2184~~

~~(c) The device selects prizes from a predetermined finite 2185  
pool of entries. 2186~~

~~(d) The device utilizes a mechanism that reveals the 2187~~

~~content of a predetermined sweepstakes entry.~~ 2188

~~(e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.~~ 2189  
2190  
2191

~~(f) The device utilizes software to create a game result.~~ 2192

~~(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.~~ 2193  
2194  
2195

~~(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.~~ 2196  
2197

~~(2) As used in this division and in section 2915.02 of the Revised Code:~~ 2198  
2199

~~(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.~~ 2200  
2201

~~(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.~~ 2202  
2203  
2204

~~(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.~~ 2205  
2206  
2207  
2208  
2209

~~(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.~~ 2210  
2211  
2212  
2213

~~(BBB) "Sweepstakes" means any game, contest, advertising~~ 2214

~~scheme or plan, or other promotion where consideration is not~~ 2215  
~~required for a person to enter to win or become eligible to~~ 2216  
~~receive any prize, the determination of which is based upon~~ 2217  
~~chance. "Sweepstakes" does not include bingo as authorized under~~ 2218  
~~this chapter, pari-mutuel wagering as authorized by Chapter~~ 2219  
~~3769. of the Revised Code, lotteries conducted by the state~~ 2220  
~~lottery commission as authorized by Chapter 3770. of the Revised~~ 2221  
~~Code, and casino gaming as authorized by Chapter 3772. of the~~ 2222  
~~Revised Code.~~ 2223

~~(CCC) (1) "Electronic instant bingo" means a form of bingo~~ 2224  
~~that consists of an electronic or digital representation of~~ 2225  
~~instant bingo in which a participant wins a prize if the~~ 2226  
~~participant's electronic instant bingo ticket contains a~~ 2227  
~~combination of numbers or symbols that was designated in advance~~ 2228  
~~as a winning combination, and to which all of the following~~ 2229  
~~apply:—~~ 2230

~~(a) Each deal has a predetermined, finite number of~~ 2231  
~~winning and losing tickets and a predetermined prize amount and~~ 2232  
~~deal structure, provided that there may be multiple winning~~ 2233  
~~combinations in each deal and multiple winning tickets.~~ 2234

~~(b) Each electronic instant bingo ticket within a deal has~~ 2235  
~~a unique serial number that is not regenerated.~~ 2236

~~(c) Each electronic instant bingo ticket within a deal is~~ 2237  
~~sold for the same price.~~ 2238

~~(d) After a participant purchases an electronic instant~~ 2239  
~~bingo ticket, the combination of numbers or symbols on the~~ 2240  
~~ticket is revealed to the participant.~~ 2241

~~(e) The reveal of numbers or symbols on the ticket may~~ 2242  
~~incorporate an entertainment or bonus theme, provided that the~~ 2243

~~reveal does not include spinning reels that resemble a slot machine.—~~ 2244  
2245

~~(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.—~~ 2246  
2247  
2248

~~(2) "Electronic instant bingo" shall not include any of the following:—~~ 2249  
2250

~~(a) Any game, entertainment, or bonus theme that replicates or simulates any of the following:—~~ 2251  
2252

~~(i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;—~~ 2253  
2254

~~(ii) Horse racing;—~~ 2255

~~(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.—~~ 2256  
2257  
2258  
2259

~~(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;—~~ 2260  
2261  
2262  
2263  
2264  
2265  
2266

~~(c) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.—~~ 2267  
2268  
2269

~~(DDD) "Electronic instant bingo system" means both of the following:—~~ 2270  
2271

~~(1) A mechanical, electronic, digital, or video device and 2272  
associated software to which all of the following apply: 2273~~

~~(a) It is used by not more than one player at a time to 2274  
play electronic instant bingo on a single screen that is 2275  
physically connected to the device; 2276~~

~~(b) It is located on the premises of the principal place 2277  
of business of a veteran's or fraternal organization that holds 2278  
a type II or type III bingo license to conduct electronic 2279  
instant bingo at that location issued under section 2915.08 of 2280  
the Revised Code. 2281~~

~~(2) Any associated equipment or software used to manage, 2282  
monitor, or document any aspect of electronic instant bingo. 2283~~

**Sec. 2915.02.** (A) No person shall do any of the following: 2284

(1) Engage in bookmaking, or knowingly engage in conduct 2285  
that facilitates bookmaking; 2286

(2) Establish, promote, or operate or knowingly engage in 2287  
conduct that facilitates any game of chance conducted for profit 2288  
or any scheme of chance; 2289

(3) Knowingly procure, transmit, exchange, or engage in 2290  
conduct that facilitates the procurement, transmission, or 2291  
exchange of information for use in establishing odds or 2292  
determining winners in connection with bookmaking or with any 2293  
game of chance conducted for profit or any scheme of chance; 2294

(4) Engage in betting or in playing any scheme or game of 2295  
chance as a substantial source of income or livelihood; 2296

~~(5) Conduct, or participate in the conduct of, a 2297  
sweepstakes with the use of a sweepstakes terminal device at a 2298  
sweepstakes terminal device facility and either: 2299~~

~~(a) Give to another person any item described in division  
(VV) (1), (2), (3), or (4) of section 2915.01 of the Revised Code  
as a prize for playing or participating in a sweepstakes; or~~ 2300  
2301  
2302

~~(b) Give to another person any merchandise prize, or a  
redeemable voucher for a merchandise prize, the wholesale value  
of which is in excess of ten dollars and which is awarded as a  
single entry for playing or participating in a sweepstakes.  
Redeemable vouchers shall not be redeemable for a merchandise  
prize that has a wholesale value of more than ten dollars.~~ 2303  
2304  
2305  
2306  
2307  
2308

~~(6) Conduct, or participate in the conduct of, a  
sweepstakes with the use of a sweepstakes terminal device at a  
sweepstakes terminal device facility without first obtaining a  
current annual "certificate of registration" from the attorney  
general as required by division (F) of this section;~~ 2309  
2310  
2311  
2312  
2313

~~(7) With purpose to violate division (A) (1), (2), (3), or  
(4), (5), or (6) of this section or division (A) (1) or (2) of  
section 3777.02 of the Revised Code, acquire, possess, control,  
or operate any gambling device.~~ 2314  
2315  
2316  
2317

(B) For purposes of division (A) (1) of this section, a 2318  
person facilitates bookmaking if the person in any way knowingly 2319  
aids an illegal bookmaking operation, including, without 2320  
limitation, placing a bet with a person engaged in or 2321  
facilitating illegal bookmaking. For purposes of division (A) (2) 2322  
of this section, a person facilitates a game of chance conducted 2323  
for profit or a scheme of chance if the person in any way 2324  
knowingly aids in the conduct or operation of any such game or 2325  
scheme, including, without limitation, playing any such game or 2326  
scheme. 2327

(C) This section does not prohibit conduct in connection 2328



with gambling expressly permitted by law. 2329

(D) This section does not apply to ~~any~~ either of the 2330  
following: 2331

(1) ~~Games of chance, if all of the following apply:~~ 2332

~~(a) The games of chance are not craps for money or~~ 2333  
~~roulette for money.~~ 2334

~~(b) The games of chance are conducted by a charitable~~ 2335  
~~organization that is, and has received from the internal revenue~~ 2336  
~~service a determination letter that is currently in effect,~~ 2337  
~~stating that the organization is, exempt from federal income~~ 2338  
~~taxation under subsection 501(a) and described in subsection~~ 2339  
~~501(c) (3) of the Internal Revenue Code.~~ 2340

~~(c) The games of chance are conducted at festivals of the~~ 2341  
~~charitable organization that are conducted not more than a total~~ 2342  
~~of five days a calendar year, and are conducted on premises~~ 2343  
~~owned by the charitable organization for a period of no less~~ 2344  
~~than one year immediately preceding the conducting of the games~~ 2345  
~~of chance, on premises leased from a governmental unit, or on~~ 2346  
~~premises that are leased from a veteran's or fraternal~~ 2347  
~~organization and that have been owned by the lessor veteran's or~~ 2348  
~~fraternal organization for a period of no less than one year~~ 2349  
~~immediately preceding the conducting of the games of chance.~~ 2350

~~A charitable organization shall not lease premises from a~~ 2351  
~~veteran's or fraternal organization to conduct a festival~~ 2352  
~~described in division (D) (1) (c) of this section if the veteran's~~ 2353  
~~or fraternal organization already has leased the premises twelve~~ 2354  
~~times during the preceding year to charitable organizations for~~ 2355  
~~that purpose. If a charitable organization leases premises from~~ 2356  
~~a veteran's or fraternal organization to conduct a festival~~ 2357

~~described in division (D) (1) (c) of this section, the charitable-~~ 2358  
~~organization shall not pay a rental rate for the premises per-~~ 2359  
~~day of the festival that exceeds the rental rate per bingo-~~ 2360  
~~session that a charitable organization may pay under division-~~ 2361  
~~(B) (1) of section 2915.09 of the Revised Code when it leases-~~ 2362  
~~premises from another charitable organization to conduct bingo-~~ 2363  
~~games.~~ 2364

~~(d) All of the money or assets received from the games of-~~ 2365  
~~chance after deduction only of prizes paid out during the-~~ 2366  
~~conduct of the games of chance are used by, or given, donated,~~ 2367  
~~or otherwise transferred to, any organization that is described-~~ 2368  
~~in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of the Internal~~ 2369  
~~Revenue Code and is either a governmental unit or an-~~ 2370  
~~organization that is tax exempt under subsection 501(a) and-~~ 2371  
~~described in subsection 501(c) (3) of the Internal Revenue Code.~~ 2372

~~(e) The games of chance are not conducted during, or-~~ 2373  
~~within ten hours of, a bingo game conducted for amusement-~~ 2374  
~~purposes only pursuant to section 2915.12 of the Revised Code.~~ 2375

~~No person shall receive any commission, wage, salary,~~ 2376  
~~reward, tip, donation, gratuity, or other form of compensation,~~ 2377  
~~directly or indirectly, for operating or assisting in the-~~ 2378  
~~operation of any game of chance.~~ 2379

~~(2) Any tag fishing tournament operated under a permit~~ 2380  
~~issued under section 1533.92 of the Revised Code, as "tag~~ 2381  
~~fishing tournament" is defined in section 1531.01 of the Revised~~ 2382  
~~Code;~~ 2383

~~(3) (2) Bingo or games of chance conducted by a charitable~~ 2384  
~~organization that holds a license issued under section 2915.08-~~ 2385  
~~in accordance with Chapter 3768. of the Revised Code.~~ 2386

~~(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-~~ 2417  
~~cent of the gross revenue received at the business location~~ 2418  
~~during the reporting period;~~ 2419

~~(3) That no other form of gaming except lottery ticket~~ 2420  
~~sales as authorized under Chapter 3770. of the Revised Code will~~ 2421  
~~be conducted at the business location or in an adjoining area of~~ 2422  
~~the business location;~~ 2423

~~(4) That any sweepstakes terminal device at the business~~ 2424  
~~location will not allow any deposit of any money, coin, or~~ 2425  
~~token, or the use of any credit card, debit card, prepaid card,~~ 2426  
~~or any other method of similar payment to be used, directly or~~ 2427  
~~indirectly, to participate in a sweepstakes;~~ 2428

~~(5) That notification of any prize will not take place on~~ 2429  
~~the same day as a participant's sweepstakes entry; and~~ 2430

~~(6) That the person consents to provide any other~~ 2431  
~~information to the attorney general as required by rule adopted~~ 2432  
~~under division (H) of this section.~~ 2433

~~The filing fee for a certificate of compliance is two~~ 2434  
~~hundred fifty dollars. The attorney general may charge up to an~~ 2435  
~~additional two hundred fifty dollars for reasonable expenses~~ 2436  
~~resulting from any investigation related to an application for a~~ 2437  
~~certificate of compliance.~~ 2438

~~A certificate of compliance is effective for one year. The~~ 2439  
~~certificate holder may reapply for a certificate of compliance.~~ 2440  
~~A person issued a certificate of compliance shall file~~ 2441  
~~semiannual reports with the attorney general stating the number~~ 2442  
~~of sweepstakes terminal devices at the business location and~~ 2443  
~~that the retail value of prizes awarded at the business location~~ 2444  
~~using sweepstakes terminal devices is less than three per cent~~ 2445

~~of the gross revenue received at the business location.~~ 2446

~~(H) The attorney general shall adopt rules setting forth:~~ 2447

~~(1) The required information to be submitted by persons~~ 2448  
~~conducting a sweepstakes with the use of a sweepstakes terminal~~ 2449  
~~device at a sweepstakes terminal device facility as described in~~ 2450  
~~division (F) of this section; and~~ 2451

~~(2) The requirements pertaining to a certificate of~~ 2452  
~~compliance under division (G) of this section, which shall~~ 2453  
~~provide for a person to file a consolidated application and a~~ 2454  
~~consolidated semiannual report if a person has more than one~~ 2455  
~~business location.~~ 2456

~~The attorney general shall issue a certificate of~~ 2457  
~~registration or a certificate of compliance to all persons who~~ 2458  
~~have successfully satisfied the applicable requirements of this~~ 2459  
~~section. The attorney general shall post online a registry of~~ 2460  
~~all properly registered and certified sweepstakes terminal~~ 2461  
~~device operators.~~ 2462

~~(I) The attorney general may refuse to issue an annual~~ 2463  
~~certificate of registration or certificate of compliance to any~~ 2464  
~~person or, if one has been issued, the attorney general may~~ 2465  
~~revoke a certificate of registration or a certificate of~~ 2466  
~~compliance if the applicant has provided any information to the~~ 2467  
~~attorney general as part of a registration, certification,~~ 2468  
~~monthly report, semiannual report, or any other information that~~ 2469  
~~is materially false or misleading, or if the applicant or any~~ 2470  
~~officer, partner, or owner of five per cent or more interest in~~ 2471  
~~the applicant has violated any provision of this chapter.~~ 2472

~~(J) The attorney general may take any necessary and~~ 2473  
~~reasonable action to determine a violation of this chapter,~~ 2474

including requesting documents and information, performing 2475  
inspections of premises, or requiring the attendance of any 2476  
person at an examination under oath. 2477

~~(K)-(F) Whoever violates this section is guilty of 2478~~  
~~gambling, a misdemeanor of the first degree. If the offender 2479~~  
~~previously has been convicted of any gambling offense, gambling 2480~~  
~~is a felony of the fifth degree. Notwithstanding this division, 2481~~  
~~failing to file a sweepstakes terminal device monthly report as 2482~~  
~~required by division (F) of this section or the semiannual 2483~~  
~~report required by division (C) of this section is a misdemeanor 2484~~  
~~of the first degree. 2485~~

**Sec. 2923.121.** (A) No person shall possess a firearm in 2486  
any room in which any person is consuming beer or intoxicating 2487  
liquor in a premises for which a D permit has been issued under 2488  
Chapter 4303. of the Revised Code or in an open air arena for 2489  
which a permit of that nature has been issued. 2490

(B) (1) This section does not apply to any of the 2491  
following: 2492

(a) An officer, agent, or employee of this or any other 2493  
state or the United States, or a law enforcement officer, who is 2494  
authorized to carry firearms and is acting within the scope of 2495  
the officer's, agent's, or employee's duties; 2496

(b) A law enforcement officer or investigator who is 2497  
authorized to carry firearms but is not acting within the scope 2498  
of the officer's or investigator's duties, as long as all of the 2499  
following apply: 2500

(i) The officer or investigator is carrying validating 2501  
identification. 2502

(ii) If the firearm the officer or investigator possesses 2503

is a firearm issued or approved by the law enforcement agency 2504  
served by the officer or by the bureau of criminal 2505  
identification and investigation with respect to an 2506  
investigator, the agency or bureau does not have a restrictive 2507  
firearms carrying policy. 2508

(iii) The officer or investigator is not consuming beer or 2509  
intoxicating liquor and is not under the influence of alcohol or 2510  
a drug of abuse. 2511

(c) Any room used for the accommodation of guests of a 2512  
hotel, as defined in section 4301.01 of the Revised Code; 2513

(d) The principal holder of a D permit issued for a 2514  
premises or an open air arena under Chapter 4303. of the Revised 2515  
Code while in the premises or open air arena for which the 2516  
permit was issued if the principal holder of the D permit also 2517  
has been issued a concealed handgun license that is valid at the 2518  
time in question and as long as the principal holder is not 2519  
consuming beer or intoxicating liquor or under the influence of 2520  
alcohol or a drug of abuse, or any agent or employee of that 2521  
holder who also is a peace officer, as defined in section 2522  
2151.3515 of the Revised Code, who is off duty, and who 2523  
otherwise is authorized to carry firearms while in the course of 2524  
the officer's official duties and while in the premises or open 2525  
air arena for which the permit was issued and as long as the 2526  
agent or employee of that holder is not consuming beer or 2527  
intoxicating liquor or under the influence of alcohol or a drug 2528  
of abuse. 2529

(e) Any person who has been issued a concealed handgun 2530  
license that is valid at the time in question or any person who 2531  
is an active duty member of the armed forces of the United 2532  
States and is carrying a valid military identification card and 2533

documentation of successful completion of firearms training that 2534  
meets or exceeds the training requirements described in division 2535  
(G) (1) of section 2923.125 of the Revised Code, as long as the 2536  
person is not consuming beer or intoxicating liquor or under the 2537  
influence of alcohol or a drug of abuse. 2538

(2) This section does not prohibit any person who is a 2539  
member of a veteran's organization, as defined in section 2540  
~~2915.01~~3768.01 of the Revised Code, from possessing a rifle in 2541  
any room in any premises owned, leased, or otherwise under the 2542  
control of the veteran's organization, if the rifle is not 2543  
loaded with live ammunition and if the person otherwise is not 2544  
prohibited by law from having the rifle. 2545

(3) This section does not apply to any person possessing 2546  
or displaying firearms in any room used to exhibit unloaded 2547  
firearms for sale or trade in a soldiers' memorial established 2548  
pursuant to Chapter 345. of the Revised Code, in a convention 2549  
center, or in any other public meeting place, if the person is 2550  
an exhibitor, trader, purchaser, or seller of firearms and is 2551  
not otherwise prohibited by law from possessing, trading, 2552  
purchasing, or selling the firearms. 2553

(C) It is an affirmative defense to a charge under this 2554  
section of illegal possession of a firearm in a liquor permit 2555  
premises that involves the possession of a firearm other than a 2556  
handgun, that the actor was not otherwise prohibited by law from 2557  
having the firearm, and that any of the following apply: 2558

(1) The firearm was carried or kept ready at hand by the 2559  
actor for defensive purposes, while the actor was engaged in or 2560  
was going to or from the actor's lawful business or occupation, 2561  
which business or occupation was of such character or was 2562  
necessarily carried on in such manner or at such a time or place 2563



as to render the actor particularly susceptible to criminal 2564  
attack, such as would justify a prudent person in going armed. 2565

(2) The firearm was carried or kept ready at hand by the 2566  
actor for defensive purposes, while the actor was engaged in a 2567  
lawful activity, and had reasonable cause to fear a criminal 2568  
attack upon the actor or a member of the actor's family, or upon 2569  
the actor's home, such as would justify a prudent person in 2570  
going armed. 2571

(D) No person who is charged with a violation of this 2572  
section shall be required to obtain a concealed handgun license 2573  
as a condition for the dismissal of the charge. 2574

(E) Whoever violates this section is guilty of illegal 2575  
possession of a firearm in a liquor permit premises. Except as 2576  
otherwise provided in this division, illegal possession of a 2577  
firearm in a liquor permit premises is a felony of the fifth 2578  
degree. If the offender commits the violation of this section by 2579  
knowingly carrying or having the firearm concealed on the 2580  
offender's person or concealed ready at hand, illegal possession 2581  
of a firearm in a liquor permit premises is a felony of the 2582  
third degree. 2583

(F) As used in this section: 2584

(1) "Beer" and "intoxicating liquor" have the same 2585  
meanings as in section 4301.01 of the Revised Code. 2586

(2) "Investigator" has the same meaning as in section 2587  
109.541 of the Revised Code. 2588

(3) "Restrictive firearms carrying policy" means a 2589  
specific policy of a law enforcement agency or the bureau of 2590  
criminal identification and investigation that prohibits all 2591  
officers of the agency or all investigators of the bureau, while 2592

not acting within the scope of the officer's or investigator's 2593  
duties, from doing either of the following: 2594

(a) Carrying a firearm issued or approved by the agency or 2595  
bureau in any room, premises, or arena described in division (A) 2596  
of this section; 2597

(b) Carrying a firearm issued or approved by the agency or 2598  
bureau in premises described in division (A) of section 2599  
2923.1214 of the Revised Code. 2600

(4) "Law enforcement officer" has the same meaning as in 2601  
section 9.69 of the Revised Code. 2602

(5) "Validating identification" means one of the 2603  
following: 2604

(a) Photographic identification issued by the law 2605  
enforcement agency for which an individual serves as a law 2606  
enforcement officer that identifies the individual as a law 2607  
enforcement officer of the agency; 2608

(b) Photographic identification issued by the bureau of 2609  
criminal identification and investigation that identifies an 2610  
individual as an investigator of the bureau. 2611

**Sec. 2927.21.** (A) As used in this section: 2612

(1) "Offense subject to forfeiture proceedings" means any 2613  
of the following: 2614

(a) A violation of section 2903.01, 2903.02, 2903.03, 2615  
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 2616  
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 2617  
2903.211 of the Revised Code; 2618

(b) A violation of section 2905.01, 2905.02, 2905.03, 2619

2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 2620

(c) A violation of section 2907.02, 2907.03, 2907.04, 2621  
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 2622  
2907.322, or 2907.323 of the Revised Code; 2623

(d) A violation of section 2909.02, 2909.03, 2909.22, 2624  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the 2625  
Revised Code; 2626

(e) A violation of section 2911.01, 2911.02, 2911.11, 2627  
2911.12, or 2911.13 of the Revised Code; 2628

(f) A violation of section 2915.02, 2915.03, 2915.04, ~~or~~ 2629  
2915.05, or 3777.02 of the Revised Code; 2630

(g) A violation of section 2921.02, 2921.03, 2921.04, 2631  
2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code; 2632

(h) A violation of section 2925.02, 2925.03, 2925.04, 2633  
2925.041, 2925.05, 2925.06, 2925.09, or 2925.11 of the Revised 2634  
Code; 2635

(i) A conspiracy or attempt to commit, or complicity in 2636  
committing, any offense under division (A) (1) (a), (b), (c), (d), 2637  
(e), (f), (g), or (h) of this section. 2638

(2) "Proceeds" has the same meaning as in section 2981.01 2639  
of the Revised Code. 2640

(3) "Vehicle" has the same meaning as in section 4501.01 2641  
of the Revised Code. 2642

(B) No person shall receive, retain, possess, or dispose 2643  
of proceeds knowing or having reasonable cause to believe that 2644  
the proceeds were derived from the commission of an offense 2645  
subject to forfeiture proceedings. 2646

(C) It is not a defense to a charge of receiving proceeds 2647  
of an offense subject to forfeiture proceedings in violation of 2648  
this section that the proceeds were derived by means other than 2649  
the commission of an offense subject to forfeiture proceedings 2650  
if the property was explicitly represented to the accused person 2651  
as having been derived from the commission of an offense subject 2652  
to forfeiture proceedings. 2653

(D) A person shall be considered to have received, 2654  
retained, possessed, or disposed of proceeds if the proceeds are 2655  
found anywhere in a vehicle and the person was the last person 2656  
who operated the vehicle immediately prior to the search of the 2657  
vehicle by the law enforcement officer who found the proceeds. 2658

(E) Whoever violates this section is guilty of receiving 2659  
proceeds of an offense subject to forfeiture proceedings. If the 2660  
value of the proceeds involved is less than one thousand 2661  
dollars, receiving proceeds of an offense subject to forfeiture 2662  
proceedings is a misdemeanor of the first degree. If the value 2663  
of the proceeds involved is one thousand dollars or more and is 2664  
less than twenty-five thousand dollars, receiving proceeds of an 2665  
offense subject to forfeiture proceedings is a felony of the 2666  
fifth degree. If the value of the proceeds involved is twenty- 2667  
five thousand dollars or more and is less than one hundred fifty 2668  
thousand dollars, receiving proceeds of an offense subject to 2669  
forfeiture proceedings is a felony of the fourth degree. If the 2670  
value of the proceeds involved is one hundred fifty thousand 2671  
dollars or more, receiving proceeds of an offense subject to 2672  
forfeiture proceedings is a felony of the third degree. 2673

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of 2674  
the Revised Code: 2675

(A) "Wire communication" means an aural transfer that is 2676

made in whole or in part through the use of facilities for the 2677  
transmission of communications by the aid of wires or similar 2678  
methods of connecting the point of origin of the communication 2679  
and the point of reception of the communication, including the 2680  
use of a method of connecting the point of origin and the point 2681  
of reception of the communication in a switching station, if the 2682  
facilities are furnished or operated by a person engaged in 2683  
providing or operating the facilities for the transmission of 2684  
communications. "Wire communication" includes an electronic 2685  
storage of a wire communication. 2686

(B) "Oral communication" means an oral communication 2687  
uttered by a person exhibiting an expectation that the 2688  
communication is not subject to interception under circumstances 2689  
justifying that expectation. "Oral communication" does not 2690  
include an electronic communication. 2691

(C) "Intercept" means the aural or other acquisition of 2692  
the contents of any wire, oral, or electronic communication 2693  
through the use of an interception device. 2694

(D) "Interception device" means an electronic, mechanical, 2695  
or other device or apparatus that can be used to intercept a 2696  
wire, oral, or electronic communication. "Interception device" 2697  
does not mean any of the following: 2698

(1) A telephone or telegraph instrument, equipment, or 2699  
facility, or any of its components, if the instrument, 2700  
equipment, facility, or component is any of the following: 2701

(a) Furnished to the subscriber or user by a provider of 2702  
wire or electronic communication service in the ordinary course 2703  
of its business and being used by the subscriber or user in the 2704  
ordinary course of its business; 2705

(b) Furnished by a subscriber or user for connection to 2706  
the facilities of a provider of wire or electronic communication 2707  
service and used in the ordinary course of that subscriber's or 2708  
user's business; 2709

(c) Being used by a provider of wire or electronic 2710  
communication service in the ordinary course of its business or 2711  
by an investigative or law enforcement officer in the ordinary 2712  
course of the officer's duties that do not involve the 2713  
interception of wire, oral, or electronic communications. 2714

(2) A hearing aid or similar device being used to correct 2715  
subnormal hearing to not better than normal. 2716

(E) "Investigative officer" means any of the following: 2717

(1) An officer of this state or a political subdivision of 2718  
this state, who is empowered by law to conduct investigations or 2719  
to make arrests for a designated offense; 2720

(2) A person described in divisions (A) (11) (a) and (b) of 2721  
section 2901.01 of the Revised Code; 2722

(3) An attorney authorized by law to prosecute or 2723  
participate in the prosecution of a designated offense; 2724

(4) A secret service officer appointed pursuant to section 2725  
309.07 of the Revised Code; 2726

(5) An officer of the United States, a state, or a 2727  
political subdivision of a state who is authorized to conduct 2728  
investigations pursuant to the "Electronic Communications 2729  
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 2730  
(1986), as amended. 2731

(F) "Interception warrant" means a court order that 2732  
authorizes the interception of wire, oral, or electronic 2733

communications and that is issued pursuant to sections 2933.53 2734  
to 2933.56 of the Revised Code. 2735

(G) "Contents," when used with respect to a wire, oral, or 2736  
electronic communication, includes any information concerning 2737  
the substance, purport, or meaning of the communication. 2738

(H) "Communications common carrier" means a person who is 2739  
engaged as a common carrier for hire in intrastate, interstate, 2740  
or foreign communications by wire, radio, or radio transmission 2741  
of energy. "Communications common carrier" does not include, to 2742  
the extent that the person is engaged in radio broadcasting, a 2743  
person engaged in radio broadcasting. 2744

(I) "Designated offense" means any of the following: 2745

(1) A felony violation of section 1315.53, 1315.55, 2746  
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2747  
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2748  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2749  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2750  
2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2751  
2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2752  
2925.05, ~~or~~ 2925.06, or 3777.02 or of division (B) of section 2753  
2915.05 or of division (E) or (G) of section 3772.99 of the 2754  
Revised Code; 2755

(2) A violation of section 2919.23 of the Revised Code 2756  
that, had it occurred prior to July 1, 1996, would have been a 2757  
violation of section 2905.04 of the Revised Code as it existed 2758  
prior to that date; 2759

(3) A felony violation of section 2925.11 of the Revised 2760  
Code that is not a minor drug possession offense, as defined in 2761  
section 2925.01 of the Revised Code; 2762

(4) Complicity in the commission of a felony violation of 2763  
a section listed in division (I)(1), (2), or (3) of this 2764  
section; 2765

(5) An attempt to commit, or conspiracy in the commission 2766  
of, a felony violation of a section listed in division (I)(1), 2767  
(2), or (3) of this section, if the attempt or conspiracy is 2768  
punishable by a term of imprisonment of more than one year. 2769

(J) "Aggrieved person" means a person who was a party to 2770  
an intercepted wire, oral, or electronic communication or a 2771  
person against whom the interception of the communication was 2772  
directed. 2773

(K) "Person" means a person, as defined in section 1.59 of 2774  
the Revised Code, or a governmental officer, employee, or 2775  
entity. 2776

(L) "Special need" means a showing that a licensed 2777  
physician, licensed practicing psychologist, attorney, 2778  
practicing cleric, journalist, or either spouse is personally 2779  
engaging in continuing criminal activity, was engaged in 2780  
continuing criminal activity over a period of time, or is 2781  
committing, has committed, or is about to commit, a designated 2782  
offense, or a showing that specified public facilities are being 2783  
regularly used by someone who is personally engaging in 2784  
continuing criminal activity, was engaged in continuing criminal 2785  
activity over a period of time, or is committing, has committed, 2786  
or is about to commit, a designated offense. 2787

(M) "Journalist" means a person engaged in, connected 2788  
with, or employed by, any news media, including a newspaper, 2789  
magazine, press association, news agency, or wire service, a 2790  
radio or television station, or a similar media, for the purpose 2791



of gathering, processing, transmitting, compiling, editing, or 2792  
disseminating news for the general public. 2793

(N) "Electronic communication" means a transfer of a sign, 2794  
signal, writing, image, sound, datum, or intelligence of any 2795  
nature that is transmitted in whole or in part by a wire, radio, 2796  
electromagnetic, photoelectronic, or photo-optical system. 2797

"Electronic communication" does not mean any of the following: 2798

(1) A wire or oral communication; 2799

(2) A communication made through a tone-only paging 2800  
device; 2801

(3) A communication from an electronic or mechanical 2802  
tracking device that permits the tracking of the movement of a 2803  
person or object. 2804

(O) "User" means a person or entity that uses an 2805  
electronic communication service and is duly authorized by the 2806  
provider of the service to engage in the use of the electronic 2807  
communication service. 2808

(P) "Electronic communications system" means a wire, 2809  
radio, electromagnetic, photoelectronic, or photo-optical 2810  
facility for the transmission of electronic communications, and 2811  
a computer facility or related electronic equipment for the 2812  
electronic storage of electronic communications. 2813

(Q) "Electronic communication service" means a service 2814  
that provides to users of the service the ability to send or 2815  
receive wire or electronic communications. 2816

(R) "Readily accessible to the general public" means, with 2817  
respect to a radio communication, that the communication is none 2818  
of the following: 2819

- (1) Scrambled or encrypted; 2820
- (2) Transmitted using a modulation technique, the 2821  
essential parameters of which have been withheld from the public 2822  
with the intention of preserving the privacy of the 2823  
communication; 2824
- (3) Carried on a subcarrier or other signal subsidiary to 2825  
a radio transmission; 2826
- (4) Transmitted over a communications system provided by a 2827  
communications common carrier, unless the communication is a 2828  
tone-only paging system communication; 2829
- (5) Transmitted on a frequency allocated under part 25, 2830  
subpart D, E, or F of part 74, or part 94 of the Rules of the 2831  
Federal Communications Commission, as those provisions existed 2832  
on July 1, 1996, unless, in the case of a communication 2833  
transmitted on a frequency allocated under part 74 that is not 2834  
exclusively allocated to broadcast auxiliary services, the 2835  
communication is a two-way voice communication by radio. 2836
- (S) "Electronic storage" means a temporary, intermediate 2837  
storage of a wire or electronic communication that is incidental 2838  
to the electronic transmission of the communication, and a 2839  
storage of a wire or electronic communication by an electronic 2840  
communication service for the purpose of backup protection of 2841  
the communication. 2842
- (T) "Aural transfer" means a transfer containing the human 2843  
voice at a point between and including the point of origin and 2844  
the point of reception. 2845
- (U) "Pen register" means a device that records or decodes 2846  
electronic impulses that identify the numbers dialed, pulsed, or 2847  
otherwise transmitted on telephone lines to which the device is 2848

attached. 2849

(V) "Trap and trace device" means a device that captures 2850  
the incoming electronic or other impulses that identify the 2851  
originating number of an instrument or device from which a wire 2852  
communication or electronic communication was transmitted but 2853  
that does not intercept the contents of the wire communication 2854  
or electronic communication. 2855

(W) "Judge of a court of common pleas" means a judge of 2856  
that court who is elected or appointed as a judge of general 2857  
jurisdiction or as a judge who exercises both general 2858  
jurisdiction and probate, domestic relations, or juvenile 2859  
jurisdiction. "Judge of a court of common pleas" does not mean a 2860  
judge of that court who is elected or appointed specifically as 2861  
a probate, domestic relations, or juvenile judge. 2862

(X) "Electronic user data" means any data or records that 2863  
are stored, collected, used, or safeguarded by a service or 2864  
program that stores electronic data. This includes data stored 2865  
on a computer, computer network, or computer system. 2866

(Y) "Remote computing service" means the provision of 2867  
computer storage or processing services to the public through an 2868  
electronic communication service. 2869

**Sec. 3123.89.** (A) The department of job and family 2870  
services shall develop and implement a real time data match 2871  
program with the state lottery commission and its lottery sales 2872  
agents and lottery agents to identify obligors who are subject 2873  
to a final and enforceable determination of default made under 2874  
sections 3123.01 to 3123.07 of the Revised Code. 2875

(B) Upon the data match program's implementation, the 2876  
department, in consultation with the commission, shall 2877

promulgate rules to facilitate withholding, in appropriate 2878  
circumstances and in accordance with section 3770.071 of the 2879  
Revised Code, by the commission or its lottery sales agents or 2880  
lottery agents of an amount sufficient to satisfy any past due 2881  
support owed by an obligor from a lottery prize award owed to 2882  
the obligor up to the amount of the award. The rules shall 2883  
describe an expedited method for withholding, and the time frame 2884  
for transmission of the amount withheld to the department. 2885

(C) As used in this section, "lottery prize award" has the 2886  
same meaning as in section ~~3770.10~~ 3770.01 of the Revised Code. 2887

**Sec. 3123.90.** (A) As used in this section: 2888

(1) "Permit holder" has the same meaning as in section 2889  
3769.01 of the Revised Code. 2890

(2) "Video lottery sales agent" has the same meaning as in 2891  
section 3770.01 of the Revised Code. 2892

(3) "Internet gambling operator" has the same meaning as 2893  
in section 3771.01 of the Revised Code. 2894

(4) "Casino facility," "casino operator," and "management 2895  
company" have the meanings defined in section 3772.01 of the 2896  
Revised Code. 2897

~~(2)~~ (5) "Sports gaming proprietor" has and "type C sports 2898  
gaming proprietor" have the meaning defined same meanings as in 2899  
section 3775.01 of the Revised Code. 2900

(B) The department of job and family services shall 2901  
develop and implement a real time data match program with each 2902  
~~casino facility's casino operator or management company and with~~ 2903  
~~each sports gaming proprietor of the following persons to~~ 2904  
identify obligors who are subject to a final and enforceable 2905

determination of default made under sections 3123.01 to 3123.07 2906  
of the Revised Code; 2907

(1) A permit holder, with respect to winnings from pari- 2908  
mutuel wagering on horse racing; 2909

(2) A video lottery sales agent, with respect to winnings 2910  
from a video lottery terminal; 2911

(3) An internet gambling operator, with respect to 2912  
winnings from internet gambling; 2913

(4) A casino operator or management company, with respect 2914  
to casino winnings; 2915

(5) A sports gaming proprietor, with respect to winnings 2916  
from sports gaming, except as otherwise provided regarding a 2917  
type C sports gaming proprietor by rule of the state lottery 2918  
commission adopted under section 3770.03 of the Revised Code. 2919

(C) Upon the data match program's implementation, if a 2920  
~~person patron~~ receives a payout of winnings ~~at a casino facility~~ 2921  
~~or from sports gaming described in division (B) of this section~~ 2922  
in an amount for which reporting to the internal revenue service 2923  
of the amount is required by section 6041 of the Internal 2924  
Revenue Code, as amended, the ~~casino operator, management~~ 2925  
~~company, or sports gaming proprietor~~ applicable person described 2926  
in division (B) of this section shall refer to the data match 2927  
program to determine if the person entitled to the winnings is 2928  
in default under a support order. If the data match program 2929  
indicates that the person is in default, the ~~casino operator,~~ 2930  
~~management company, or sports gaming proprietor~~ applicable 2931  
person described in division (B) of this section shall withhold 2932  
from the person's winnings an amount sufficient to satisfy any 2933  
past due support owed by the obligor identified in the data 2934

match up to the amount of the winnings. 2935

(D) Not later than fourteen days after withholding the 2936  
amount, the ~~casino operator, management company, or sports~~ 2937  
~~gaming proprietor~~ person conducting the withholding shall 2938  
electronically transmit any amount withheld to the department as 2939  
payment on the support obligation. 2940

(E) The department, in consultation with the Ohio casino 2941  
control commission, may adopt rules under Chapter 119. of the 2942  
Revised Code as are necessary for implementation of this 2943  
section. 2944

**Sec. 3517.091.** (A) Except as otherwise provided in 2945  
division (E) of this section, any person or organization that 2946  
makes door-to-door solicitations for contributions to influence 2947  
legislation, for contributions to influence the actions of any 2948  
regulatory agency, or for contributions to support or oppose the 2949  
campaign of any candidate for political office shall report in 2950  
writing to the secretary of state by the thirty-first day of 2951  
July of each year with regard to actions taken during the first 2952  
six months of that calendar year, and by the thirty-first day of 2953  
January of each year with regard to actions taken during the 2954  
second six months of the previous calendar year, all of the 2955  
following: 2956

(1) The name and address of the solicitor and of the 2957  
organization, if any, for which the solicitation is made, and 2958  
the name and address of the organization's director or chief 2959  
executive officer; 2960

(2) The name and address of each person or organization 2961  
from which it received one or more contributions, and the amount 2962  
and date of each such contribution; 2963

(3) A complete list of all receipts and expenditures it 2964  
has made to influence legislation, to influence the actions of 2965  
any regulatory agency, or to support or oppose the campaign of 2966  
any candidate for political office. 2967

(B) Before making any solicitation described in division 2968  
(A) of this section, the solicitor shall give the person being 2969  
solicited a written notice that contains all of the following: 2970

(1) The information described in division (A) (1) of this 2971  
section; 2972

(2) A list of any purposes for which money contributed 2973  
might be used; 2974

(3) The amount of compensation, if any, being paid to the 2975  
solicitor; 2976

(4) A statement that the person being solicited may refuse 2977  
to make a contribution without suffering any reprisal. 2978

(C) No person or organization shall fail to comply with 2979  
the requirements of division (A) or (B) of this section. 2980

(D) This section does not apply to the solicitation 2981  
activities of any charitable organization as defined in ~~division~~ 2982  
~~(H) of section 2915.01~~ 3768.01 of the Revised Code. 2983

**Sec. 3763.01.** (A) All promises, agreements, notes, bills, 2984  
bonds, or other contracts, mortgages, or other securities, when 2985  
the whole or part of the consideration thereof is for money or 2986  
other valuable thing won or lost, laid, staked, or betted at or 2987  
upon a game of any kind, or upon a horse race or cockfights, 2988  
sport or pastime, or on a wager, or for the repayment of money 2989  
lent or advanced at the time of a game, play, or wager, for the 2990  
purpose of being laid, betted, staked, or wagered, are void. 2991

(B) Sections 3763.01 to 3763.08 of the Revised Code do not 2992  
apply to bingo as defined in section ~~2915.01~~ 3768.01 of the 2993  
Revised Code or to any game of chance that is not subject to 2994  
criminal penalties under section 2915.02 of the Revised Code. 2995

**Sec. 3768.01.** As used in this chapter: 2996

(A) "Bingo" means either of the following: 2997

(1) A game with all of the following characteristics: 2998

(a) The participants use bingo cards or sheets, including 2999  
paper formats and electronic representation or image formats, 3000  
that are divided into twenty-five spaces arranged in five 3001  
horizontal and five vertical rows of spaces, with each space, 3002  
except the central space, being designated by a combination of a 3003  
letter and a number and with the central space being designated 3004  
as a free space. 3005

(b) The participants cover the spaces on the bingo cards 3006  
or sheets that correspond to combinations of letters and numbers 3007  
that are announced by a bingo game operator. 3008

(c) A bingo game operator announces combinations of 3009  
letters and numbers that appear on objects that a bingo game 3010  
operator selects by chance, either manually or mechanically, 3011  
from a receptacle that contains seventy-five objects at the 3012  
beginning of each game, each object marked by a different 3013  
combination of a letter and a number that corresponds to one of 3014  
the seventy-five possible combinations of a letter and a number 3015  
that can appear on the bingo cards or sheets. 3016

(d) The winner of the bingo game includes any participant 3017  
who properly announces during the interval between the 3018  
announcements of letters and numbers as described in division 3019  
(A) (1) (c) of this section, that a predetermined and preannounced 3020



pattern of spaces has been covered on a bingo card or sheet 3021  
being used by the participant. 3022

(2) Instant bingo, electronic instant bingo, and raffles. 3023

(B) "Bingo game operator" means any person, except 3024  
security personnel, who performs work or labor at the site of 3025  
bingo, including, but not limited to, collecting money from 3026  
participants, handing out bingo cards or sheets or objects to 3027  
cover spaces on bingo cards or sheets, selecting from a 3028  
receptacle the objects that contain the combination of letters 3029  
and numbers that appear on bingo cards or sheets, calling out 3030  
the combinations of letters and numbers, distributing prizes, 3031  
selling or redeeming instant bingo tickets or cards, selling or 3032  
redeeming electronic instant bingo tickets, credits, or 3033  
vouchers, accessing an electronic instant bingo system other 3034  
than as a participant, supervising the operation of a punch 3035  
board, selling raffle tickets, selecting raffle tickets from a 3036  
receptacle and announcing the winning numbers in a raffle, and 3037  
preparing, selling, and serving food or beverages. "Bingo game 3038  
operator" does not include a person who is installing, 3039  
maintaining, updating, or repairing an electronic instant bingo 3040  
system. 3041

(C) "Bingo session" means a period that includes both of 3042  
the following: 3043

(1) Not to exceed five continuous hours for the conduct of 3044  
one or more games described in division (A) (1) of this section, 3045  
instant bingo, and electronic instant bingo; 3046

(2) A period for the conduct of instant bingo and 3047  
electronic instant bingo for not more than two hours before and 3048  
not more than two hours after the period described in division 3049

(C) (1) of this section. 3050

(D) "Bingo supplies" means bingo cards or sheets; instant 3051  
bingo tickets or cards; electronic bingo aids; raffle tickets; 3052  
punch boards; seal cards; instant bingo ticket dispensers; 3053  
electronic instant bingo systems; and devices for selecting or 3054  
displaying the combination of bingo letters and numbers or 3055  
raffle tickets. Items that are "bingo supplies" are not gambling 3056  
devices, as defined in section 2915.01 of the Revised Code, if 3057  
sold or otherwise provided, and used, in accordance with this 3058  
chapter. For purposes of this chapter, "bingo supplies" are not 3059  
to be considered equipment used to conduct a bingo game. 3060

(E) "Charitable bingo game" means any bingo game described 3061  
in division (A) (1) or (2) of this section that is conducted by a 3062  
charitable organization that has obtained a license pursuant to 3063  
section 3768.04 of the Revised Code and the proceeds of which 3064  
are used for a charitable purpose. 3065

(F) "Charitable instant bingo organization" means an 3066  
organization that is exempt from federal income taxation under 3067  
subsection 501(a) and described in subsection 501(c) (3) of the 3068  
Internal Revenue Code and is a charitable organization as 3069  
defined in this section. A "charitable instant bingo 3070  
organization" does not include a charitable organization that is 3071  
exempt from federal income taxation under subsection 501(a) and 3072  
described in subsection 501(c) (3) of the Internal Revenue Code 3073  
and that is created by a veteran's organization, a fraternal 3074  
organization, or a sporting organization in regards to bingo 3075  
conducted or assisted by a veteran's organization, a fraternal 3076  
organization, or a sporting organization pursuant to section 3077  
3768.10 of the Revised Code. 3078

(G) "Charitable gaming" means bingo or games of chance 3079

conducted under this chapter. 3080

(H) (1) Except as otherwise provided in this chapter, 3081  
"charitable organization" means either of the following: 3082

(a) An organization that is exempt from federal income 3083  
taxation under subsection 501(a) and described in subsection 3084  
501(c) (3) of the Internal Revenue Code; 3085

(b) A volunteer rescue service organization, volunteer 3086  
firefighter's organization, veteran's organization, fraternal 3087  
organization, or sporting organization that is exempt from 3088  
federal income taxation under subsection 501(c) (4), (c) (7), (c) 3089  
(8), (c) (10), or (c) (19) of the Internal Revenue Code. 3090

(2) To qualify as a "charitable organization," an 3091  
organization shall have been in continuous existence as such in 3092  
this state for a period of two years immediately preceding 3093  
either the making of an application for a bingo license under 3094  
section 3768.04 of the Revised Code or the conducting of any 3095  
game of chance as provided in section 3768.03 of the Revised 3096  
Code. 3097

(I) "Charitable purpose" means that the net profit of 3098  
bingo, other than instant bingo or electronic instant bingo, is 3099  
used by, or is given, donated, or otherwise transferred to, any 3100  
of the following: 3101

(1) Any organization that is described in subsection 3102  
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 3103  
and is either a governmental unit or an organization that is tax 3104  
exempt under subsection 501(a) and described in subsection 3105  
501(c) (3) of the Internal Revenue Code; 3106

(2) A veteran's organization that is a post, chapter, or 3107  
organization of veterans, or an auxiliary unit or society of, or 3108

a trust or foundation for, any such post, chapter, or 3109  
organization organized in the United States or any of its 3110  
possessions, at least seventy-five per cent of the members of 3111  
which are veterans and substantially all of the other members of 3112  
which are individuals who are spouses, widows, or widowers of 3113  
veterans, or such individuals, provided that no part of the net 3114  
earnings of such post, chapter, or organization inures to the 3115  
benefit of any private shareholder or individual, and further 3116  
provided that the net profit is used by the post, chapter, or 3117  
organization for the charitable purposes set forth in division 3118  
(B) (12) of section 5739.02 of the Revised Code, is used for 3119  
awarding scholarships to or for attendance at an institution 3120  
mentioned in division (B) (12) of section 5739.02 of the Revised 3121  
Code, is donated to a governmental agency, or is used for 3122  
nonprofit youth activities, the purchase of United States or 3123  
Ohio flags that are donated to schools, youth groups, or other 3124  
bona fide nonprofit organizations, promotion of patriotism, or 3125  
disaster relief; 3126

(3) A fraternal organization that has been in continuous 3127  
existence in this state for fifteen years and that uses the net 3128  
profit exclusively for religious, charitable, scientific, 3129  
literary, or educational purposes, or for the prevention of 3130  
cruelty to children or animals, if contributions for such use 3131  
would qualify as a deductible charitable contribution under 3132  
subsection 170 of the Internal Revenue Code; 3133

(4) A volunteer firefighter's organization that uses the 3134  
net profit for the purposes set forth in division (00) of this 3135  
section. 3136

(J) "Commission" means the Ohio casino control commission 3137  
established under section 3772.02 of the Revised Code. 3138

(K) "Community action agency" has the same meaning as in 3139  
section 122.66 of the Revised Code. 3140

(L) "Conduct" means to back, promote, organize, manage, 3141  
carry on, sponsor, or prepare for the operation of bingo or a 3142  
game of chance. 3143

(M) "Deal" means a single game of instant bingo tickets, 3144  
or a single game of electronic instant bingo tickets, all with 3145  
the same serial number. 3146

(N) "Distributor" means any person who purchases or 3147  
obtains bingo supplies and who does either of the following: 3148

(1) Sells, offers for sale, or otherwise provides or 3149  
offers to provide the bingo supplies to another person for use 3150  
in this state; 3151

(2) Modifies, converts, adds to, or removes parts from the 3152  
bingo supplies to further their promotion or sale for use in 3153  
this state. 3154

(O) (1) "Electronic bingo aid" means an electronic device 3155  
used by a participant to monitor bingo cards or sheets purchased 3156  
at the time and place of a bingo session and that does all of 3157  
the following: 3158

(a) It provides a means for a participant to input numbers 3159  
and letters announced by a bingo caller. 3160

(b) It compares the numbers and letters entered by the 3161  
participant to the bingo faces previously stored in the memory 3162  
of the device. 3163

(c) It identifies a winning bingo pattern. 3164

(2) "Electronic bingo aid" does not include any device 3165

into which a coin, currency, token, or an equivalent is inserted 3166  
to activate play. 3167

(P) (1) "Electronic instant bingo" means a form of bingo 3168  
that consists of an electronic or digital representation of 3169  
instant bingo in which a participant wins a prize if the 3170  
participant's electronic instant bingo ticket contains a 3171  
combination of numbers or symbols that was designated in advance 3172  
as a winning combination, and to which all of the following 3173  
apply: 3174

(a) Each deal has a predetermined, finite number of 3175  
winning and losing tickets and a predetermined prize amount and 3176  
deal structure, provided that there may be multiple winning 3177  
combinations in each deal and multiple winning tickets. 3178

(b) Each electronic instant bingo ticket within a deal has 3179  
a unique serial number that is not regenerated. 3180

(c) Each electronic instant bingo ticket within a deal is 3181  
sold for the same price. 3182

(d) After a participant purchases an electronic instant 3183  
bingo ticket, the combination of numbers or symbols on the 3184  
ticket is revealed to the participant. 3185

(e) The reveal of numbers or symbols on the ticket may 3186  
incorporate an entertainment or bonus theme, provided that the 3187  
reveal does not include spinning reels that resemble a slot 3188  
machine. 3189

(f) The reveal theme, if any, does not require additional 3190  
consideration or award any prize other than any predetermined 3191  
prize associated with the electronic instant bingo ticket. 3192

(2) "Electronic instant bingo" shall not include any of 3193

the following: 3194

(a) Any game, entertainment, or bonus theme that 3195  
replicates or simulates any of the following: 3196

(i) The gambling games of keno, blackjack, roulette, 3197  
poker, craps, or other casino-style table games; 3198

(ii) Horse racing; 3199

(iii) Gambling games offered in this state on slot 3200  
machines or video lottery terminals. As used in this division, 3201  
"video lottery terminal" has the same meaning as in section 3202  
3770.01 of the Revised Code. 3203

(b) Any device operated by dropping one or more coins or 3204  
tokens into a slot and pulling a handle or pushing a button or 3205  
touchpoint on a touchscreen to activate one to three or more 3206  
rotating reels marked into horizontal segments by varying 3207  
symbols, where the predetermined prize amount depends on how and 3208  
how many of the symbols line up when the rotating reels come to 3209  
a rest; 3210

(c) Any device that includes a coin or token slot, tray, 3211  
or hopper and the ability to dispense coins, cash, tokens, or 3212  
anything of value other than a credit ticket voucher. 3213

(Q) "Electronic instant bingo system" means both of the 3214  
following: 3215

(1) A mechanical, electronic, digital, or video device and 3216  
associated software to which all of the following apply: 3217

(a) It is used by not more than one player at a time to 3218  
play electronic instant bingo on a single screen that is 3219  
physically connected to the device; 3220

(b) It is located on the premises of the principal place 3221  
of business of a veteran's or fraternal organization that holds 3222  
a type II or type III bingo license to conduct electronic 3223  
instant bingo at that location issued under section 3768.04 of 3224  
the Revised Code. 3225

(2) Any associated equipment or software used to manage, 3226  
monitor, or document any aspect of electronic instant bingo. 3227

(R) "Expenses" means the reasonable amount of gross profit 3228  
actually expended for all of the following: 3229

(1) The purchase or lease of bingo supplies; 3230

(2) The annual license fee required under section 3768.04 3231  
of the Revised Code; 3232

(3) Bank fees and service charges for a bingo session or 3233  
game account described in section 3768.14 of the Revised Code; 3234

(4) Audits and accounting services; 3235

(5) Safes; 3236

(6) Cash registers; 3237

(7) Hiring security personnel; 3238

(8) Advertising bingo; 3239

(9) Renting premises in which to conduct a bingo session; 3240

(10) Tables and chairs; 3241

(11) Expenses for maintaining and operating a charitable 3242  
organization's facilities, including, but not limited to, a post 3243  
home, club house, lounge, tavern, or canteen and any grounds 3244  
attached to the post home, club house, lounge, tavern, or 3245  
canteen; 3246



(12) Payment of real property taxes and assessments that 3247  
are levied on a premises on which bingo is conducted; 3248

(13) Any other product or service directly related to the 3249  
conduct of bingo that is authorized in rules adopted by the 3250  
commission under division (F)(1) of section 3768.04 of the 3251  
Revised Code. 3252

(S) "Fraternal organization" means any society, order, 3253  
state headquarters, or association within this state, except a 3254  
college or high school fraternity, that is not organized for 3255  
profit, that is a branch, lodge, or chapter of a national or 3256  
state organization, that exists exclusively for the common 3257  
business or sodality of its members. 3258

(T) "Gambling offense" and "game of chance" have the same 3259  
meanings as in section 2915.01 of the Revised Code. 3260

(U) "Game flare" means the board or placard, or electronic 3261  
representation of a board or placard, that accompanies each deal 3262  
of instant bingo or electronic instant bingo tickets and that 3263  
includes the following information for the game: 3264

(1) The name of the game; 3265

(2) The manufacturer's name or distinctive logo; 3266

(3) The form number; 3267

(4) The ticket count; 3268

(5) The prize structure, including the number of winning 3269  
tickets by denomination and the respective winning symbol or 3270  
number combinations for the winning tickets; 3271

(6) The cost per play; 3272

(7) The serial number of the game. 3273

(V) "Gross annual revenues" means the annual gross 3274  
receipts derived from the conduct of bingo described in division 3275  
(A) (1) of this section plus the annual net profit derived from 3276  
the conduct of bingo described in division (A) (2) of this 3277  
section. 3278

(W) "Gross profit" means gross receipts minus the amount 3279  
actually expended for the payment of prize awards. 3280

(X) "Gross receipts" means all money or assets, including 3281  
admission fees, that a person receives from bingo without the 3282  
deduction of any amounts for prizes paid out or for the expenses 3283  
of conducting bingo. "Gross receipts" does not include any money 3284  
directly taken in from the sale of food or beverages by a 3285  
charitable organization conducting bingo, or by a bona fide 3286  
auxiliary unit or society of a charitable organization 3287  
conducting bingo, provided all of the following apply: 3288

(1) The auxiliary unit or society has been in existence as 3289  
a bona fide auxiliary unit or society of the charitable 3290  
organization for at least two years prior to conducting bingo. 3291

(2) The person who purchases the food or beverage receives 3292  
nothing of value except the food or beverage and items 3293  
customarily received with the purchase of that food or beverage. 3294

(3) The food and beverages are sold at customary and 3295  
reasonable prices. 3296

(Y) "Instant bingo" means a form of bingo that shall use 3297  
folded or banded tickets or paper cards with perforated break- 3298  
open tabs, a face of which is covered or otherwise hidden from 3299  
view to conceal a number, letter, or symbol, or set of numbers, 3300  
letters, or symbols, some of which have been designated in 3301  
advance as prize winners, and may also include games in which 3302

some winners are determined by the random selection of one or 3303  
more bingo numbers by the use of a seal card or bingo blower. 3304  
"Instant bingo" also includes a punch board game. In all 3305  
"instant bingo" the prize amount and structure shall be 3306  
predetermined. "Instant bingo" does not include electronic 3307  
instant bingo or any device that is activated by the insertion 3308  
of a coin, currency, token, or an equivalent, and that contains 3309  
as one of its components a video display monitor that is capable 3310  
of displaying numbers, letters, symbols, or characters in 3311  
winning or losing combinations. 3312

(Z) "Instant bingo ticket dispenser" means a mechanical 3313  
device that dispenses an instant bingo ticket or card as the 3314  
sole item of value dispensed and that has the following 3315  
characteristics: 3316

(1) It is activated upon the insertion of United States 3317  
currency. 3318

(2) It performs no gaming functions. 3319

(3) It does not contain a video display monitor or 3320  
generate noise. 3321

(4) It is not capable of displaying any numbers, letters, 3322  
symbols, or characters in winning or losing combinations. 3323

(5) It does not simulate or display rolling or spinning 3324  
reels. 3325

(6) It is incapable of determining whether a dispensed 3326  
bingo ticket or card is a winning or nonwinning ticket or card 3327  
and requires a winning ticket or card to be paid by a bingo game 3328  
operator. 3329

(7) It may provide accounting and security features to aid 3330

in accounting for the instant bingo tickets or cards it 3331  
dispenses. 3332

(8) It is not part of an electronic network and is not 3333  
interactive. 3334

(AA) "Internal Revenue Code" means the "Internal Revenue 3335  
Code of 1986," 26 U.S.C. 1, as amended. 3336

(BB) "Manufacturer" means any person who assembles 3337  
completed bingo supplies from raw materials, other items, or 3338  
subparts or who modifies, converts, adds to, or removes parts 3339  
from bingo supplies to further their promotion or sale. 3340

(CC) "Net profit" means gross profit minus expenses. 3341

(DD) "Participant" means any person who plays bingo. 3342

(EE) "Punch board" means a form of instant bingo that uses 3343  
a board containing a number of holes or receptacles of uniform 3344  
size in which are placed, mechanically and randomly, serially 3345  
numbered slips of paper that may be punched or drawn from the 3346  
hole or receptacle. A player may punch or draw the numbered 3347  
slips of paper from the holes or receptacles and obtain the 3348  
prize established for the game if the number drawn corresponds 3349  
to a winning number or, if the punch board includes the use of a 3350  
seal card, a potential winning number. 3351

(FF) "Raffle" means a form of bingo in which the one or 3352  
more prizes are won by one or more persons who have purchased a 3353  
raffle ticket. The one or more winners of the raffle are 3354  
determined by drawing a ticket stub or other detachable section 3355  
from a receptacle containing ticket stubs or detachable sections 3356  
corresponding to all tickets sold for the raffle. "Raffle" does 3357  
not include the drawing of a ticket stub or other detachable 3358  
section of a ticket purchased to attend a professional sporting 3359

event if both of the following apply: 3360

(1) The ticket stub or other detachable section is used to 3361  
select the winner of a free prize given away at the professional 3362  
sporting event; 3363

(2) The cost of the ticket is the same as the cost of a 3364  
ticket to the professional sporting event on days when no free 3365  
prize is given away. 3366

(GG) "Religious organization" means any church, body of 3367  
communicants, or group that is not organized or operated for 3368  
profit and that gathers in common membership for regular worship 3369  
and religious observances. 3370

(HH) "Revoke" means to void permanently all rights and 3371  
privileges of the holder of a license issued under section 3372  
3768.04, 3768.16, or 3768.17 of the Revised Code or a charitable 3373  
gaming license issued by another jurisdiction. 3374

(II) "Security personnel" includes any person who either 3375  
is a sheriff, deputy sheriff, marshal, deputy marshal, township 3376  
constable, or member of an organized police department of a 3377  
municipal corporation or has successfully completed a peace 3378  
officer's training course pursuant to sections 109.71 to 109.79 3379  
of the Revised Code and who is hired to provide security for the 3380  
premises on which bingo is conducted. 3381

(JJ) "Seal card" means a form of instant bingo that uses 3382  
instant bingo tickets in conjunction with a board or placard 3383  
that contains one or more seals that, when removed or opened, 3384  
reveal predesignated winning numbers, letters, or symbols. 3385

(KK) "Slot machine" has the same meaning as in section 3386  
2915.01 of the Revised Code. 3387

(LL) "Sporting organization" means a hunting, fishing, or 3388  
trapping organization, other than a college or high school 3389  
fraternity or sorority, that is not organized for profit, that 3390  
is affiliated with a state or national sporting organization, 3391  
including, but not limited to, the league of Ohio sportsmen, and 3392  
that has been in continuous existence in this state for a period 3393  
of three years. 3394

(MM) "Suspend" means to interrupt temporarily all rights 3395  
and privileges of the holder of a license issued under section 3396  
3768.04, 3768.16, or 3768.17 of the Revised Code or a charitable 3397  
gaming license issued by another jurisdiction. 3398

(NN) "Veteran's organization" means any individual post or 3399  
state headquarters of a national veteran's association or an 3400  
auxiliary unit of any individual post of a national veteran's 3401  
association, which post, state headquarters, or auxiliary unit 3402  
is incorporated as a nonprofit corporation and either has 3403  
received a letter from the state headquarters of the national 3404  
veteran's association indicating that the individual post or 3405  
auxiliary unit is in good standing with the national veteran's 3406  
association or has received a letter from the national veteran's 3407  
association indicating that the state headquarters is in good 3408  
standing with the national veteran's association. As used in 3409  
this division, "national veteran's association" means any 3410  
veteran's association that has been in continuous existence as 3411  
such for a period of at least five years and either is 3412  
incorporated by an act of the United States congress or has a 3413  
national dues-paying membership of at least five thousand 3414  
persons. 3415

(OO) "Volunteer firefighter's organization" means any 3416  
organization of volunteer firefighters, as defined in section 3417

146.01 of the Revised Code, that is organized and operated 3418  
exclusively to provide financial support for a volunteer fire 3419  
department or a volunteer fire company and that is recognized or 3420  
ratified by a county, municipal corporation, or township. 3421

(PP) "Volunteer rescue service organization" means any 3422  
organization of volunteers organized to function as an emergency 3423  
medical service organization, as defined in section 4765.01 of 3424  
the Revised Code. 3425

(QQ) "Youth athletic park organization" means any 3426  
organization, not organized for profit, that satisfies both of 3427  
the following: 3428

(1) It owns, operates, and maintains playing fields that 3429  
satisfy both of the following: 3430

(a) The playing fields are used for athletic activities by 3431  
one or more organizations, not organized for profit, each of 3432  
which is organized and operated exclusively to provide financial 3433  
support to, or to operate, athletic activities for persons who 3434  
are eighteen years of age or younger by means of sponsoring, 3435  
organizing, operating, or contributing to the support of an 3436  
athletic team, club, league, or association. 3437

(b) The playing fields are not used for any profit-making 3438  
activity at any time during the year. 3439

(2) It uses the proceeds of bingo it conducts exclusively 3440  
for the operation, maintenance, and improvement of its playing 3441  
fields of the type described in division (QQ) (1) of this 3442  
section. 3443

(RR) "Youth athletic organization" means any organization, 3444  
not organized for profit, that is organized and operated 3445  
exclusively to provide financial support to, or to operate, 3446

athletic activities for persons who are twenty-one years of age 3447  
or younger by means of sponsoring, organizing, operating, or 3448  
contributing to the support of an athletic team, club, league, 3449  
or association. 3450

**Sec. ~~2915.092~~ 3768.02.** (A) (1) Subject to division (A) (2) 3451  
of this section, a person or entity may conduct a raffle to 3452  
raise money for the person or entity and does not need a license 3453  
to conduct bingo in order to conduct a raffle drawing that is 3454  
not for profit if the person or entity is any of the following: 3455

(a) Exempt from federal income taxation under subsection 3456  
501(a) and described in subsection 501(c) (3) of the Internal 3457  
Revenue Code; 3458

(b) A school district, community school established under 3459  
Chapter 3314. of the Revised Code, STEM school established under 3460  
Chapter 3326. of the Revised Code, college-preparatory boarding 3461  
school established under Chapter 3328. of the Revised Code, or 3462  
chartered nonpublic school; 3463

(c) Exempt from federal income taxation under subsection 3464  
501(a) and described in subsection 501(c) (4), 501(c) (6), 501(c) 3465  
(7), 501(c) (8), 501(c) (10), or 501(c) (19) of the Internal 3466  
Revenue Code. 3467

(2) If a person or entity that is described in division 3468  
(A) (1) (c) of this section conducts a raffle, the person or 3469  
entity shall distribute at least fifty per cent of the net 3470  
profit from the raffle to a charitable purpose described in 3471  
division ~~(V)~~ (I) of section ~~2915.01~~ 3768.01 of the Revised Code 3472  
or to a department or agency of the federal government, the 3473  
state, or any political subdivision. 3474

(B) Except as provided in division (A) of this section, no 3475



person shall conduct a raffle drawing that is for profit or a 3476  
raffle drawing that is not for profit. 3477

(C) Whoever violates division (B) of this section is 3478  
guilty of illegal conduct of a raffle. Except as otherwise 3479  
provided in this division, illegal conduct of a raffle is a 3480  
misdemeanor of the first degree. If the offender previously has 3481  
been convicted of a violation of division (B) of this section, 3482  
illegal conduct of a raffle is a felony of the fifth degree. 3483

Sec. 3768.03. (A) Notwithstanding any contrary provision 3484  
of section 2915.02 of the Revised Code, a charitable 3485  
organization that is, and has received from the internal revenue 3486  
service a determination letter that is currently in effect, 3487  
stating that the organization is, exempt from federal income 3488  
taxation under subsection 501(a) and described in subsection 3489  
501(c) (3) of the Internal Revenue Code, may conduct games of 3490  
chance, other than craps for money or roulette for money, if all 3491  
of the following apply: 3492

(1) The games of chance are conducted at festivals of the 3493  
charitable organization that are conducted not more than a total 3494  
of five days a calendar year. 3495

(2) The games of chance are conducted at one of the 3496  
following locations: 3497

(a) On premises owned by the charitable organization for a 3498  
period of not less than one year immediately preceding the 3499  
conducting of the games of chance; 3500

(b) On premises leased from a governmental unit; 3501

(c) On premises that are leased from a veteran's or 3502  
fraternal organization and that have been owned by the lessor 3503  
veteran's or fraternal organization for a period of not less 3504

than one year immediately preceding the conducting of the games 3505  
of chance. A charitable organization shall not lease premises 3506  
from a veteran's or fraternal organization for that purpose if 3507  
the veteran's or fraternal organization already has leased the 3508  
premises twelve times during the preceding year to charitable 3509  
organizations for that purpose. If a charitable organization 3510  
leases premises from a veteran's or fraternal organization for 3511  
that purpose, the charitable organization shall not pay a rental 3512  
rate for the premises per day of the festival that exceeds the 3513  
rental rate per bingo session that a charitable organization may 3514  
pay under division (B) (1) of section 3768.05 of the Revised Code 3515  
when it leases premises from another charitable organization to 3516  
conduct bingo games. 3517

(3) All of the money or assets received from the games of 3518  
chance after deduction only of prizes paid out during the 3519  
conduct of the games of chance are used by, or given, donated, 3520  
or otherwise transferred to, any organization that is described 3521  
in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of the Internal 3522  
Revenue Code and is either a governmental unit or an 3523  
organization that is tax exempt under subsection 501(a) and 3524  
described in subsection 501(c) (3) of the Internal Revenue Code. 3525

(4) The games of chance are not conducted during, or 3526  
within ten hours of, a bingo game conducted for amusement 3527  
purposes only pursuant to section 3768.19 of the Revised Code. 3528

(5) No person receives any commission, wage, salary, 3529  
reward, tip, donation, gratuity, or other form of compensation, 3530  
directly or indirectly, for operating or assisting in the 3531  
operation of any game of chance. 3532

(B) This section shall not be construed to authorize the 3533  
sale, lease, or other temporary or permanent transfer of the 3534

right to conduct games of chance, as granted by this section, by 3535  
any charitable organization that is granted that right. 3536

**Sec. ~~2915.08~~ 3768.04.** (A) (1) Except as otherwise permitted 3537  
under section ~~2915.092~~ 3768.02 of the Revised Code, annually 3538  
before the first day of January, a charitable organization that 3539  
desires to conduct bingo shall apply to the ~~attorney general~~ 3540  
commission for one or more of the following types of licenses to 3541  
conduct bingo, as appropriate: 3542

(a) A type I license to conduct bingo as described in 3543  
division ~~(O) (1)~~ (A) (1) of section ~~2915.01~~ 3768.01 of the Revised 3544  
Code; 3545

(b) A type II license to conduct instant bingo, electronic 3546  
instant bingo, or both at a bingo session; 3547

(c) A type III license to conduct instant bingo, 3548  
electronic instant bingo, or both other than at a bingo session, 3549  
in accordance with sections ~~2915.093 to 2915.095~~ 3768.07 to 3550  
3768.09 or sections ~~2915.13 to 2915.15~~ 3768.10 to 3768.12 of the 3551  
Revised Code, as applicable. 3552

(2) A veteran's organization or fraternal organization 3553  
that is authorized under section ~~2915.14~~ 3768.11 of the Revised 3554  
Code to conduct electronic instant bingo may be issued only one 3555  
license to conduct electronic instant bingo at any one time. The 3556  
organization may conduct electronic instant bingo under that 3557  
license at only one location specified on the license, which 3558  
shall be the organization's principal place of business. 3559

(B) The application shall be accompanied by a license fee 3560  
as follows: 3561

(1) If the charitable organization was not licensed to 3562  
conduct bingo ~~under this chapter~~ in this state before July 1, 3563

2003, a fee established by the ~~attorney general~~ commission by 3564  
rule adopted pursuant to section 111.15 of the Revised Code. 3565

(2) If the charitable organization was licensed to conduct 3566  
bingo ~~under this chapter in this state~~ before July 1, 2003, the 3567  
following applicable fee: 3568

(a) For a type I license for a charitable organization 3569  
that wishes to conduct bingo during twenty-six or more weeks in 3570  
any calendar year, a license fee of two hundred dollars; 3571

(b) For a type II or type III license for a charitable 3572  
organization that previously has not been licensed under this 3573  
chapter to conduct instant bingo or electronic instant bingo and 3574  
that wishes to conduct bingo during twenty-six or more weeks in 3575  
any calendar year, a license fee of five hundred dollars; 3576

(c) For a type II or type III license for a charitable 3577  
organization that previously has been licensed under this 3578  
chapter to conduct instant bingo or electronic instant bingo and 3579  
that desires to conduct bingo during twenty-six or more weeks in 3580  
any calendar year, a license fee that is based upon the gross 3581  
profits received by the charitable organization from the 3582  
operation of instant bingo or electronic instant bingo during 3583  
the one-year period ending on the thirty-first day of October of 3584  
the year immediately preceding the year for which the license is 3585  
sought, and that is one of the following: 3586

(i) Five hundred dollars, if the total is fifty thousand 3587  
dollars or less; 3588

(ii) One thousand two hundred fifty dollars plus one- 3589  
fourth per cent of the gross profit, if the total is more than 3590  
fifty thousand dollars but less than two hundred fifty thousand 3591  
one dollars; 3592

(iii) Two thousand two hundred fifty dollars plus one-half 3593  
per cent of the gross profit, if the total is more than two 3594  
hundred fifty thousand dollars but less than five hundred 3595  
thousand one dollars; 3596

(iv) Three thousand five hundred dollars plus one per cent 3597  
of the gross profit, if the total is more than five hundred 3598  
thousand dollars but less than one million one dollars; 3599

(v) Five thousand dollars plus one per cent of the gross 3600  
profit, if the total is one million one dollars or more. 3601

~~(e)~~(d) For a type I, type II, or type III license for a 3602  
charitable organization that desires to conduct bingo during 3603  
fewer than twenty-six weeks in any calendar year, a reduced 3604  
license fee established by the ~~attorney general~~ commission by 3605  
rule adopted pursuant to section 111.15 of the Revised Code. 3606

(C) The application shall be in the form prescribed by the 3607  
~~attorney general~~ commission, shall be signed and sworn to by the 3608  
applicant, and shall contain all of the following: 3609

(1) The name and post-office address of the applicant; 3610

(2) A statement that the applicant is a charitable 3611  
organization and that it has been in continuous existence as a 3612  
charitable organization in this state for two years immediately 3613  
preceding the making of the application; 3614

(3) The location at which the organization will conduct 3615  
bingo, which location shall be within the county in which the 3616  
principal place of business of the applicant is located, the 3617  
days of the week and the times on each of those days when bingo 3618  
will be conducted, whether the organization owns, leases, or 3619  
subleases the premises, and a copy of the rental agreement if it 3620  
leases or subleases the premises; 3621

(4) A statement of the applicant's previous history, 3622  
record, and association that is sufficient to establish that the 3623  
applicant is a charitable organization, and a copy of a 3624  
determination letter that is issued by the Internal Revenue 3625  
Service and states that the organization is tax exempt under 3626  
subsection 501(a) and described in subsection 501(c)(3), 501(c) 3627  
(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the 3628  
Internal Revenue Code; 3629

(5) A statement as to whether the applicant has ever had 3630  
any previous application refused, whether it previously has had 3631  
a license revoked or suspended, and the stated reason ~~stated by~~ 3632  
~~the attorney general~~ for the refusal, revocation, or suspension; 3633

(6) A statement of the charitable purposes for which the 3634  
net profit derived from bingo described in division ~~(O)(1)~~ (A) 3635  
(1) of section ~~2915.01~~ 3768.01 of the Revised Code will be used, 3636  
or a statement of how the net profit derived from instant bingo 3637  
or electronic instant bingo will be distributed in accordance 3638  
with section ~~2915.101~~ 3768.13 of the Revised Code, as 3639  
applicable; 3640

(7) Other necessary and reasonable information that the 3641  
~~attorney general~~ commission may require by rule adopted pursuant 3642  
to section 111.15 of the Revised Code; 3643

(8) If the applicant is a charitable trust as defined in 3644  
section 109.23 of the Revised Code, a statement as to whether it 3645  
has registered with the attorney general pursuant to section 3646  
109.26 of the Revised Code or filed annual reports pursuant to 3647  
section 109.31 of the Revised Code, and, if it is not required 3648  
to do either, the exemption in section 109.26 or 109.31 of the 3649  
Revised Code that applies to it; 3650

(9) If the applicant is a charitable organization as 3651  
defined in section 1716.01 of the Revised Code, a statement as 3652  
to whether it has filed with the attorney general a registration 3653  
statement pursuant to section 1716.02 of the Revised Code and a 3654  
financial report pursuant to section 1716.04 of the Revised 3655  
Code, and, if it is not required to do both, the exemption in 3656  
section 1716.03 of the Revised Code that applies to it; 3657

(10) In the case of an applicant seeking to qualify as a 3658  
youth athletic park organization, a statement issued by a board 3659  
or body vested with authority under Chapter 755. of the Revised 3660  
Code for the supervision and maintenance of recreation 3661  
facilities in the territory in which the organization is 3662  
located, certifying that the playing fields owned by the 3663  
organization were open for use to all residents of that 3664  
territory, regardless of race, color, creed, religion, sex, or 3665  
national origin, for athletic activities by youth athletic 3666  
organizations that do not discriminate on the basis of race, 3667  
color, creed, religion, sex, or national origin, and that the 3668  
fields were not used for any profit-making activity at any time 3669  
during the year. That type of board or body is authorized to 3670  
issue the statement upon request and shall issue the statement 3671  
if it finds that the applicant's playing fields were so used. 3672

(D) ~~The attorney general~~ commission, within thirty days 3673  
after receiving a timely filed application from a charitable 3674  
organization that has been issued a license under this section 3675  
that has not expired and has not been revoked or suspended, 3676  
shall send a temporary permit to the applicant specifying the 3677  
date on which the application was filed with the ~~attorney~~ 3678  
~~general~~ commission and stating that, pursuant to section 119.06 3679  
of the Revised Code, the applicant may continue to conduct bingo 3680  
until a new license is granted or, if the application is 3681

rejected, until fifteen days after notice of the rejection is 3682  
mailed to the applicant. The temporary permit does not affect 3683  
the validity of the applicant's application and does not grant 3684  
any rights to the applicant except those rights specifically 3685  
granted in section 119.06 of the Revised Code. The issuance of a 3686  
temporary permit by the ~~attorney general~~ commission pursuant to 3687  
this division does not prohibit the ~~attorney general~~ commission 3688  
from rejecting the applicant's application because of acts that 3689  
the applicant committed, or actions that the applicant failed to 3690  
take, before or after the issuance of the temporary permit. 3691

(E) Within thirty days after receiving an initial license 3692  
application from a charitable organization to conduct bingo, the 3693  
~~attorney general~~ commission shall conduct a preliminary review 3694  
of the application and notify the applicant regarding any 3695  
deficiencies. Once an application is deemed complete, or 3696  
beginning on the thirtieth day after the application is filed, 3697  
if the ~~attorney general~~ commission failed to notify the 3698  
applicant of any deficiencies, the ~~attorney general~~ commission 3699  
shall have an additional sixty days to conduct an investigation 3700  
and either grant, grant with limits, restrictions, or 3701  
probationary conditions, or deny the application based on 3702  
findings established and communicated in accordance with 3703  
divisions (F) and (I) of this section. As an option to granting, 3704  
granting with limits, restrictions, or probationary conditions, 3705  
or denying an initial license application, the ~~attorney general~~ 3706  
commission may grant a temporary license and request additional 3707  
time to conduct the investigation if the ~~attorney general~~ 3708  
commission has cause to believe that additional time is 3709  
necessary to complete the investigation and has notified the 3710  
applicant in writing about the specific concerns raised during 3711  
the investigation. 3712



(F) (1) The ~~attorney general commission~~ shall adopt rules 3713  
to enforce ~~sections 2915.01, 2915.02, and 2915.07 to 2915.15 of~~ 3714  
~~the Revised Code~~ this chapter to ensure that bingo ~~is~~ and games 3715  
of chance are conducted in accordance with these sections this 3716  
chapter and to maintain proper control over the conduct of bingo 3717  
and games of chance by charitable organizations. Except as 3718  
otherwise provided in this section, the rules shall be adopted 3719  
pursuant to Chapter 119. of the Revised Code. The ~~attorney~~ 3720  
~~general commission~~ shall license charitable organizations to 3721  
conduct bingo in conformance with this chapter and with the 3722  
licensing provisions of Chapter 119. of the Revised Code. 3723

(2) If any of the following applies to an organization, 3724  
the ~~attorney general commission~~ may refuse to grant a license to 3725  
the organization, may revoke or suspend the organization's 3726  
license, or may place limits, restrictions, or probationary 3727  
conditions on the organization's license for a limited or 3728  
indefinite period, as determined by the ~~attorney general~~ 3729  
commission: 3730

(a) The organization fails or has failed at any time to 3731  
meet any requirement of this chapter or of section 109.26, 3732  
109.31, or 1716.02, ~~or sections 2915.07 to 2915.15 of the~~ 3733  
Revised Code, or violates or has violated any provision of 3734  
~~sections 2915.02 or 2915.07 to 2915.13 of the Revised Code~~ this 3735  
chapter or any rule adopted by the ~~attorney general commission~~ 3736  
pursuant to this chapter. 3737

(b) The organization makes or has made an incorrect or 3738  
false statement that is material to the granting of the license 3739  
in an application filed under this section. 3740

(c) The organization submits or has submitted any 3741  
incorrect or false information relating to an application if the 3742

information is material to the granting of the license. 3743

(d) The organization maintains or has maintained any 3744  
incorrect or false information that is material to the granting 3745  
of the license in the records required to be kept pursuant to 3746  
section ~~2915.10-3768.14~~ of the Revised Code, if applicable. 3747

(e) The ~~attorney general commission~~ has good cause to 3748  
believe that the organization will not conduct bingo in 3749  
accordance with ~~sections 2915.07 to 2915.15 of the Revised Code~~ 3750  
~~this chapter~~ or with any rule adopted by the ~~attorney general~~ 3751  
~~commission~~ pursuant to this chapter. 3752

(3) If the ~~attorney general commission~~ has good cause to 3753  
believe that any director or officer of the organization has 3754  
breached the director's or officer's fiduciary duty to, or 3755  
committed theft or any other type of misconduct related to, the 3756  
organization or any other charitable organization that has been 3757  
issued a bingo license under this chapter, the ~~attorney general~~ 3758  
~~commission~~ may refuse to grant a license to the organization, 3759  
may impose limits, restrictions, or probationary conditions on 3760  
the license, or may revoke or suspend the organization's license 3761  
for a period not to exceed five years. 3762

(4) The ~~attorney general commission~~ may impose a civil 3763  
fine on an organization licensed or permitted under this chapter 3764  
for failure to comply with any restrictions, limits, or 3765  
probationary conditions on its license, and for failure to 3766  
comply with this chapter or any rule adopted under this chapter, 3767  
according to a schedule of fines that the ~~attorney general~~ 3768  
~~commission~~ shall adopt in accordance with Chapter 119. of the 3769  
Revised Code. 3770

(5) For the purposes of division (F) of this section, any 3771

action of an officer, trustee, agent, representative, or bingo 3772  
game operator of an organization is an action of the 3773  
organization. 3774

(G) The ~~attorney general commission~~ may grant licenses to 3775  
charitable organizations that are branches, lodges, or chapters 3776  
of national charitable organizations. 3777

(H) The ~~attorney general commission~~ shall send notice of 3778  
any of the following actions in writing to the prosecuting 3779  
attorney and sheriff of the county in which the charitable 3780  
organization is located and to any other law enforcement agency 3781  
in that county that so requests, of all of the following: 3782

(1) The issuance of a license under this section; 3783

(2) The issuance of an amended license under this section; 3784

(3) The rejection of an application for and refusal to 3785  
grant a license under this section; 3786

(4) The revocation of any license previously issued under 3787  
this section; 3788

(5) The suspension of any license previously issued under 3789  
this section; 3790

(6) The placing of any limits, restrictions, or 3791  
probationary conditions placed on a license issued under this 3792  
section. 3793

(I) A license issued by the ~~attorney general commission~~ 3794  
under this section shall set forth the information contained on 3795  
the application of the charitable organization that the ~~attorney~~ 3796  
~~general commission~~ determines is relevant, including, but not 3797  
limited to, the location at which the organization will conduct 3798  
bingo, whether the license is a type I, type II, or type III 3799

license, and the days of the week and the times on each of those 3800  
days when bingo will be conducted. If the ~~attorney general~~ 3801  
commission refuses to grant, places limits, restrictions, or 3802  
probationary conditions on, or revokes or suspends a license, 3803  
the ~~attorney general~~ commission shall notify the applicant in 3804  
writing and specifically identify the reason for the refusal, 3805  
revocation, limit, restriction, probationary condition, or 3806  
suspension in narrative form and, if applicable, by identifying 3807  
the section of the Revised Code violated. The failure of the 3808  
~~attorney general~~ commission to give the written notice of the 3809  
reasons for the refusal, revocation, limit, restriction, 3810  
probationary condition, or suspension or a mistake in the 3811  
written notice does not affect the validity of the ~~attorney~~ 3812  
~~general's~~ commission's refusal to grant, or the revocation or 3813  
suspension of, or limit, restriction, probationary condition on, 3814  
a license. If the ~~attorney general~~ commission fails to give the 3815  
written notice or if there is a mistake in the written notice, 3816  
the applicant may bring an action to compel the ~~attorney general~~ 3817  
commission to comply with this division or to correct the 3818  
mistake, but the ~~attorney general's~~ commission's order refusing 3819  
to grant, or placing a limit, restriction, or probationary 3820  
condition on, or revoking or suspending, a license shall not be 3821  
enjoined during the pendency of the action. 3822

(J) (1) (a) Except as otherwise provided in division (J) (2) 3823  
of this section, a charitable organization that has been issued 3824  
a license under this section but that cannot conduct bingo at 3825  
the location, or on the day of the week or at the time, 3826  
specified on the license due to circumstances that make it 3827  
impractical to do so, or that desires to conduct instant bingo 3828  
other than at a bingo session at additional locations not 3829  
identified on the license, may apply in writing, together with 3830

an application fee of two hundred fifty dollars, to the ~~attorney~~ 3831  
~~general~~ commission, at least thirty days prior to a change in or 3832  
addition of a location, day of the week, or time, and request an 3833  
amended license. 3834

(b) As applicable, the application shall describe the 3835  
causes making it impractical for the organization to conduct 3836  
bingo in conformity with its license and shall indicate the 3837  
location, days of the week, and times on each of those days when 3838  
it desires to conduct bingo and, as applicable, shall indicate 3839  
the additional locations at which it desires to conduct instant 3840  
bingo other than at a bingo session. 3841

(c) Except as otherwise provided in division (J) (3) of 3842  
this section, the ~~attorney general~~ commission shall issue the 3843  
amended license in accordance with division (I) of this section, 3844  
and the organization shall surrender its original license to the 3845  
attorney general. 3846

(2) (a) A charitable organization that has been issued a 3847  
license under this section to conduct electronic instant bingo 3848  
but that cannot conduct electronic instant bingo at the 3849  
location, or on the day of the week or at the time, specified on 3850  
the license due to circumstances that make it impractical to do 3851  
so, may apply in writing, together with an application fee of 3852  
two hundred fifty dollars, to the ~~attorney general~~ commission, 3853  
at least thirty days prior to a change in a location, day of the 3854  
week, or time, and request an amended license. A charitable 3855  
organization may not apply for an amended license to conduct 3856  
electronic instant bingo at any additional location. 3857

(b) The application shall describe the causes making it 3858  
impractical for the organization to conduct electronic instant 3859  
bingo in conformity with its license and shall indicate the 3860

location, days of the week, and times on each of those days when 3861  
it desires to conduct electronic instant bingo. 3862

(c) Except as otherwise provided in division (J) (3) of 3863  
this section, the ~~attorney general commission~~ shall issue the 3864  
amended license in accordance with division (I) of this section, 3865  
and the organization shall surrender its original license to the 3866  
~~attorney general commission~~. 3867

(3) The ~~attorney general commission~~ may refuse to grant an 3868  
amended license under division (J) (1) or (2) of this section 3869  
according to the terms of division (F) of this section. 3870

~~(K) The attorney general may enter into a written contract 3871  
with any other state agency to delegate to that state agency the 3872  
powers prescribed to the attorney general under Chapter 2915. of 3873  
the Revised Code. 3874~~

~~(I) The attorney general commission, by rule adopted 3875  
pursuant to section 111.15 of the Revised Code, may adopt rules 3876  
to determine the requirements for a charitable organization that 3877  
is exempt from federal income taxation under subsection 501(a) 3878  
and described in subsection 501(c) (3) of the Internal Revenue 3879  
Code to be in good standing in the state for purposes of this 3880  
chapter. 3881~~

**Sec. ~~2915.09~~ 3768.05.** (A) No charitable organization that 3882  
conducts bingo shall fail to do any of the following: 3883

(1) Own all of the equipment used to conduct bingo or 3884  
lease that equipment from a charitable organization that is 3885  
licensed to conduct bingo, or from the landlord of a premises 3886  
where bingo is conducted, for a rental rate that is not more 3887  
than is customary and reasonable for that equipment; 3888

(2) Except as otherwise provided in division (A) (3) of 3889

this section, use all of the gross receipts from bingo for 3890  
paying prizes, for reimbursement of expenses for or for renting 3891  
premises in which to conduct a bingo session, for reimbursement 3892  
of expenses for or for purchasing or leasing bingo supplies used 3893  
in conducting bingo, for reimbursement of expenses for or for 3894  
hiring security personnel, for reimbursement of expenses for or 3895  
for advertising bingo, or for reimbursement of other expenses or 3896  
for other expenses listed in division ~~(GG)~~ (Q) of section 3897  
~~2915.01-3768.01~~ of the Revised Code, provided that the amount of 3898  
the receipts so spent is not more than is customary and 3899  
reasonable for a similar purchase, lease, hiring, advertising, 3900  
or expense. If the building in which bingo is conducted is owned 3901  
by the charitable organization conducting bingo and the bingo 3902  
conducted includes a form of bingo described in division ~~(O)(1)~~ 3903  
(A)(1) of section ~~2915.01-3768.01~~ of the Revised Code, the 3904  
charitable organization may deduct from the total amount of the 3905  
gross receipts from each session a sum equal to the lesser of 3906  
six hundred dollars or forty-five per cent of the gross receipts 3907  
from the bingo described in that division as consideration for 3908  
the use of the premises. 3909

(3) Use, or give, donate, or otherwise transfer, all of 3910  
the net profit derived from bingo described in division ~~(O)(1)~~ 3911  
(A)(1) of section ~~2915.01-3768.01~~ of the Revised Code for a 3912  
charitable purpose listed in its license application and 3913  
described in division ~~(V)~~ (H) of section ~~2915.01-3768.01~~ of the 3914  
Revised Code, or distribute all of the net profit from the 3915  
proceeds of the sale of instant bingo or electronic instant 3916  
bingo as stated in its license application and in accordance 3917  
with section ~~2915.101-3768.13~~ of the Revised Code, as 3918  
applicable. 3919

(B) No charitable organization that conducts a bingo game 3920

described in division ~~(O) (1)~~ (A) (1) of section ~~2915.01~~ 3768.01 3921  
of the Revised Code shall fail to do any of the following: 3922

(1) Conduct the bingo game on premises that are owned by 3923  
the charitable organization, on premises that are owned by 3924  
another charitable organization and leased from that charitable 3925  
organization for a rental rate not in excess of the lesser of 3926  
six hundred dollars per bingo session or forty-five per cent of 3927  
the gross receipts of the bingo session, on premises that are 3928  
leased from a person other than a charitable organization for a 3929  
rental rate that is not more than is customary and reasonable 3930  
for premises that are similar in location, size, and quality but 3931  
not in excess of four hundred fifty dollars per bingo session, 3932  
or on premises that are owned by a person other than a 3933  
charitable organization, that are leased from that person by 3934  
another charitable organization, and that are subleased from 3935  
that other charitable organization by the charitable 3936  
organization for a rental rate not in excess of four hundred 3937  
fifty dollars per bingo session. No charitable organization is 3938  
required to pay property taxes or assessments on premises that 3939  
the charitable organization leases from another person to 3940  
conduct bingo sessions. If the charitable organization leases 3941  
from a person other than a charitable organization the premises 3942  
on which it conducts bingo sessions, the lessor of the premises 3943  
shall provide the premises to the organization and shall not 3944  
provide the organization with bingo game operators, security 3945  
personnel, concessions or concession operators, bingo supplies, 3946  
or any other type of service. A charitable organization shall 3947  
not lease or sublease premises that it owns or leases to more 3948  
than three other charitable organizations per calendar week for 3949  
conducting bingo sessions on the premises. A person that is not 3950  
a charitable organization shall not lease premises that it owns, 3951



leases, or otherwise is empowered to lease to more than three 3952  
charitable organizations per calendar week for conducting bingo 3953  
sessions on the premises. In no case shall more than nine bingo 3954  
sessions be conducted on any premises in any calendar week. 3955

(2) Display its license conspicuously at the premises 3956  
where the bingo session is conducted; 3957

(3) Conduct the bingo session in accordance with the 3958  
definition of bingo set forth in division ~~(O) (1)~~ (A) (1) of 3959  
section ~~2915.01~~ 3768.01 of the Revised Code. 3960

(C) No charitable organization that conducts a bingo game 3961  
described in division ~~(O) (1)~~ (A) (1) of section ~~2915.01~~ 3768.01 3962  
of the Revised Code shall do any of the following: 3963

(1) Pay any compensation to a bingo game operator for 3964  
operating a bingo session that is conducted by the charitable 3965  
organization or for preparing, selling, or serving food or 3966  
beverages at the site of the bingo session, permit any auxiliary 3967  
unit or society of the charitable organization to pay 3968  
compensation to any bingo game operator who prepares, sells, or 3969  
serves food or beverages at a bingo session conducted by the 3970  
charitable organization, or permit any auxiliary unit or society 3971  
of the charitable organization to prepare, sell, or serve food 3972  
or beverages at a bingo session conducted by the charitable 3973  
organization, if the auxiliary unit or society pays any 3974  
compensation to the bingo game operators who prepare, sell, or 3975  
serve the food or beverages; 3976

(2) Pay consulting fees to any person for any services 3977  
performed in relation to the bingo session; 3978

(3) Pay concession fees to any person who provides 3979  
refreshments to the participants in the bingo session; 3980

(4) Except as otherwise provided in division (C) (4) of 3981  
this section, conduct more than three bingo sessions in any 3982  
seven-day period. A volunteer firefighter's organization or a 3983  
volunteer rescue service organization that conducts not more 3984  
than five bingo sessions in a calendar year may conduct more 3985  
than three bingo sessions in a seven-day period after notifying 3986  
the attorney general when it will conduct the sessions. 3987

(5) Pay out more than six thousand dollars in prizes for 3988  
bingo games described in division ~~(O) (1)~~ (A) (1) of section 3989  
~~2915.01~~ 3768.01 of the Revised Code during any bingo session 3990  
that is conducted by the charitable organization. "Prizes" does 3991  
not include awards from the conduct of instant bingo. 3992

(6) Conduct a bingo session at any time during the eight- 3993  
hour period between two a.m. and ten a.m., at any time during, 3994  
or within ten hours of, a bingo game conducted for amusement 3995  
only pursuant to section ~~2915.12~~ 3768.18 of the Revised Code, at 3996  
any premises not specified on its license, or on any day of the 3997  
week or during any time period not specified on its license. 3998  
Division (A) (6) of this section does not prohibit the sale of 3999  
instant bingo tickets beginning at nine a.m. for a bingo session 4000  
that begins at ten a.m. If circumstances make it impractical for 4001  
the charitable organization to conduct a bingo session at the 4002  
premises, or on the day of the week or at the time, specified on 4003  
its license, or if a charitable organization wants to conduct 4004  
bingo sessions on a day of the week or at a time other than the 4005  
day or time specified on its license, the charitable 4006  
organization may apply in writing to the attorney general for an 4007  
amended license pursuant to division (J) of section ~~2915.08~~ 4008  
3768.04 of the Revised Code. A charitable organization may apply 4009  
twice in each calendar year for an amended license to conduct 4010  
bingo sessions on a day of the week or at a time other than the 4011

day or time specified on its license. If the amended license is 4012  
granted, the organization may conduct bingo sessions at the 4013  
premises, on the day of the week, and at the time specified on 4014  
its amended license. 4015

(7) Permit any person whom the charitable organization 4016  
knows, or should have known, is under the age of eighteen to 4017  
work as a bingo game operator; 4018

(8) Permit any person whom the charitable organization 4019  
knows, or should have known, has been convicted of a felony or 4020  
gambling offense in any jurisdiction to be a bingo game 4021  
operator; 4022

(9) Permit the lessor of the premises on which the bingo 4023  
session is conducted, if the lessor is not a charitable 4024  
organization, to provide the charitable organization with bingo 4025  
game operators, security personnel, concessions, bingo supplies, 4026  
or any other type of service; 4027

(10) Purchase or lease bingo supplies from any person 4028  
except a distributor issued a license under section ~~2915.081-~~ 4029  
3768.16 of the Revised Code; 4030

(11)(a) Use or permit the use of electronic bingo aids 4031  
except under the following circumstances: 4032

(i) For any single participant, not more than ninety bingo 4033  
faces can be played using an electronic bingo aid or aids. 4034

(ii) The charitable organization shall provide a 4035  
participant using an electronic bingo aid with corresponding 4036  
paper bingo cards or sheets. 4037

(iii) The total price of bingo faces played with an 4038  
electronic bingo aid shall be equal to the total price of the 4039

same number of bingo faces played with a paper bingo card or 4040  
sheet sold at the same bingo session but without an electronic 4041  
bingo aid. 4042

(iv) An electronic bingo aid cannot be part of an 4043  
electronic network other than a network that includes only bingo 4044  
aids and devices that are located on the premises at which the 4045  
bingo is being conducted or be interactive with any device not 4046  
located on the premises at which the bingo is being conducted. 4047

(v) An electronic bingo aid cannot be used to participate 4048  
in bingo that is conducted at a location other than the location 4049  
at which the bingo session is conducted and at which the 4050  
electronic bingo aid is used. 4051

(vi) An electronic bingo aid cannot be used to provide for 4052  
the input of numbers and letters announced by a bingo caller 4053  
other than the bingo caller who physically calls the numbers and 4054  
letters at the location at which the bingo session is conducted 4055  
and at which the electronic bingo aid is used. 4056

(b) The ~~attorney general commission~~ may adopt rules in 4057  
accordance with Chapter 119. of the Revised Code that govern the 4058  
use of electronic bingo aids. The rules may include a 4059  
requirement that an electronic bingo aid be capable of being 4060  
audited by the ~~attorney general commission~~ to verify the number 4061  
of bingo cards or sheets played during each bingo session. 4062

(12) Permit any person the charitable organization knows, 4063  
or should have known, to be under eighteen years of age to play 4064  
bingo described in division ~~(O) (1)~~ (A) (1) of section ~~2915.01~~ 4065  
3768.01 of the Revised Code. 4066

(D) (1) Except as otherwise provided in division (D) (3) of 4067  
this section, no charitable organization shall provide to a 4068

bingo game operator, and no bingo game operator shall receive or 4069  
accept, any commission, wage, salary, reward, tip, donation, 4070  
gratuity, or other form of compensation, directly or indirectly, 4071  
regardless of the source, for conducting bingo or providing 4072  
other work or labor at the site of bingo during a bingo session. 4073

(2) Except as otherwise provided in division (D) (3) of 4074  
this section, no charitable organization shall provide to a 4075  
bingo game operator any commission, wage, salary, reward, tip, 4076  
donation, gratuity, or other form of compensation, directly or 4077  
indirectly, regardless of the source, for conducting instant 4078  
bingo, electronic instant bingo, or both other than at a bingo 4079  
session at the site of instant bingo, electronic instant bingo, 4080  
or both other than at a bingo session. 4081

(3) Nothing in division (D) of this section prohibits an 4082  
employee of a fraternal organization, veteran's organization, or 4083  
sporting organization from selling instant bingo tickets or 4084  
cards to the organization's members or invited guests, as long 4085  
as no portion of the employee's compensation is paid from any 4086  
receipts of bingo. 4087

(E) Notwithstanding division (B) (1) of this section, a 4088  
charitable organization that, prior to December 6, 1977, has 4089  
entered into written agreements for the lease of premises it 4090  
owns to another charitable organization or other charitable 4091  
organizations for the conducting of bingo sessions so that more 4092  
than two bingo sessions are conducted per calendar week on the 4093  
premises, and a person that is not a charitable organization and 4094  
that, prior to December 6, 1977, has entered into written 4095  
agreements for the lease of premises it owns to charitable 4096  
organizations for the conducting of more than two bingo sessions 4097  
per calendar week on the premises, may continue to lease the 4098

premises to those charitable organizations, provided that no 4099  
more than four sessions are conducted per calendar week, that 4100  
the lessor organization or person has notified the ~~attorney-~~ 4101  
~~general commission~~ in writing of the organizations that will 4102  
conduct the sessions and the days of the week and the times of 4103  
the day on which the sessions will be conducted, that the 4104  
initial lease entered into with each organization that will 4105  
conduct the sessions was filed with the attorney general prior 4106  
to December 6, 1977, and that each organization that will 4107  
conduct the sessions was issued a license to conduct bingo games 4108  
by the attorney general prior to December 6, 1977. 4109

(F) This section does not prohibit a bingo licensed 4110  
charitable organization or a game operator from giving any 4111  
person an instant bingo ticket as a prize. 4112

(G) Whoever violates division (A) (2) of this section is 4113  
guilty of illegally conducting a bingo game, a felony of the 4114  
fourth degree. Except as otherwise provided in this division, 4115  
whoever violates division (A) (1) or (3), (B) (1), (2), or (3), 4116  
(C) (1) to (11), or (D) of this section is guilty of a minor 4117  
misdemeanor. If the offender previously has been convicted of a 4118  
violation of division (A) (1) or (3), (B) (1), (2), or (3), (C) (1) 4119  
to (11), or (D) of this section, a violation of division (A) (1) 4120  
or (3), (B) (1), (2), or (3), (C), or (D) of this section is a 4121  
misdemeanor of the first degree. Whoever violates division (C) 4122  
(12) of this section is guilty of a misdemeanor of the first 4123  
degree, or if the offender previously has been convicted of a 4124  
violation of division (C) (12) of this section, a felony of the 4125  
fourth degree. 4126

**Sec. ~~2915.091~~ 3768.06.** (A) No charitable organization that 4127  
conducts instant bingo shall do any of the following: 4128

(1) Fail to comply with the requirements of divisions (A) 4129  
(1), (2), and (3) of section ~~2915.09~~3768.05 of the Revised 4130  
Code; 4131

(2) Conduct instant bingo unless either of the following 4132  
applies: 4133

(a) That organization is, and has received from the 4134  
internal revenue service a determination letter that is 4135  
currently in effect stating that the organization is, exempt 4136  
from federal income taxation under subsection 501(a), is 4137  
described in subsection 501(c)(3) of the Internal Revenue Code, 4138  
is a charitable organization as defined in section ~~2915.01~~ 4139  
3768.01 of the Revised Code, is in good standing in the state 4140  
pursuant to section ~~2915.08~~3768.04 of the Revised Code, and is 4141  
in compliance with Chapter 1716. of the Revised Code; 4142

(b) That organization is, and has received from the 4143  
internal revenue service a determination letter that is 4144  
currently in effect stating that the organization is, exempt 4145  
from federal income taxation under subsection 501(a), is 4146  
described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 4147  
501(c)(19) or is a veteran's organization described in 4148  
subsection 501(c)(4) of the Internal Revenue Code, and conducts 4149  
instant bingo under section ~~2915.13~~3768.10 of the Revised Code. 4150

(3) Conduct instant bingo on any day, at any time, or at 4151  
any premises not specified on the organization's license issued 4152  
pursuant to section ~~2915.08~~3768.04 of the Revised Code; 4153

(4) Permit any person whom the organization knows or 4154  
should have known has been convicted of a felony or gambling 4155  
offense in any jurisdiction to be a bingo game operator in the 4156  
conduct of instant bingo; 4157

(5) Purchase or lease supplies used to conduct instant 4158  
bingo or punch board games from any person except a distributor 4159  
licensed under section ~~2915.081~~ 3768.16 of the Revised Code; 4160

(6) Sell or provide any instant bingo ticket or card for a 4161  
price different from the price printed on it by the manufacturer 4162  
on either the instant bingo ticket or card or on the game flare; 4163

(7) Sell an instant bingo ticket or card to a person under 4164  
eighteen years of age; 4165

(8) Fail to keep unsold instant bingo tickets or cards for 4166  
less than three years; 4167

(9) Pay any compensation to a bingo game operator for 4168  
conducting instant bingo that is conducted by the organization 4169  
or for preparing, selling, or serving food or beverages at the 4170  
site of the instant bingo game, permit any auxiliary unit or 4171  
society of the organization to pay compensation to any bingo 4172  
game operator who prepares, sells, or serves food or beverages 4173  
at an instant bingo game conducted by the organization, or 4174  
permit any auxiliary unit or society of the organization to 4175  
prepare, sell, or serve food or beverages at an instant bingo 4176  
game conducted by the organization, if the auxiliary unit or 4177  
society pays any compensation to the bingo game operators who 4178  
prepare, sell, or serve the food or beverages; 4179

(10) Pay fees to any person for any services performed in 4180  
relation to an instant bingo game, except as provided in 4181  
division (D) of section ~~2915.093~~ 3768.07 of the Revised Code; 4182

(11) Pay fees to any person who provides refreshments to 4183  
the participants in an instant bingo game; 4184

(12) (a) Allow instant bingo tickets or cards to be sold to 4185  
bingo game operators at a premises at which the organization 4186



sells instant bingo tickets or cards or to be sold to employees 4187  
of a D permit holder who are working at a premises at which 4188  
instant bingo tickets or cards are sold; 4189

(b) Division (A) (12) (a) of this section does not prohibit 4190  
a licensed charitable organization or a bingo game operator from 4191  
giving any person an instant bingo ticket as a prize in place of 4192  
a cash prize won by a participant in an instant bingo game. In 4193  
no case shall an instant bingo ticket or card be sold or 4194  
provided for a price different from the price printed on it by 4195  
the manufacturer on either the instant bingo ticket or card or 4196  
on the game flare. 4197

(13) Fail to display its bingo license, and the serial 4198  
numbers of the deal of instant bingo tickets or cards to be 4199  
sold, conspicuously at each premises at which it sells instant 4200  
bingo tickets or cards; 4201

(14) Possess a deal of instant bingo tickets or cards that 4202  
was not purchased from a distributor licensed under section 4203  
~~2915.081~~ 3768.16 of the Revised Code as reflected on an invoice 4204  
issued by the distributor that contains all of the information 4205  
required by division (E) of section ~~2915.10~~ 3768.14 of the 4206  
Revised Code; 4207

(15) Fail, once it opens a deal of instant bingo tickets 4208  
or cards, to continue to sell the tickets or cards in that deal 4209  
until the tickets or cards with the top two highest tiers of 4210  
prizes in that deal are sold; 4211

(16) Possess bingo supplies that were not obtained in 4212  
accordance with this chapter. 4213

(B) A charitable organization may purchase, lease, or use 4214  
instant bingo ticket dispensers to sell instant bingo tickets or 4215

cards. 4216

(C) The ~~attorney general commission~~ may adopt rules in 4217  
accordance with Chapter 119. of the Revised Code that govern the 4218  
conduct of instant bingo by charitable organizations. ~~Before In~~ 4219  
~~adopting those rules are adopted, the attorney general the~~ 4220  
~~commission~~ shall reference the recommended standards for 4221  
opacity, randomization, minimum information, winner protection, 4222  
color, and cutting for instant bingo tickets or cards, seal 4223  
cards, and punch boards established by the North American gaming 4224  
regulators association. 4225

(D) Whoever violates division (A) of this section or a 4226  
rule adopted under division (C) of this section is guilty of 4227  
illegal instant bingo conduct. Except as otherwise provided in 4228  
this division, illegal instant bingo conduct is a misdemeanor of 4229  
the first degree. If the offender previously has been convicted 4230  
of a violation of division (A) of this section or of such a 4231  
rule, illegal instant bingo conduct is a felony of the fifth 4232  
degree. 4233

**Sec. ~~2915.093~~ 3768.07.** (A) As used in this section, 4234  
"retail income from all commercial activity" means the income 4235  
that a person receives from the provision of goods, services, or 4236  
activities that are provided at the location where instant bingo 4237  
other than at a bingo session is conducted, including the sale 4238  
of instant bingo tickets. A religious organization that is 4239  
exempt from federal income taxation under subsection 501(a) and 4240  
described in subsection 501(c) (3) of the Internal Revenue Code, 4241  
at not more than one location at which it conducts its 4242  
charitable programs, may include donations from its members and 4243  
guests as retail income. 4244

(B) (1) If a charitable instant bingo organization conducts 4245

instant bingo other than at a bingo session under a type III 4246  
license issued under section ~~2915.08~~3768.04 of the Revised 4247  
Code, the charitable instant bingo organization shall enter into 4248  
a written contract with the owner or lessor of the location at 4249  
which the instant bingo is conducted to allow the owner or 4250  
lessor to assist in the conduct of instant bingo other than at a 4251  
bingo session, identify each location where the instant bingo 4252  
other than at a bingo session is being conducted, and identify 4253  
the owner or lessor of each location. 4254

(2) A charitable instant bingo organization that conducts 4255  
instant bingo other than at a bingo session under a type III 4256  
license issued under section ~~2915.08~~3768.04 of the Revised Code 4257  
is not required to enter into a written contract with the owner 4258  
or lessor of the location at which the instant bingo is 4259  
conducted, provided that the owner or lessor is not assisting in 4260  
the conduct of the instant bingo other than at a bingo session 4261  
and provided that the conduct of the instant bingo other than at 4262  
a bingo session at that location is not more than five days per 4263  
calendar year and not more than ten hours per day. 4264

(C) Except as provided in division (F) of this section, no 4265  
charitable instant bingo organization shall conduct instant 4266  
bingo other than at a bingo session at a location where the 4267  
primary source of retail income from all commercial activity at 4268  
that location is the sale of instant bingo tickets. 4269

(D) The owner or lessor of a location that enters into a 4270  
contract pursuant to division (B) of this section shall pay the 4271  
full gross profit to the charitable instant bingo organization, 4272  
in return for the deal of instant bingo tickets. The owner or 4273  
lessor may retain the money that the owner or lessor receives 4274  
for selling the instant bingo tickets, provided, however, that 4275

after the deal has been sold, the owner or lessor shall pay to 4276  
the charitable instant bingo organization the value of any 4277  
unredeemed instant bingo prizes remaining in the deal of instant 4278  
bingo tickets. 4279

The charitable instant bingo organization shall pay six 4280  
per cent of the total gross receipts of any deal of instant 4281  
bingo tickets for the purpose of reimbursing the owner or lessor 4282  
for expenses described in this division. 4283

As used in this division, "expenses" means those items 4284  
provided for in divisions ~~(GG) (4)~~ (R) (4), (5), (6), (7), (8), 4285  
(12), and (13) of section ~~2915.01~~ 3768.01 of the Revised Code 4286  
and that percentage of the owner's or lessor's rent for the 4287  
location where instant bingo is conducted. "Expenses," in the 4288  
aggregate, shall not exceed six per cent of the total gross 4289  
receipts of any deal of instant bingo tickets. 4290

As used in this division, "full gross profit" means the 4291  
amount by which the total receipts of all instant bingo tickets, 4292  
if the deal had been sold in full, exceeds the amount that would 4293  
be paid out if all prizes were redeemed. 4294

(E) A charitable instant bingo organization shall provide 4295  
the attorney general with all of the following information: 4296

(1) That the charitable instant bingo organization has 4297  
terminated a contract entered into pursuant to division (B) of 4298  
this section with an owner or lessor of a location; 4299

(2) That the charitable instant bingo organization has 4300  
entered into a written contract pursuant to division (B) of this 4301  
section with a new owner or lessor of a location; 4302

(3) That the charitable instant bingo organization is 4303  
aware of conduct by the owner or lessor of a location at which 4304

instant bingo is conducted that is in violation of this chapter. 4305

(F) Division (C) of this section does not apply to a 4306  
volunteer firefighter's organization that is exempt from federal 4307  
income taxation under subsection 501(a) and described in 4308  
subsection 501(c)(3) of the Internal Revenue Code, that conducts 4309  
instant bingo other than at a bingo session on the premises 4310  
where the organization conducts firefighter training, that has 4311  
conducted instant bingo continuously for at least five years 4312  
prior to July 1, 2003, and that, during each of those five 4313  
years, had gross receipts of at least one million five hundred 4314  
thousand dollars. 4315

**Sec. ~~2915.094~~ 3768.08.** (A) No owner or lessor of a 4316  
location shall assist a charitable instant bingo organization in 4317  
the conduct of instant bingo other than at a bingo session at 4318  
that location unless the owner or lessor has entered into a 4319  
written contract, as described in section ~~2915.093~~ 3768.07 of 4320  
the Revised Code, with the charitable instant bingo organization 4321  
to assist in the conduct of instant bingo other than at a bingo 4322  
session. 4323

(B) The location of the lessor or owner shall be 4324  
designated as a location where the charitable instant bingo 4325  
organization conducts instant bingo other than at a bingo 4326  
session. 4327

(C) No owner or lessor of a location that enters into a 4328  
written contract as prescribed in division (A) of this section 4329  
shall violate any provision of this chapter or Chapter 2915. of 4330  
the Revised Code, or permit, aid, or abet any other person in 4331  
violating any provision of this chapter or Chapter 2915. of the 4332  
Revised Code. 4333

(D) No owner or lessor of a location that enters into a 4334  
written contract as prescribed in division (A) of this section 4335  
shall violate the terms of the contract. 4336

(E) (1) Whoever violates division (C) or (D) of this 4337  
section is guilty of illegal instant bingo conduct. Except as 4338  
otherwise provided in this division, illegal instant bingo 4339  
conduct is a misdemeanor of the first degree. If the offender 4340  
previously has been convicted of a violation of division (C) or 4341  
(D) of this section, illegal instant bingo conduct is a felony 4342  
of the fifth degree. 4343

(2) If an owner or lessor of a location knowingly, 4344  
intentionally, or recklessly violates division (C) or (D) of 4345  
this section, any license that the owner or lessor holds for the 4346  
retail sale of any goods on the owner's or lessor's premises 4347  
that is issued by the state or a political subdivision is 4348  
subject to suspension, revocation, or payment of a monetary 4349  
penalty at the request of the ~~attorney general~~ commission. 4350

**Sec. ~~2915.095~~ 3768.09.** The ~~attorney general~~ commission, by 4351  
rule adopted pursuant to section 111.15 of the Revised Code, 4352  
shall establish a standard contract to be used by a charitable 4353  
instant bingo organization, a veteran's organization, a 4354  
fraternal organization, or a sporting organization for the 4355  
conduct of instant bingo, electronic instant bingo, or both 4356  
other than at a bingo session under a type III license issued 4357  
under section ~~2915.08~~ 3768.04 of the Revised Code. The terms of 4358  
the contract shall be limited to the provisions ~~in Chapter 2915.~~ 4359  
~~of the Revised Code~~ of this chapter. 4360

**Sec. ~~2915.13~~ 3768.10.** (A) Subject to the requirements of 4361  
sections ~~2915.14~~ 3768.11 and ~~2915.15~~ 3768.12 of the Revised Code 4362  
concerning electronic instant bingo, a veteran's organization, a 4363

fraternal organization, or a sporting organization authorized to 4364  
conduct a bingo session pursuant to this chapter may conduct 4365  
instant bingo, electronic instant bingo, or both other than at a 4366  
bingo session under a type III license issued under section 4367  
~~2915.08~~ 3768.04 of the Revised Code if all of the following 4368  
apply: 4369

(1) The veteran's organization, fraternal organization, or 4370  
sporting organization limits the sale of instant bingo or 4371  
electronic instant bingo to ~~twelve~~ sixteen hours during any day, 4372  
provided that the sale does not begin earlier than ~~ten~~ eight 4373  
a.m. and ends not later than two a.m. 4374

(2) The veteran's organization, fraternal organization, or 4375  
sporting organization limits the sale of instant bingo or 4376  
electronic instant bingo to its own premises and to its own 4377  
members and invited guests. 4378

(3) The veteran's organization, fraternal organization, or 4379  
sporting organization is raising money for an organization that 4380  
is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 4381  
the Internal Revenue Code and is either a governmental unit or 4382  
an organization that maintains its principal place of business 4383  
in this state, that is exempt from federal income taxation under 4384  
subsection 501(a) and described in subsection 501(c)(3) of the 4385  
Internal Revenue Code, and that is in good standing in this 4386  
state and executes a written contract with that organization as 4387  
required in division (B) of this section. 4388

(B) If a veteran's organization, fraternal organization, 4389  
or sporting organization authorized to conduct instant bingo or 4390  
electronic instant bingo pursuant to division (A) of this 4391  
section is raising money for another organization that is 4392  
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 4393

the Internal Revenue Code and is either a governmental unit or 4394  
an organization that maintains its principal place of business 4395  
in this state, that is exempt from federal income taxation under 4396  
subsection 501(a) and described in subsection 501(c)(3) of the 4397  
Internal Revenue Code, and that is in good standing in this 4398  
state, the veteran's organization, fraternal organization, or 4399  
sporting organization shall execute a written contract with the 4400  
organization that is described in subsection 509(a)(1), 509(a) 4401  
(2), or 509(a)(3) of the Internal Revenue Code and is either a 4402  
governmental unit or an organization that maintains its 4403  
principal place of business in this state, that is exempt from 4404  
federal income taxation under subsection 501(a) and described in 4405  
subsection 501(c)(3) of the Internal Revenue Code, and that is 4406  
in good standing in this state in order to conduct instant bingo 4407  
or electronic instant bingo. That contract shall include a 4408  
statement of the percentage of the net proceeds that the 4409  
veteran's, fraternal, or sporting organization will be 4410  
distributing to the organization that is described in subsection 4411  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 4412  
and is either a governmental unit or an organization that 4413  
maintains its principal place of business in this state, that is 4414  
exempt from federal income taxation under subsection 501(a) and 4415  
described in subsection 501(c)(3) of the Internal Revenue Code, 4416  
and that is in good standing in this state under section 3768.13 4417  
of the Revised Code. 4418

(C)(1) If a veteran's organization, fraternal 4419  
organization, or sporting organization authorized to conduct 4420  
instant bingo or electronic instant bingo pursuant to division 4421  
(A) of this section has been issued a liquor permit under 4422  
Chapter 4303. of the Revised Code, that permit may be subject to 4423  
suspension, revocation, or cancellation if the veteran's 4424



organization, fraternal organization, or sporting organization 4425  
violates a provision of this chapter. 4426

(2) No veteran's organization, fraternal organization, or 4427  
sporting organization that enters into a written contract 4428  
pursuant to division (B) of this section shall violate any 4429  
provision of this chapter or permit, aid, or abet any other 4430  
person in violating any provision of this chapter. 4431

(D) A veteran's organization, fraternal organization, or 4432  
sporting organization shall give all required proceeds earned 4433  
from the conduct of instant bingo or electronic instant bingo to 4434  
the organization with which the veteran's organization, 4435  
fraternal organization, or sporting organization has entered 4436  
into a written contract. 4437

(E) Whoever violates this section is guilty of illegal 4438  
instant bingo or electronic instant bingo conduct. Except as 4439  
otherwise provided in this division, illegal instant bingo or 4440  
electronic instant bingo conduct is a misdemeanor of the first 4441  
degree. If the offender previously has been convicted of a 4442  
violation of this section, illegal instant bingo or electronic 4443  
instant bingo conduct is a felony of the fifth degree. 4444

**Sec. ~~2915.14~~ 3768.11.** (A) No charitable organization shall 4445  
conduct electronic instant bingo unless all of the following are 4446  
true: 4447

(1) The organization is a veteran's organization described 4448  
in division ~~(J)~~ (NN) of section ~~2915.01~~ 3768.01 of the Revised 4449  
Code, or is a fraternal organization described in division ~~(L)~~ 4450  
(S) of section ~~2915.01~~ 3768.01 of the Revised Code, and the 4451  
organization qualified as a veteran's organization or fraternal 4452  
organization, as applicable, on or before June 30, 2021. 4453

(2) The organization is a veteran's organization described 4454  
in subsection 501(c)(4) of the Internal Revenue Code or is, and 4455  
has received from the internal revenue service a determination 4456  
letter that is currently in effect stating that the organization 4457  
is, exempt from federal income taxation under subsection 501(a), 4458  
and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), 4459  
or 501(c)(19) of the Internal Revenue Code. 4460

(3) The organization has not conducted a raffle in 4461  
violation of division (B) of section ~~2915.092~~3768.02 of the 4462  
Revised Code using an electronic raffle machine, as described in 4463  
Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case 4464  
No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any 4465  
time on or after January 1, 2022. 4466

(B) No charitable organization that conducts electronic 4467  
instant bingo shall do any of the following: 4468

(1) Possess an electronic instant bingo system that was 4469  
not obtained in accordance with this chapter or with any rule 4470  
adopted under this chapter; 4471

(2) Conduct electronic instant bingo on any day, at any 4472  
time, or on any premises not specified on the organization's 4473  
type II or type III license issued under section ~~2915.08~~3768.04 4474  
of the Revised Code; 4475

(3) Hold more than one valid license to conduct electronic 4476  
instant bingo at any one time; 4477

(4) Conduct electronic instant bingo on more than one 4478  
premises or on any premises other than the charitable 4479  
organization's principal place of business; 4480

(5) Operate more than ten electronic bingo systems at the 4481  
premises on which the charitable organization conducts 4482

electronic instant bingo under its license; 4483

(6) Fail to display both of the following conspicuously at 4484  
the premises on which the charitable organization conducts 4485  
electronic instant bingo: 4486

(a) The charitable organization's bingo license; 4487

(b) The serial number of each deal of electronic instant 4488  
bingo tickets being sold. 4489

(7) Permit any person the charitable organization knows, 4490  
or should have known, to be under eighteen years of age to play 4491  
electronic instant bingo; 4492

(8) Sell or provide to any person an electronic instant 4493  
bingo ticket for a price different from the price displayed on 4494  
the game flare for that deal, except that the charitable 4495  
organization may give a participant who wins an electronic 4496  
instant bingo game an electronic instant bingo ticket as a prize 4497  
in place of a cash prize; 4498

(9) Fail, once an electronic instant bingo deal is begun, 4499  
to continue to sell tickets in that deal until all prizes have 4500  
been awarded; 4501

(10) Permit any person whom the organization knows, or 4502  
should have known, has been convicted of a felony or gambling 4503  
offense in any jurisdiction to be a bingo game operator in the 4504  
conduct of electronic instant bingo; 4505

(11) Permit a bingo game operator to play electronic 4506  
instant bingo; 4507

(12) (a) Except as otherwise provided in division (B) (12) 4508  
(b) of this section, pay compensation to a bingo game operator 4509  
for conducting electronic instant bingo. 4510

(b) Division (B) (12) (a) of this section does not prohibit 4511  
an employee of a veteran's organization or fraternal 4512  
organization from redeeming electronic instant bingo tickets or 4513  
vouchers for the organization's members or invited guests, so 4514  
long as no portion of the employee's compensation is paid from 4515  
any bingo receipts. 4516

(13) Pay consulting fees to any person in relation to 4517  
electronic instant bingo. 4518

(C) No person shall sell, offer to sell, or otherwise 4519  
provide or offer to provide an electronic instant bingo system 4520  
to any person for use in this state unless the electronic 4521  
instant bingo system has been approved under section ~~2915.15-~~ 4522  
3768.12 of the Revised Code. 4523

(D) The ~~attorney general~~ commission shall adopt rules 4524  
under Chapter 119. of the Revised Code to ensure the integrity 4525  
of electronic instant bingo, including, but not limited to, 4526  
rules governing all of the following: 4527

(1) The requirements to receive a license or endorsement 4528  
to conduct electronic instant bingo; 4529

(2) The location and number of electronic instant bingo 4530  
systems in use, which shall not exceed ten at the single 4531  
licensed location per organization; 4532

(3) The times when electronic instant bingo may be 4533  
offered; 4534

(4) Signage requirements in facilities where electronic 4535  
instant bingo is offered; 4536

(5) Electronic instant bingo device and system 4537  
specifications, including reveal features and game themes; 4538

(6) Procedures and standards for the review, approval, 4539  
inspection, and monitoring of electronic instant bingo systems, 4540  
as described in section ~~2915.15~~ 3768.12 of the Revised Code; 4541

(7) Procedures and standards for the review and approval 4542  
of any changes to technology, systems, or games licensed or 4543  
permitted under this chapter; 4544

(8) The fees to be charged under section ~~2915.15~~ 3768.12 4545  
of the Revised Code for review, approval, inspection, and 4546  
monitoring of electronic instant bingo systems; 4547

(9) Procedures allowing the ~~attorney general~~ commission to 4548  
seek a summary suspension of a license to conduct electronic 4549  
instant bingo or a license to manufacture or distribute 4550  
electronic instant bingo systems if the ~~attorney general~~ 4551  
commission has good cause to believe that the person or 4552  
organization licensed to conduct electronic instant bingo, or 4553  
the person or organization licensed to manufacture or distribute 4554  
electronic instant bingo systems, or any of the organization's 4555  
employees, officers, directors, agents, representatives, or 4556  
partners, has violated this chapter or a rule adopted under this 4557  
chapter. 4558

(E) Whoever knowingly violates division (A), (B), or (C) 4559  
of this section or a rule adopted under division (D) of this 4560  
section is guilty of illegal electronic instant bingo conduct. 4561  
Illegal electronic instant bingo conduct is a misdemeanor of the 4562  
first degree, except that if the offender previously has been 4563  
convicted of a violation of division (A) or (B) of this section 4564  
or of a rule adopted under division (D) of this section, illegal 4565  
instant bingo conduct is a felony of the fifth degree. 4566

**Sec. ~~2915.15~~ 3768.12.** (A) (1) Before selling, offering to 4567

sell, or otherwise providing or offering to provide an 4568  
electronic instant bingo system to any person for use in this 4569  
state, a manufacturer shall submit the electronic instant bingo 4570  
system to ~~an~~ a certified independent testing laboratory ~~that is~~ 4571  
~~licensed by the state lottery commission under section 3770.02~~ 4572  
~~of the Revised Code, or that is certified under section 3772.31~~ 4573  
3772.312 of the Revised Code, for testing and evaluation to 4574  
determine whether the electronic instant bingo system meets the 4575  
requirements of this chapter and of rules adopted under this 4576  
chapter. The manufacturer shall pay all costs of that testing 4577  
and evaluation. 4578

(2) ~~If the independent testing laboratory certifies that~~ 4579  
~~the electronic instant bingo system meets the requirements of~~ 4580  
~~this chapter and of rules adopted under this chapter, the~~ 4581  
~~manufacturer may submit the electronic instant bingo system,~~ 4582  
~~along with a copy of the laboratory's certification and a fee~~ 4583  
~~established by the attorney general by rule under Chapter 119.~~ 4584  
~~of the Revised Code, to the attorney general for review and~~ 4585  
~~approval. The manufacturer also shall submit a fee established~~ 4586  
~~by the attorney general by rule under Chapter 119. of the~~ 4587  
~~Revised Code, which the attorney general shall use to pay the~~ 4588  
~~cost of reviewing and approving electronic instant bingo systems~~ 4589  
~~under division (A) of this section.~~ 4590

(3) ~~The attorney general shall approve the system for use~~ 4591  
~~in this state if the attorney general determines that the~~ 4592  
~~electronic instant bingo system meets the requirements of this~~ 4593  
~~chapter and of the rules adopted under this chapter. The~~ 4594  
~~attorney general shall consult the Ohio casino control~~ 4595  
~~commission for assistance in determining whether an electronic~~ 4596  
~~instant bingo system is prohibited for use under this chapter on~~ 4597  
~~the ground that it is a slot machine.~~ 4598

~~(4)~~ An electronic instant bingo system shall be ~~verified~~ 4599  
approved and sealed by the attorney general commission before 4600  
the electronic instant bingo system is placed into service. 4601

~~(5)~~ (3) Before an electronic instant bingo system is 4602  
removed from service, the attorney general's commission's seal 4603  
shall be removed by the attorney general's commission's 4604  
designee. If the seal is removed after an electronic instant 4605  
bingo system is sealed by the attorney general commission but 4606  
before the electronic instant bingo system is placed into 4607  
service, or if the seal is removed before an electronic instant 4608  
bingo system is removed from service, or if the seal is removed 4609  
by someone other than the attorney general's commission's 4610  
designee, the electronic instant bingo system shall be returned 4611  
to ~~an~~ a certified independent testing laboratory described in 4612  
division (A) (1) of this section. 4613

(B) Any electronic instant bingo system approved for use 4614  
in this state shall have a central server located in Ohio which 4615  
is accessible to the attorney general commission and shall 4616  
include an internal report management system that records 4617  
information concerning the operation of the system and that 4618  
meets the requirements adopted by the attorney general 4619  
commission by rule under Chapter 119. of the Revised Code. The 4620  
internal report management system shall permit the attorney 4621  
general commission or another person designated by the attorney 4622  
general commission to access the internal report management 4623  
system, monitor the electronic instant bingo system, and 4624  
remotely deactivate the electronic instant bingo system or any 4625  
aspect of the system. 4626

(C) The attorney general commission may inspect any 4627  
electronic instant bingo system in use in this state at any time 4628

to ensure that the system is in compliance with this chapter and 4629  
with the rules adopted under this chapter. If the ~~attorney-~~ 4630  
~~general-commission~~ determines that any person or any electronic 4631  
instant bingo system is in violation of any provision of this 4632  
chapter or of any rule adopted under this chapter, the ~~attorney-~~ 4633  
~~general-commission~~ may order that the violation immediately 4634  
cease and may deactivate the electronic instant bingo system or 4635  
any aspect of it. 4636

(D) The ~~attorney-general-commission~~ may establish by rule 4637  
adopted under Chapter 119. of the Revised Code an annual fee to 4638  
be paid by distributors licensed under section ~~2915.081~~ 3768.16 4639  
of the Revised Code who have electronic instant bingo 4640  
distributor endorsements to their licenses in order to pay the 4641  
cost of monitoring the systems under division (B) of this 4642  
section and the cost of inspecting systems under division (C) of 4643  
this section. 4644

**Sec. ~~2915.101~~ 3768.13.** (A) As used in this section: 4645

(1) "Net profit from the proceeds of the sale of instant 4646  
bingo" means gross profit minus the ordinary, necessary, and 4647  
reasonable expense expended for the purchase of bingo supplies 4648  
for the purpose of conducting instant bingo or electronic 4649  
instant bingo, and, in the case of instant bingo or electronic 4650  
instant bingo conducted by a veteran's, fraternal, or sporting 4651  
organization, minus the payment by that organization of real 4652  
property taxes and assessments levied on a premises on which 4653  
instant bingo or electronic instant bingo is conducted. 4654

(2) "Net profit from the proceeds of the sale of 4655  
electronic instant bingo" means gross profit minus the ordinary, 4656  
necessary, and reasonable expense expended for the purchase of 4657  
bingo supplies for the purpose of conducting electronic instant 4658



bingo, and minus the payment by the veteran's or fraternal 4659  
organization of real property taxes and assessments levied on a 4660  
premises on which electronic instant bingo is conducted. 4661

(B) Except as otherwise provided by law, a charitable 4662  
organization that conducts instant bingo or electronic instant 4663  
bingo shall distribute the net profit from the proceeds of the 4664  
sale of instant bingo or electronic instant bingo ~~as follows:~~ in 4665  
accordance with this section. 4666

~~(A) (1)~~ (C) (1) If a veteran's organization, a fraternal 4667  
organization, or a sporting organization ~~conducted the~~ conducts 4668  
instant bingo ~~or electronic instant bingo~~, the organization 4669  
shall distribute the net profit from the proceeds of the sale of 4670  
instant bingo ~~or electronic instant bingo~~, as follows: 4671

(a) For the first ~~two~~ three hundred ~~fifty~~ thirty thousand 4672  
dollars, or a greater amount prescribed by the ~~attorney general~~ 4673  
commission to adjust for changes in prices as measured by the 4674  
consumer price index as defined in section 325.18 of the Revised 4675  
Code and other factors affecting the organization's expenses, as 4676  
defined in ~~division (GG) of~~ section 2915.01-3768.01 of the 4677  
Revised Code, or less of net profit from the proceeds of the 4678  
sale of instant bingo ~~or electronic instant bingo~~ generated in a 4679  
calendar year: 4680

(i) At least twenty-five per cent shall be distributed to 4681  
an organization described in division ~~(V) (1)~~ (H) (1) of section 4682  
~~2915.01-3768.01~~ of the Revised Code or to a department or agency 4683  
of the federal government, the state, or any political 4684  
subdivision. 4685

(ii) Not more than seventy-five per cent may be deducted 4686  
and retained by the organization for reimbursement of or for the 4687

organization's expenses, as defined in ~~division (GG) of section~~ 4688  
~~2915.01-3768.01~~ of the Revised Code, in conducting the instant 4689  
bingo ~~or electronic instant bingo~~ game. 4690

(b) For any net profit from the proceeds of the sale of 4691  
instant bingo ~~or electronic instant bingo~~ of more than ~~two~~ three 4692  
hundred ~~fifty~~ thirty thousand dollars or an adjusted amount 4693  
generated in a calendar year: 4694

(i) A minimum of fifty per cent shall be distributed to an 4695  
organization described in division ~~(V)(1)~~ (H)(1) of section 4696  
~~2915.01-3768.01~~ of the Revised Code or to a department or agency 4697  
of the federal government, the state, or any political 4698  
subdivision. 4699

(ii) Five per cent may be distributed for the 4700  
organization's own charitable purposes or to a community action 4701  
agency. 4702

(iii) Forty-five per cent may be deducted and retained by 4703  
the organization for reimbursement of or for the organization's 4704  
expenses, as defined in ~~division (GG) of section 2915.01-3768.01~~ 4705  
of the Revised Code, in conducting the instant bingo ~~or~~ 4706  
~~electronic instant bingo~~ game. 4707

(2) If a veteran's organization, a fraternal organization, 4708  
or a sporting organization does not distribute the full 4709  
percentages specified in divisions ~~(A)(1)(a)~~ (C)(1)(a) and (b) 4710  
of this section for the purposes specified in those divisions, 4711  
the organization shall distribute the balance of the net profit 4712  
from the proceeds of the sale of instant bingo ~~or electronic~~ 4713  
~~instant bingo~~ not distributed or retained for those purposes to 4714  
an organization described in division ~~(V)(1)~~ (H)(1) of section 4715  
~~2915.01-3768.01~~ of the Revised Code. 4716

~~(B)~~—(D) (1) If a veteran's or fraternal organization  
conducts electronic instant bingo, the organization shall  
distribute the net profit from the proceeds of the sale of  
electronic instant bingo as follows:

(a) For the first three hundred thirty thousand dollars,  
or a greater amount prescribed by the commission 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, or less of net profit  
from the proceeds of the sale of electronic instant bingo  
generated in a calendar year:

(i) At least twenty-five per cent shall be distributed to  
an organization described in division (H) (1) of section 3768.01  
of the Revised Code or to a department or agency of the federal  
government, the state, or any political subdivision.

(ii) Not more than seventy-five per cent may be deducted  
and retained by the organization for reimbursement of or for the  
organization's expenses, as defined in section 3768.01 of the  
Revised Code, in conducting the electronic instant bingo game.

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

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

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

agency. 4746

(iii) Forty-five per cent may be deducted and retained by 4747  
the organization for reimbursement of or for the organization's 4748  
expenses, as defined in section 3768.01 of the Revised Code, in 4749  
conducting the electronic instant bingo game. 4750

(2) If a veteran's or fraternal organization does not 4751  
distribute the full percentages specified in divisions (B) (1) (a) 4752  
and (b) of this section for the purposes specified in those 4753  
divisions, the organization shall distribute the balance of the 4754  
net profit from the proceeds of the sale of electronic instant 4755  
bingo not distributed or retained for those purposes to an 4756  
organization described in division (H) (1) of section 3768.01 of 4757  
the Revised Code. 4758

(E) If a charitable organization other than a veteran's 4759  
organization, a fraternal organization, or a sporting 4760  
organization ~~conducted the~~ conducts instant bingo ~~or electronic~~ 4761  
~~instant bingo~~, the organization shall distribute one hundred per 4762  
cent of the net profit from the proceeds of the sale of instant 4763  
bingo ~~or electronic instant bingo~~ to an organization described 4764  
in division ~~(V) (1)~~ (H) (1) of section ~~2915.01~~ 3768.01 of the 4765  
Revised Code or to a department or agency of the federal 4766  
government, the state, or any political subdivision. 4767

~~(C)~~ (F) Nothing in this section prohibits a veteran's 4768  
organization, a fraternal organization, or a sporting 4769  
organization from distributing any net profit from the proceeds 4770  
of the sale of instant bingo or electronic instant bingo to an 4771  
organization that is described in subsection 501(c) (3) of the 4772  
Internal Revenue Code when the organization that is described in 4773  
subsection 501(c) (3) of the Internal Revenue Code is one that 4774  
makes donations to other organizations and permits donors to 4775

advise or direct such donations so long as the donations comply 4776  
with requirements established in or pursuant to subsection 4777  
501(c) (3) of the Internal Revenue Code. 4778

**Sec. ~~2915.10~~ 3768.14.** (A) No charitable organization that 4779  
conducts bingo, or conducts a game of chance pursuant to 4780  
~~division (D) of section 2915.02-3768.03~~ of the Revised Code, 4781  
shall fail to maintain the following records for at least three 4782  
years from the date on which the bingo or game of chance is 4783  
conducted: 4784

(1) An itemized list of the gross receipts of each bingo 4785  
session, each game of instant bingo by serial number, each 4786  
electronic instant bingo game by serial number, each raffle, 4787  
each punch board game, and each game of chance, and an itemized 4788  
list of the gross profits of each game of instant bingo by 4789  
serial number and each electronic instant bingo game by serial 4790  
number; 4791

(2) An itemized list of all expenses, other than prizes, 4792  
that are incurred in conducting bingo, the name of each person 4793  
to whom the expenses are paid, and a receipt for all of the 4794  
expenses; 4795

(3) A list of all prizes awarded during each bingo 4796  
session, each raffle, each punch board game, and each game of 4797  
chance conducted by the charitable organization, the total 4798  
prizes awarded from each game of instant bingo by serial number 4799  
and each electronic instant bingo game by serial number, and the 4800  
name, address, and social security number of all persons who are 4801  
winners of prizes of six hundred dollars or more in value; 4802

(4) An itemized list of the recipients of the net profit 4803  
of the bingo or game of chance, including the name and address 4804

of each recipient to whom the money is distributed, and if the 4805  
organization uses the net profit of bingo, or the money or 4806  
assets received from a game of chance, for any charitable or 4807  
other purpose set forth in division ~~(V)~~ (H) of section ~~2915.01,~~ 4808  
~~division (D) of~~ 3768.01 or section 2915.02, 3768.03 or section 4809  
~~2915.101-3768.13~~ of the Revised Code, a list of each purpose and 4810  
an itemized list of each expenditure for each purpose; 4811

(5) The number of persons who participate in any bingo 4812  
session or game of chance that is conducted by the charitable 4813  
organization; 4814

(6) A list of receipts from the sale of food and beverages 4815  
by the charitable organization or one of its auxiliary units or 4816  
societies, if the receipts were excluded from gross receipts 4817  
under division ~~(T)~~ (X) of section ~~2915.01-3768.01~~ of the Revised 4818  
Code; 4819

(7) An itemized list of all expenses incurred at each 4820  
bingo session, each raffle, each punch board game, or each game 4821  
of instant bingo or electronic instant bingo conducted by the 4822  
charitable organization in the sale of food and beverages by the 4823  
charitable organization or by an auxiliary unit or society of 4824  
the charitable organization, the name of each person to whom the 4825  
expenses are paid, and a receipt for all of the expenses. 4826

(B) A charitable organization shall keep the records that 4827  
it is required to maintain pursuant to division (A) of this 4828  
section at its principal place of business in this state or at 4829  
its headquarters in this state and shall notify the attorney 4830  
general of the location at which those records are kept. 4831

(C) The gross profit from each bingo session or game 4832  
described in division ~~(O) (1)~~ (A) (1) or (2) of section ~~2915.01-~~ 4833

3768.01 of the Revised Code shall be deposited into a checking 4834  
account devoted exclusively to the bingo session or game. 4835  
Payments for allowable expenses incurred in conducting the bingo 4836  
session or game and payments to recipients of some or all of the 4837  
net profit of the bingo session or game shall be made only by 4838  
checks or electronic fund transfers drawn on the bingo session 4839  
or game account. 4840

(D) Each charitable organization shall conduct and record 4841  
an inventory of all of its bingo supplies as of the first day of 4842  
November of each year. 4843

(E) The ~~attorney general~~ commission may adopt rules in 4844  
accordance with Chapter 119. of the Revised Code that establish 4845  
standards of accounting, record keeping, and reporting to ensure 4846  
that gross receipts from bingo or games of chance are properly 4847  
accounted for. 4848

(F) A distributor shall maintain, for a period of three 4849  
years after the date of its sale or other provision, a record of 4850  
each instance of its selling or otherwise providing to another 4851  
person bingo supplies for use in this state. The record shall 4852  
include all of the following for each instance: 4853

(1) The name of the manufacturer from which the 4854  
distributor purchased the bingo supplies and the date of the 4855  
purchase; 4856

(2) The name and address of the charitable organization or 4857  
other distributor to which the bingo supplies were sold or 4858  
otherwise provided; 4859

(3) A description that clearly identifies the bingo 4860  
supplies; 4861

(4) Invoices that include the nonrepeating serial numbers 4862

of all paper bingo cards and sheets and all instant bingo deals 4863  
sold or otherwise provided to each charitable organization. 4864

(G) A manufacturer shall maintain, for a period of three 4865  
years after the date of its sale or other provision, a record of 4866  
each instance of its selling or otherwise providing bingo 4867  
supplies for use in this state. The record shall include all of 4868  
the following for each instance: 4869

(1) The name and address of the distributor to whom the 4870  
bingo supplies were sold or otherwise provided; 4871

(2) A description that clearly identifies the bingo 4872  
supplies, including serial numbers; 4873

(3) Invoices that include the nonrepeating serial numbers 4874  
of all paper bingo cards and sheets and all instant bingo deals 4875  
sold or otherwise provided to each distributor. 4876

(H) The ~~attorney general~~ commission or any law enforcement 4877  
agency may do all of the following: 4878

(1) Investigate any charitable organization, distributor, 4879  
or manufacturer or any officer, agent, trustee, member, or 4880  
employee of the organization, distributor, or manufacturer; 4881

(2) Examine the accounts and records of the charitable 4882  
organization, distributor, or manufacturer or of any officer, 4883  
agent, trustee, member, or employee of the organization, 4884  
distributor, or manufacturer; 4885

(3) Conduct inspections, audits, and observations of bingo 4886  
or games of chance; 4887

(4) Conduct inspections of the premises where bingo or 4888  
games of chance are conducted or where bingo supplies are 4889  
manufactured or distributed; 4890



(5) Take any other necessary and reasonable action to 4891  
determine if a violation of any provision of this chapter has 4892  
occurred and to determine whether section ~~2915.11~~ 3768.15 of the 4893  
Revised Code has been complied with. 4894

If any law enforcement agency has reasonable grounds to 4895  
believe that a charitable organization, distributor, or 4896  
manufacturer or an officer, agent, trustee, member, or employee 4897  
of the organization, distributor, or manufacturer has violated 4898  
any provision of this chapter, the law enforcement agency may 4899  
proceed by action in the proper court to enforce this chapter, 4900  
provided that the law enforcement agency shall give written 4901  
notice to the ~~attorney general~~ commission when commencing an 4902  
action as described in this division. 4903

(I) No person shall destroy, alter, conceal, withhold, or 4904  
deny access to any accounts or records of a charitable 4905  
organization, distributor, or manufacturer that have been 4906  
requested for examination, or obstruct, impede, or interfere 4907  
with any inspection, audit, or observation of bingo or a game of 4908  
chance, of premises where bingo or a game of chance is 4909  
conducted, or of premises where bingo supplies are manufactured 4910  
or distributed, or refuse to comply with any reasonable request 4911  
of, or obstruct, impede, or interfere with any other reasonable 4912  
action undertaken by, the ~~attorney general~~ commission or a law 4913  
enforcement agency pursuant to division (H) of this section. 4914

(J) Whoever violates division (A) or (I) of this section 4915  
is guilty of a misdemeanor of the first degree. 4916

**Sec. ~~2915.11~~ 3768.15.** (A) No person shall be a bingo game 4917  
operator unless ~~he~~ the person is eighteen years of age or older. 4918

(B) No person who has been convicted of a felony or a 4919

gambling offense in any jurisdiction shall be a bingo game operator. 4920  
4921

(C) Whoever violates division (A) of this section is 4922  
guilty of a misdemeanor of the third degree. 4923

(D) Whoever violates division (B) of this section is 4924  
guilty of a misdemeanor of the first degree. 4925

**Sec. 2915.081 3768.16.** (A) No distributor shall sell, 4926  
offer to sell, or otherwise provide or offer to provide bingo 4927  
supplies to another person, or modify, convert, add to, or 4928  
remove parts from bingo supplies to further their promotion or 4929  
sale, for use in this state without having obtained a license 4930  
from the ~~attorney general commission~~ under this section. 4931

(B) (1) The ~~attorney general commission~~ may issue a 4932  
distributor license to any person that meets the requirements of 4933  
this section. The application for the license shall be on a form 4934  
prescribed by the ~~attorney general commission~~ and be accompanied 4935  
by the annual fee prescribed by this section. The license is 4936  
valid for a period of one year, and the annual fee for the 4937  
license is five thousand dollars. 4938

(2) Upon applying for or renewing a license under this 4939  
section, an applicant shall file with and have approved by the 4940  
~~attorney general commission~~ a bond in which the applicant shall 4941  
be the principal obligor, in the sum of fifty thousand dollars, 4942  
with one or more sureties authorized to do business in this 4943  
state. The applicant shall maintain the bond in effect as long 4944  
as the license is valid; however, the liability of the surety 4945  
under the bond shall not exceed an all-time aggregate liability 4946  
of fifty thousand dollars. The bond, which may be in the form of 4947  
a rider to a larger blanket liability bond, shall run to the 4948

state and to any person who may have a cause of action against 4949  
the principal obligor of the bond for any liability arising out 4950  
of a violation by the obligor of any provision of this chapter 4951  
or any rule adopted pursuant to this chapter. 4952

(C) The ~~attorney general~~ commission may refuse to issue a 4953  
distributor license to any person to which any of the following 4954  
applies, or to any person that has an officer, partner, or other 4955  
person who has an ownership interest of ten per cent or more and 4956  
to whom any of the following applies: 4957

(1) The person, officer, or partner has been convicted of 4958  
a disqualifying offense as determined in accordance with section 4959  
9.79 of the Revised Code. 4960

(2) The person, officer, or partner has made an incorrect 4961  
or false statement that is material to the granting of a license 4962  
in an application submitted to the ~~attorney general~~ commission 4963  
under this section or in a similar application submitted to a 4964  
gambling licensing authority in another jurisdiction if the 4965  
statement resulted in license revocation through administrative 4966  
action in the other jurisdiction. 4967

(3) The person, officer, or partner has submitted any 4968  
incorrect or false information relating to the application to 4969  
the ~~attorney general~~ commission under this section, if the 4970  
information is material to the granting of the license. 4971

(4) The person, officer, or partner has failed to correct 4972  
any incorrect or false information that is material to the 4973  
granting of the license in the records required to be maintained 4974  
under division (F) of section ~~2915.10~~ 3768.14 of the Revised 4975  
Code. 4976

(5) The person, officer, or partner has had a license 4977

related to gambling revoked or suspended under the laws of this 4978  
state, another state, or the United States. 4979

(6) The ~~attorney general~~ commission has good cause to 4980  
believe that a person, officer, or partner has committed a 4981  
breach of fiduciary duty, theft, or other type of misconduct 4982  
related to a charitable organization that has obtained a bingo 4983  
license issued under this chapter. 4984

(D) The ~~attorney general~~ commission shall not issue a 4985  
distributor license to any person that is involved in the 4986  
conduct of bingo on behalf of a charitable organization or that 4987  
is a lessor of premises used for the conduct of bingo. This 4988  
division does not prohibit a distributor from advising 4989  
charitable organizations on the use and benefit of specific 4990  
bingo supplies or prohibit a distributor from advising a 4991  
customer on operational methods to improve bingo profitability. 4992

(E) (1) No distributor shall sell, offer to sell, or 4993  
otherwise provide or offer to provide bingo supplies to any 4994  
person, or modify, convert, add to, or remove parts from bingo 4995  
supplies to further their promotion or sale, for use in this 4996  
state except to or for the use of a charitable organization that 4997  
has been issued a license under section ~~2915.08~~ 3768.04 of the 4998  
Revised Code or to another distributor that has been issued a 4999  
license under this section. No distributor shall accept payment 5000  
for the sale or other provision of bingo supplies other than by 5001  
check or electronic fund transfer. 5002

(2) No distributor may donate, give, loan, lease, or 5003  
otherwise provide any bingo supplies or equipment, or modify, 5004  
convert, add to, or remove parts from bingo supplies to further 5005  
their promotion or sale, to or for the use of a charitable 5006  
organization for use in a bingo session conditioned on or in 5007

consideration for an exclusive right to provide bingo supplies 5008  
to the charitable organization. A distributor may provide a 5009  
licensed charitable organization with free samples of the 5010  
distributor's products to be used as prizes or to be used for 5011  
the purpose of sampling. 5012

(3) No distributor shall purchase bingo supplies for use 5013  
in this state from any person except from a manufacturer issued 5014  
a license under section ~~2915.082~~ 3768.17 of the Revised Code or 5015  
from another distributor issued a license under this section. 5016  
Subject to division (D) of section ~~2915.082~~ 3768.17 of the 5017  
Revised Code, no distributor shall pay for purchased bingo 5018  
supplies other than by check or electronic fund transfer. 5019

(4) No distributor shall participate in the conduct of 5020  
bingo on behalf of a charitable organization or have any direct 5021  
or indirect ownership interest in a premises used for the 5022  
conduct of bingo. 5023

(5) No distributor shall knowingly solicit, offer, pay, or 5024  
receive any kickback, bribe, or undocumented rebate, directly or 5025  
indirectly, overtly or covertly, in cash or in kind, in return 5026  
for providing bingo supplies to any person in this state. 5027

(F)(1) No distributor shall knowingly sell, offer to sell, 5028  
or otherwise provide or offer to provide an electronic instant 5029  
bingo system to any person for use in this state, or install, 5030  
maintain, update, or repair an electronic instant bingo system, 5031  
without first obtaining an electronic instant bingo distributor 5032  
endorsement to the person's distributor license issued under 5033  
this section. An applicant for a distributor license under this 5034  
section may apply simultaneously for an electronic instant bingo 5035  
distributor endorsement to that license. 5036

(2) An applicant for an electronic instant bingo distributor endorsement shall submit the application on a form prescribed by the ~~attorney general~~ commission and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C) (2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C) (1) of that section. Upon receiving an application for an electronic instant bingo distributor endorsement, the ~~attorney general~~ commission shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A) (18) of that section. The applicant shall pay any fee required under division (C) (3) of that section.

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

chapter. 5068

(4) An electronic instant bingo distributor endorsement 5069  
issued under this section shall be valid for the period of the 5070  
underlying distributor license. 5071

(G) The ~~attorney general~~ commission may suspend, place 5072  
limits, restrictions, or probationary conditions on, or revoke a 5073  
distributor license or an electronic instant bingo distributor 5074  
endorsement, for a limited or indefinite period of time at the 5075  
~~attorney general's~~ commission's discretion, for any of the 5076  
following reasons: 5077

(1) Any reason for which the ~~attorney general~~ commission 5078  
may refuse to issue the license or endorsement; 5079

(2) The distributor holding the license or endorsement 5080  
violates any provision of this chapter or any rule adopted by 5081  
the ~~attorney general~~ commission under this chapter; 5082

(3) The distributor or any officer, partner, or other 5083  
person who has an ownership interest of ten per cent or more in 5084  
the distributor is convicted of either of the following: 5085

(a) A felony under the laws of this state, another state, 5086  
or the United States; 5087

(b) Any gambling offense. 5088

(H) The ~~attorney general~~ commission may adopt rules for 5089  
the application, acceptance, denial, suspension, revocation, 5090  
limitation, restriction, or condition of a distributor license 5091  
or endorsement, and to enforce any other provisions of this 5092  
section, in accordance with Chapter 119. of the Revised Code. 5093

(I) The ~~attorney general~~ commission may impose a civil 5094  
fine on a distributor licensed or permitted under this chapter 5095

for failure to comply with any restrictions, limits, or 5096  
probationary conditions on its license, or for failure to comply 5097  
with this chapter or any rule adopted under this chapter, 5098  
according to a schedule of fines that the ~~attorney general~~ 5099  
commission shall adopt in accordance with Chapter 119. of the 5100  
Revised Code. 5101

(J) Whoever violates division (A), (E), or (F) of this 5102  
section is guilty of illegally operating as a distributor. 5103  
Except as otherwise provided in this division, illegally 5104  
operating as a distributor is a misdemeanor of the first degree. 5105  
If the offender previously has been convicted of a violation of 5106  
division (A), (E), or (F) of this section, illegally operating 5107  
as a distributor is a felony of the fifth degree. 5108

**Sec. ~~2915.082~~ 3768.17.** (A) No manufacturer shall sell, 5109  
offer to sell, or otherwise provide or offer to provide bingo 5110  
supplies for use in this state without having obtained a license 5111  
from the ~~attorney general~~ commission under this section. 5112

(B) (1) The ~~attorney general~~ commission may issue a 5113  
manufacturer license to any person that meets the requirements 5114  
of this section. The application for the license shall be on a 5115  
form prescribed by the ~~attorney general~~ commission and be 5116  
accompanied by the annual fee prescribed by this section. The 5117  
license is valid for a period of one year, and the annual fee 5118  
for the license is five thousand dollars. 5119

(2) Upon applying for or renewing a license under this 5120  
section, an applicant shall file with and have approved by the 5121  
~~attorney general~~ commission a bond in which the applicant shall 5122  
be the principal obligor, in the sum of fifty thousand dollars, 5123  
with one or more sureties authorized to do business in this 5124  
state. The applicant shall maintain the bond in effect as long 5125



as the license is valid; however, the liability of the surety 5126  
under the bond shall not exceed an all-time aggregate liability 5127  
of fifty thousand dollars. The bond, which may be in the form of 5128  
a rider to a larger blanket liability bond, shall run to the 5129  
state and to any person who may have a cause of action against 5130  
the principal obligor of the bond for any liability arising out 5131  
of a violation by the obligor of any provision of this chapter 5132  
or any rule adopted pursuant to this chapter. 5133

(C) The ~~attorney general commission~~ may refuse to issue a 5134  
manufacturer license to any person to which any of the following 5135  
applies, or to any person that has an officer, partner, or other 5136  
person who has an ownership interest of ten per cent or more and 5137  
to whom any of the following applies: 5138

(1) The person, officer, or partner has been convicted of 5139  
a disqualifying offense as determined in accordance with section 5140  
9.79 of the Revised Code. 5141

(2) The person, officer, or partner has made an incorrect 5142  
or false statement that is material to the granting of a license 5143  
in an application submitted to the ~~attorney general commission~~ 5144  
under this section or in a similar application submitted to a 5145  
gambling licensing authority in another jurisdiction if the 5146  
statement resulted in license revocation through administrative 5147  
action in the other jurisdiction. 5148

(3) The person, officer, or partner has submitted any 5149  
incorrect or false information relating to the application to 5150  
the ~~attorney general commission~~ under this section, if the 5151  
information is material to the granting of the license. 5152

(4) The person, officer, or partner has failed to correct 5153  
any incorrect or false information that is material to the 5154

granting of the license in the records required to be maintained 5155  
under division (G) of section ~~2915.10~~3768.14 of the Revised 5156  
Code. 5157

(5) The person, officer, or partner has had a license 5158  
related to gambling revoked or suspended under the laws of this 5159  
state, another state, or the United States. 5160

(6) The ~~attorney general~~ commission has good cause to 5161  
believe that the person, officer, or partner has committed a 5162  
breach of fiduciary duty, theft, or other type of misconduct, 5163  
related to a charitable organization that has obtained a bingo 5164  
license under this chapter. 5165

(D) (1) No manufacturer shall sell, offer to sell, or 5166  
otherwise provide or offer to provide bingo supplies to any 5167  
person for use in this state except to a distributor that has 5168  
been issued a license under section ~~2915.081~~3768.16 of the 5169  
Revised Code. No manufacturer shall accept payment for the sale 5170  
of bingo supplies other than by check or electronic fund 5171  
transfer. 5172

(2) No manufacturer shall knowingly solicit, offer, pay, 5173  
or receive any kickback, bribe, or undocumented rebate, directly 5174  
or indirectly, overtly or covertly, in cash or in kind, in 5175  
return for providing bingo supplies to any person in this state. 5176

(E) (1) No manufacturer shall knowingly sell, offer to 5177  
sell, or otherwise provide or offer to provide an electronic 5178  
instant bingo system to any person for use in this state, or 5179  
submit an electronic instant bingo system for testing and 5180  
approval under section ~~2915.15~~3768.12 of the Revised Code, 5181  
without first obtaining an electronic instant bingo manufacturer 5182  
endorsement to the person's manufacturer license issued under 5183

this section. An applicant for a manufacturer license under this 5184  
section may apply simultaneously for an electronic instant bingo 5185  
manufacturer endorsement to that license. 5186

(2) A manufacturer licensed under this section may only 5187  
sell, offer to sell, or otherwise provide or offer to provide 5188  
electronic instant bingo systems that contain proprietary 5189  
software owned by or licensed to the manufacturer. If the 5190  
proprietary software is licensed to the manufacturer, the 5191  
manufacturer shall provide a copy of the license along with the 5192  
application for an endorsement under this section. 5193

(3) An applicant for an electronic instant bingo 5194  
manufacturer endorsement shall submit the application on a form 5195  
prescribed by the ~~attorney general~~ commission and shall submit 5196  
one complete set of fingerprints directly to the superintendent 5197  
of the bureau of criminal identification and investigation for 5198  
the purpose of conducting a criminal records check. The 5199  
applicant shall provide the fingerprints using a method the 5200  
superintendent prescribes pursuant to division (C) (2) of section 5201  
109.572 of the Revised Code and shall fill out the form the 5202  
superintendent prescribes pursuant to division (C) (1) of that 5203  
section. Upon receiving an application for an electronic instant 5204  
bingo manufacturer endorsement, the ~~attorney general~~ commission 5205  
shall request the superintendent, or a vendor approved by the 5206  
bureau, to conduct a criminal records check based on the 5207  
applicant's fingerprint impressions in accordance with division 5208  
(A) (18) of that section. The applicant shall pay any fee 5209  
required under division (C) (3) of that section. 5210

(4) The ~~attorney general~~ commission shall not issue an 5211  
electronic instant bingo manufacturer endorsement to an 5212  
applicant unless the ~~attorney general~~ commission has received 5213

the results of the criminal records check described in division 5214  
(E) (3) of this section. The ~~attorney general commission~~ shall 5215  
not issue an electronic instant bingo manufacturer endorsement 5216  
to an applicant if the applicant, any officer or partner of the 5217  
applicant, or any person who has an ownership interest of ten 5218  
per cent or more in the applicant has violated any existing or 5219  
former law or rule of this state, any other state, or the United 5220  
States that is substantially equivalent to any provision of this 5221  
chapter or any rule adopted by the ~~attorney general commission~~ 5222  
under this chapter. 5223

(F) (1) The ~~attorney general commission~~ may suspend, place 5224  
limits, restrictions, or probationary conditions on, or revoke a 5225  
manufacturer license or an electronic instant bingo manufacturer 5226  
endorsement for a limited or indefinite period of time for any 5227  
of the following reasons: 5228

(a) Any reason for which the ~~attorney general commission~~ 5229  
may refuse to issue the license or endorsement; 5230

(b) The manufacturer holding the license or endorsement 5231  
violates any provision of this chapter or any rule adopted by 5232  
the ~~attorney general commission~~ under this chapter; 5233

(c) The manufacturer or any officer, partner, or other 5234  
person who has an ownership interest of ten per cent or more in 5235  
the manufacturer is convicted of either of the following: 5236

(i) A felony under the laws of this state, another state, 5237  
or the United States; 5238

(ii) Any gambling offense. 5239

(2) The ~~attorney general commission~~ may perform an onsite 5240  
inspection of a manufacturer of bingo supplies that is selling, 5241  
offering to sell, or otherwise providing or offering to provide 5242

bingo supplies or that is applying for a license to sell, offer 5243  
to sell, or otherwise provide or offer to provide bingo supplies 5244  
in this state. 5245

(3) (a) The ~~attorney general commission~~ shall establish by 5246  
rule an application and renewal fee for an electronic instant 5247  
bingo manufacturer endorsement in an amount sufficient to cover 5248  
the costs the ~~attorney general commission~~ incurs in processing 5249  
applications for electronic instant bingo manufacturer 5250  
endorsements and investigating an applicant's suitability. 5251

(b) If the cost of processing a particular application and 5252  
investigating the applicant's suitability exceeds the amount of 5253  
the application and renewal fee, the ~~attorney general commission~~ 5254  
may charge the applicant an additional fee as necessary to cover 5255  
that cost. 5256

(c) The ~~attorney general commission~~ shall not issue an 5257  
electronic instant bingo manufacturer endorsement unless the 5258  
~~attorney general commission~~ has received payment in full from 5259  
the applicant for all fees to be charged under this section. 5260

(G) The ~~attorney general commission~~ may adopt rules for 5261  
the application, acceptance, denial, suspension, revocation, 5262  
limitation, restriction, or condition of a manufacturer license 5263  
or endorsement described in this section, and to enforce any 5264  
other provisions of this section, in accordance with Chapter 5265  
119. of the Revised Code. 5266

(H) The ~~attorney general commission~~ may impose a civil 5267  
fine on a manufacturer licensed or permitted under this chapter 5268  
for failure to comply with any restrictions, limits, or 5269  
probationary conditions on its license, and for failure to 5270  
comply with this chapter or any rule adopted under this chapter, 5271

according to a schedule of fines that the ~~attorney general-~~ 5272  
commission shall adopt in accordance with Chapter 119. of the 5273  
Revised Code. 5274

(I) Whoever violates division (A), (D), or (E) of this 5275  
section is guilty of illegally operating as a manufacturer. 5276  
Except as otherwise provided in this division, illegally 5277  
operating as a manufacturer is a misdemeanor of the first 5278  
degree. If the offender previously has been convicted of a 5279  
violation of division (A), (D), or (E) of this section, 5280  
illegally operating as a manufacturer is a felony of the fifth 5281  
degree. 5282

**Sec. ~~2915.07~~ 3768.18.** (A) No person, except a charitable 5283  
organization that has obtained a license pursuant to section 5284  
~~2915.08-3768.04~~ of the Revised Code, shall conduct or advertise 5285  
bingo. This division does not apply to a raffle that a 5286  
charitable organization conducts or advertises. 5287

(B) Whoever violates this section is guilty of conducting 5288  
illegal bingo, a felony of the fourth degree. 5289

**Sec. ~~2915.12~~ 3768.19.** (A) Sections ~~2915.07-3768.02~~ to 5290  
~~2915.15-3768.18~~ of the Revised Code do not apply to bingo games 5291  
that are conducted for the purpose of amusement only. A bingo 5292  
game is conducted for the purpose of amusement only if it 5293  
complies with all of the requirements specified in either 5294  
division (A) (1) or (2) of this section: 5295

(1) (a) The participants do not pay any money or any other 5296  
thing of value including an admission fee, or any fee for bingo 5297  
cards or sheets, objects to cover the spaces, or other devices 5298  
used in playing bingo, for the privilege of participating in the 5299  
bingo game, or to defray any costs of the game, or pay tips or 5300

make donations during or immediately before or after the bingo 5301  
game. 5302

(b) All prizes awarded during the course of the game are 5303  
nonmonetary, and in the form of merchandise, goods, or 5304  
entitlements to goods or services only, and the total value of 5305  
all prizes awarded during the game is less than one hundred 5306  
dollars. 5307

(c) No commission, wages, salary, reward, tip, donation, 5308  
gratuity, or other form of compensation, either directly or 5309  
indirectly, and regardless of the source, is paid to any bingo 5310  
game operator for work or labor performed at the site of the 5311  
bingo game. 5312

(d) The bingo game is not conducted either during or 5313  
within ten hours of any of the following: 5314

(i) A bingo session during which a charitable bingo game 5315  
is conducted pursuant to ~~sections 2915.07 to 2915.11 of the~~ 5316  
~~Revised Code~~ this chapter; 5317

(ii) A scheme or game of chance, or bingo described in 5318  
division ~~(0) (2)~~ (A) (2) of section ~~2915.01~~ 3768.01 of the Revised 5319  
Code. 5320

(e) The number of players participating in the bingo game 5321  
does not exceed fifty. 5322

(2) (a) The participants do not pay money or any other 5323  
thing of value as an admission fee, and no participant is 5324  
charged more than twenty-five cents to purchase a bingo card or 5325  
sheet, objects to cover the spaces, or other devices used in 5326  
playing bingo. 5327

(b) The total amount of money paid by all of the 5328

participants for bingo cards or sheets, objects to cover the 5329  
spaces, or other devices used in playing bingo does not exceed 5330  
one hundred dollars. 5331

(c) All of the money paid for bingo cards or sheets, 5332  
objects to cover spaces, or other devices used in playing bingo 5333  
is used only to pay winners monetary and nonmonetary prizes and 5334  
to provide refreshments. 5335

(d) The total value of all prizes awarded during the game 5336  
does not exceed one hundred dollars. 5337

(e) No commission, wages, salary, reward, tip, donation, 5338  
gratuity, or other form of compensation, either directly or 5339  
indirectly, and regardless of the source, is paid to any bingo 5340  
game operator for work or labor performed at the site of the 5341  
bingo game. 5342

(f) The bingo game is not conducted during or within ten 5343  
hours of either of the following: 5344

(i) A bingo session during which a charitable bingo game 5345  
is conducted pursuant to ~~sections 2915.07 to 2915.15 of the~~ 5346  
~~Revised Code~~ this chapter; 5347

(ii) A scheme of chance or game of chance, or bingo 5348  
described in division ~~(O) (2) (A) (2)~~ of section 2915.01-3768.01 5349  
of the Revised Code. 5350

(g) All of the participants reside at the premises where 5351  
the bingo game is conducted. 5352

(h) The bingo games are conducted on different days of the 5353  
week and not more than twice in a calendar week. 5354

(B) The ~~attorney general~~ commission or any local law 5355  
enforcement agency may investigate the conduct of a bingo game 5356



that purportedly is conducted for purposes of amusement only if 5357  
there is reason to believe that the purported amusement bingo 5358  
game does not comply with the requirements of either division 5359  
(A) (1) or (2) of this section. A local law enforcement agency 5360  
may proceed by action in the proper court to enforce this 5361  
section if the local law enforcement agency gives written notice 5362  
to the ~~attorney general commission~~ when commencing the action. 5363

**Sec. ~~173.121~~ 3768.20.** ~~(A) As used in this section,~~ 5364  
~~"bingo," "bingo game operator," and "participant" have the same~~ 5365  
~~meanings as in section 2915.01 of the Revised Code.~~ 5366

~~(B)~~ Notwithstanding sections ~~2915.07~~ 3768.02 to ~~2915.13~~ 5367  
3768.18 of the Revised Code, a multipurpose senior center 5368  
described in section 173.11 of the Revised Code may conduct 5369  
bingo games described in division ~~(0) (1)~~ (A) (1) of section 5370  
~~2915.01~~ 3768.01 of the Revised Code, but only if it complies 5371  
with all of the following requirements: 5372

~~(1)~~ (A) All bingo games are conducted only on the premises 5373  
of the facility. 5374

~~(2)~~ (B) All participants are twenty-one years of age or 5375  
older. 5376

~~(3)~~ (C) All bingo game operators are sixty years of age or 5377  
older and receive no compensation for serving as operators. 5378

~~(4)~~ (D) No participant is charged an admission fee, and no 5379  
participant is charged more than twenty-five cents to purchase a 5380  
bingo card or sheet. 5381

~~(5)~~ (E) All proceeds from games are used only for any of 5382  
the following: 5383

~~(a)~~ (1) To pay winners monetary or nonmonetary prizes; 5384

~~(b)~~ (2) To provide refreshments; 5385

~~(c)~~ (3) To defray any costs directly related to conducting 5386  
the games; 5387

~~(d)~~ (4) To defray costs of services the facility provides 5388  
in accordance with section 173.12 of the Revised Code. 5389

**Sec. 5907.18 3768.21.** ~~(A) As used in this section,~~ 5390  
~~"bingo," "bingo game operator," and "participant" have the same~~ 5391  
~~meanings as in section 2915.01 of the Revised Code.~~ 5392

~~(B)~~ Notwithstanding sections ~~2915.07 to 2915.13~~ 3768.02 to 5393  
3768.18 of the Revised Code, an Ohio veterans' home described in 5394  
Chapter 5907. of the Revised Code may conduct bingo games as 5395  
described in division ~~(O) (1)~~ (A) (1) of section ~~2915.01~~ 3768.01 5396  
of the Revised Code, but only if the Ohio veterans' home 5397  
complies with all of the following requirements: 5398

~~(1)~~ (A) All bingo games are conducted only on the premises 5399  
of the Ohio veterans' home. 5400

~~(2)~~ (B) All participants are residents of the Ohio 5401  
veterans' home and are eighteen years of age or older. 5402

~~(3)~~ (C) All bingo game operators receive no compensation 5403  
for serving as an operator. 5404

~~(4)~~ (D) Participants do not pay any money or any other 5405  
thing of value, including an admission fee, or any fee for bingo 5406  
cards or sheets, objects to cover the spaces, or other devices 5407  
used in playing bingo, for the privilege of participating in the 5408  
bingo game, or to defray any costs of the game, or pay tips or 5409  
make donations during or immediately before or after the bingo 5410  
game. 5411

~~(5)~~ (E) Prizes awarded during a game may be monetary or 5412

nonmonetary prizes in the form of merchandise, goods, or 5413  
entitlements to goods or services, provided that individual 5414  
prizes do not exceed one hundred dollars in value, and the total 5415  
value of all prizes awarded during a game do not exceed five 5416  
hundred dollars. 5417

~~(6)~~ (F) The bingo game is not conducted during or within 5418  
ten hours of any of the following activities conducted at the 5419  
Ohio veterans' home: 5420

~~(a)~~ (1) A bingo session during which a charitable bingo 5421  
game is conducted pursuant to ~~sections 2915.07 to 2915.11 of the~~ 5422  
~~Revised Code~~ this chapter; 5423

~~(b)~~ (2) A scheme of chance or game of chance; or 5424

~~(c)~~ (3) Bingo as described in division ~~(0) (2)~~ (A) (2) of 5425  
section ~~2915.01-3768.01~~ of the Revised Code. 5426

~~(7)~~ (G) The bingo games are conducted on different days of 5427  
the week and not more than twice in a calendar week. 5428

**Sec. 3768.22.** The commission may take any necessary and 5429  
reasonable action to determine a violation of this chapter, 5430  
including requesting documents and information, performing 5431  
inspections of premises, or requiring the attendance of any 5432  
person at an examination under oath. 5433

**Sec. 3768.23.** The charitable gaming fund is created in the 5434  
state treasury. All fees received by the commission under this 5435  
chapter shall be deposited in the fund. Money in the fund shall 5436  
be used for the following purposes: 5437

(A) Upon any authorized transfer to the charitable law 5438  
fund established under section 109.32 of the Revised Code, for 5439  
the purpose of paying the expenses of the charitable law section 5440

of the office of the attorney general; 5441

(B) Upon any authorized transfer to the casino control 5442  
commission fund, as defined in section 3772.01 of the Revised 5443  
Code, for the purpose of paying the expenses of the commission 5444  
in fulfilling its duties. 5445

**Sec. 3769.01.** As used in this chapter, except where the 5446  
context requires otherwise: 5447

(A) "Collection and settlement agent" means the permit 5448  
holder designated by the commission under division (B) of 5449  
section 3769.0810 of the Revised Code. 5450

(B) "Commission" means the Ohio casino control commission 5451  
established under section 3772.02 of the Revised Code. For 5452  
purposes of division (C) (3) (e) of Section 6 of Article XV, Ohio 5453  
Constitution, the Ohio casino control commission is an Ohio 5454  
state racing commission. 5455

(C) "Live racing day" means a racing day on which a live 5456  
racing program is conducted by the permit holder along with 5457  
simulcasts of all other available racing programs from within 5458  
this state and simulcast racing programs from outside this state 5459  
as authorized under section 3769.089 of the Revised Code. 5460

(D) "Live racing program" means a racing program 5461  
consisting of no fewer than seven live horse races at 5462  
thoroughbred tracks and nine live races at standardbred tracks 5463  
and additional horse races simulcast from other facilities 5464  
located either inside or outside this state, in which not more 5465  
than two horse races on which pari-mutuel wagering is conducted 5466  
are simulcast from facilities located outside this state. If 5467  
only one racing meeting of a particular breed of horse is being 5468  
held, no fewer than nine live horse races shall be held on a 5469

live racing day. If, during the course of a racing meeting at a 5470  
standardbred track, the racing secretary of the permit holder 5471  
determines that there is an insufficient number of entries to 5472  
have a full field of eight horses for each of nine races on a 5473  
live racing program, then the racing secretary of the permit 5474  
holder, after consultation with the Ohio harness horsemens 5475  
association, may reduce the number of live races on that live 5476  
racing program, as the racing secretary may determine. The 5477  
racing secretary shall not reduce the live racing program to 5478  
less than seven live races. If during the course of a meeting at 5479  
a thoroughbred track, the racing secretary of a permit holder 5480  
determines that there is an insufficient number of entries to 5481  
have a full field of eight horses for each of nine races on a 5482  
live racing program, then the racing secretary of the permit 5483  
holder, with the consent of the thoroughbred horsemens 5484  
association, may reduce the number of live races on that live 5485  
racing program, as the racing secretary may determine. The 5486  
racing secretary shall not reduce the live racing program to 5487  
less than seven live races. No more than seventeen races on 5488  
which pari-mutuel wagering is conducted, including both live 5489  
races and races simulcast from other facilities located either 5490  
inside or outside this state, shall be part of a live racing 5491  
program. 5492

(E) "Ohio voluntary exclusion program" has the same 5493  
meaning as in section 3772.01 of the Revised Code. 5494

(F) "Permit" means a document issued by the commission 5495  
that allows a person to conduct horse racing at which pari- 5496  
mutuel wagering is conducted, in accordance with this chapter. 5497

(G) "Permit holder" means a person who has been issued a 5498  
valid permit under this chapter. 5499

(H) "Racing day" means any day authorized under a permit 5500  
holder's permit on which, at a simulcast host, either a live 5501  
racing program is conducted as authorized under section 3769.07 5502  
of the Revised Code or a simulcast racing program is conducted 5503  
as authorized under section 3769.089 of the Revised Code. 5504

(I) "Satellite facility" means any facility that is 5505  
approved by the commission and at which pari-mutuel wagering is 5506  
conducted under section 3769.26 of the Revised Code. "Satellite 5507  
facility" does not include a track. 5508

(J) "Simulcast" means the telecast, for wagering purposes, 5509  
of audio and visual signals of live horse races conducted at 5510  
facilities either inside or outside this state. 5511

(K) "Simulcast guest" means any track or enclosure that is 5512  
receiving from a simulcast host, on a day other than a racing 5513  
day, a live racing program or a simulcast racing program. 5514

(L) "Simulcast host" means a race track in this state 5515  
where, on a racing day, a permit holder is doing one or both of 5516  
the following: 5517

(1) Conducting a live racing program and offering this 5518  
program for simulcasting to one or more simulcast guests and 5519  
satellite facilities in this state; 5520

(2) Receiving a simulcast racing program for simulcasting 5521  
to one or more simulcast guests and satellite facilities in this 5522  
state. 5523

(M) "Simulcast racing program" means all simulcasts of 5524  
horse races to a simulcast host or simulcast guest on a racing 5525  
day or on any other day on which pari-mutuel wagering is 5526  
conducted, but does not include any simulcast horse races from 5527  
inside or outside this state that are included in a simulcast 5528

host's live racing program. 5529

(N) "Special racing event" means individual races in live 5530  
racing programs or simulcast racing programs, and simulcast 5531  
racing programs on special event days under division (C) of 5532  
section 3769.089 of the Revised Code, conducted at facilities 5533  
located outside this state for which the track, racing 5534  
association, or state regulatory agency conducting such races 5535  
charges a simulcast host a fee for the privilege of receiving a 5536  
simulcast of such races into this state that is higher than the 5537  
customary and regular fee charged for simulcast races because of 5538  
the status or popularity of such races. 5539

(O) "Track" means any place, track, or enclosure where a 5540  
permit holder conducts live horse racing for profit at a race 5541  
meeting. 5542

(P) "Video lottery sales agent," "video lottery terminal," 5543  
"video lottery terminal income," and "video lottery terminal 5544  
promotional gaming credit" have the same meanings as in section 5545  
3770.01 of the Revised Code. 5546

**Sec. 3769.01 3769.02.** No person, association, corporation, 5547  
or trust shall hold, conduct, assist, or aid and abet in holding 5548  
or conducting any meetings, at which horse racing is permitted 5549  
for any stake, purse, or award unless such person, association, 5550  
corporation, or trust secures a permit to conduct a horse-racing 5551  
meeting and complies with ~~sections 3769.01 to 3769.14 of the~~ 5552  
~~Revised Code~~ this chapter. 5553

~~Such sections shall apply~~ This chapter applies only to the 5554  
racing of horses and ~~do~~ does not prevent the use of any grounds, 5555  
enclosure, or race track, whether or not owned or controlled by 5556  
a permit holder, for any county or state fair, agricultural or 5557

livestock exhibition, horse show, or any horse racing where the 5558  
pari-mutuel system of wagering upon the result of such horse 5559  
racing is not permitted or allowed. This section does not permit 5560  
the pari-mutuel method of wagering upon any race track unless a 5561  
permit is secured as provided in ~~sections 3769.04 to 3769.06 of~~ 5562  
~~the Revised Code~~ this chapter. 5563

**Sec. 3769.03.** The ~~state racing~~ commission shall prescribe 5564  
the rules and conditions under which horse racing may be 5565  
conducted and may issue, deny, suspend, diminish, or revoke 5566  
permits to conduct horse racing as authorized by ~~sections~~ 5567  
~~3769.01 to 3769.14 of the Revised Code~~ this chapter. The 5568  
commission may impose, in addition to any other penalty imposed 5569  
by the commission, fines in an amount not to exceed ten thousand 5570  
dollars on any permit holder or any other person who violates 5571  
the rules or orders of the commission. The commission may 5572  
prescribe the forms of wagering that are permissible, the number 5573  
of races, the procedures on wagering, and the wagering 5574  
information to be provided to the public. 5575

The commission may require totalizator equipment to 5576  
display the amount of wagering in each wagering pool. The 5577  
commission shall initiate safeguards as necessary to account for 5578  
the amount of money wagered at each track in each wagering pool. 5579  
It may require permit holders to install equipment that will 5580  
provide a complete check and analysis of the functioning of any 5581  
computers and require safeguards on their performance. The 5582  
commission shall require all permit holders, except those 5583  
holding state fair, county fair, or other fair permits, to 5584  
provide a photographic recording, approved by the commission, of 5585  
the entire running of all races conducted by the permit holder. 5586

The ~~state racing~~ commission may issue, deny, suspend, or 5587



revoke licenses to those persons engaged in racing and to those 5588  
employees of permit holders, as described in section 3769.031 of 5589  
the Revised Code. The commission, as is in the public interest 5590  
for the purpose of maintaining proper control over horse-racing 5591  
meetings, also may rule any person off a permit holder's 5592  
premises. 5593

~~There is hereby created in the state treasury the state-~~ 5594  
~~racing commission operating fund. All license fees established~~ 5595  
and collected by the commission pursuant to this section or 5596  
section 3769.031 of the Revised Code, and the amounts specified 5597  
in divisions (B) and (C) of section 3769.08 and division (A) (5) 5598  
of section 3769.087 of the Revised Code, shall be paid into the 5599  
state treasury to the credit of the casino control commission 5600  
fund described in section 3772.01 of the Revised Code. ~~Moneys in~~ 5601  
~~the fund shall be expended by the commission to defray its-~~ 5602  
~~operating costs, salaries and expenses, and the cost of-~~ 5603  
~~administering and enforcing this chapter.~~ 5604

The commission may deny a permit to any permit holder that 5605  
has defaulted in payments to the public, employees, or the 5606  
horsemen and may deny a permit to any successor purchaser of a 5607  
track for as long as any of those defaults have not been 5608  
satisfied by either the seller or purchaser. 5609

The commission shall deny a permit to any permit holder 5610  
that has defaulted in payments to the state or has defaulted in 5611  
payments required under section 3769.089 or 3769.0810 of the 5612  
Revised Code and shall deny a permit to any successor purchaser 5613  
of a track for as long as those defaults have not been satisfied 5614  
by either the seller or purchaser. 5615

~~The commission may sue and be sued in its own name. Any~~ 5616  
~~action against the commission shall be brought in the court of-~~ 5617

~~common pleas of Franklin county.~~ Any appeal from a determination 5618  
or decision of the commission rendered in the exercise of its 5619  
powers and duties under this chapter shall be brought in the 5620  
court of common pleas of Franklin county. 5621

The commission, biennially, shall make a full report to 5622  
the governor of its proceedings under this chapter for the two- 5623  
year period ending with the thirty-first day of December 5624  
preceding the convening of the general assembly and shall 5625  
include its recommendations in the report. The commission, 5626  
semiannually, on the thirtieth day of June and on the thirty- 5627  
first day of December of each year, shall make a report and 5628  
accounting to the governor regarding its activities under this 5629  
chapter. 5630

**Sec. 3769.031.** (A) The ~~state racing~~ commission may issue, 5631  
deny, suspend, or revoke licenses to those persons engaged in 5632  
racing and to those employees of permit holders as is in the 5633  
public interest for the purpose of maintaining a proper control 5634  
over horse-racing meetings, subject to the requirements of this 5635  
section. 5636

(B) (1) The commission shall adopt rules under Chapter 119. 5637  
of the Revised Code prescribing the following licenses to be 5638  
issued, including the activities regulated under each license, 5639  
the qualifications and other requirements to receive and 5640  
maintain each license, and the fees that apply to the license: 5641

(a) The following racing official licenses: state steward, 5642  
steward, program director, director of racing, general manager, 5643  
racing secretary, assistant racing secretary, horsemen's 5644  
bookkeeper, identifier, presiding judge, paddock judge, placing 5645  
judge, judge, clerk of course, clerk of scales, jockey room 5646  
custodian, announcer, starter, timer, photographer, and 5647

videographer, provided that the license fee for a general 5648  
manager shall not exceed seventy-five dollars; 5649

(b) The following participant licenses: primary and 5650  
secondary stable name, owner, partnership, person eligible to 5651  
claim, authorized agent, thoroughbred breeder, trainer, 5652  
assistant trainer, driver-trainer, driver, jockey, apprentice 5653  
jockey, jockey agent, outrider, pony person, exercise rider, 5654  
valet, and supply salesperson; 5655

(c) The following equine care licenses: veterinarian, 5656  
veterinarian's assistant, dentist, horseshoer, and groom; 5657

(d) The following wagering licenses: management services 5658  
company and totalizator company, ~~totalizator company management-~~ 5659  
~~supervisory employee, totalizator company employee, and mutuel-~~ 5660  
~~employee;~~ 5661

(e) A fair license, which shall not require the payment of 5662  
any fee, to be issued for the following positions: racing 5663  
official, owner, quarter horse participant, driver-trainer, and 5664  
~~groom, totalizator, and mutuel employee;~~ 5665

~~(f) The following race track facility licenses: security,~~ 5666  
~~medical and first aid, concession employee, and maintenance,~~ 5667  
~~provided that the license fee for a medical and first aid worker~~ 5668  
~~shall not exceed ten dollars.~~ 5669

(2) The commission shall issue only the licenses listed in 5670  
division (B)(1) of this section with respect to horse racing. No 5671  
license issued by the commission is required to hold any 5672  
position that is not listed in that division. 5673

(C)(1) Applicants for licenses issued by the commission 5674  
shall submit their fingerprints to the commission, and the 5675  
commission may forward the fingerprints to the federal bureau of 5676

investigation or to any other agency, or to both, for 5677  
examination. 5678

(2) Each license issued by the commission, unless revoked 5679  
for cause, shall be for the period of one year from the first 5680  
day of January of the year in which it is issued, except as 5681  
otherwise provided in section 3769.07 of the Revised Code. 5682

(3) The commission shall issue a license to a person 5683  
engaged in racing or an employee of a permit holder in 5684  
accordance with Chapter 4796. of the Revised Code if that person 5685  
or employee holds a license in another state, or that person or 5686  
employee has satisfactory work experience, a government 5687  
certification, or a private certification as described in that 5688  
chapter in horse racing in a state that does not issue that 5689  
license. 5690

(4) Any violation of this chapter, of any rule of racing 5691  
adopted by the commission, or of any law or rule with respect to 5692  
racing in any jurisdiction shall be sufficient reason for a 5693  
refusal to issue a license, or a suspension or revocation of any 5694  
license issued, pursuant to this section. With respect to the 5695  
issuance, denial, suspension, or revocation of a license to a 5696  
participant in horse racing, the action of the commission is 5697  
subject to Chapter 119. of the Revised Code. 5698

(D) (1) An individual described in division (A) of section 5699  
3772.13 of the Revised Code shall hold a valid key gaming 5700  
employee license issued by the commission under that section at 5701  
all times. 5702

(2) An individual whose duties with respect to pari-mutuel 5703  
wagering on horse racing are as described in division (A) of 5704  
section 3772.131 of the Revised Code shall hold a valid gaming 5705

employee license issued by the commission under that section at 5706  
all times, provided that an individual who is licensed under 5707  
division (B) of this section is not required to hold a gaming 5708  
employee license in addition to that license. 5709

**Sec. 3769.04.** Any person, association, corporation, or 5710  
trust desiring to hold or conduct a horse-racing meeting, 5711  
wherein the pari-mutuel system of wagering is allowed, shall 5712  
make application to the ~~state racing~~ commission for a permit to 5713  
do so. Each application, accompanied by a permit fee of ten 5714  
dollars and a cash bond, certified check, or bank draft, shall 5715  
be filed with the commission at least five days prior to the 5716  
first day of each horse-racing meeting that the person, 5717  
association, corporation, or trust proposes to hold or conduct. 5718  
The application, if made by an individual, shall be signed and 5719  
verified under oath by the individual and, if made by 5720  
individuals or a partnership, shall be signed and verified under 5721  
oath by one of the individuals or a member of the partnership. 5722  
If made by an association, trust, or corporation, the 5723  
application shall be signed by its president or vice-president 5724  
and attested by the secretary or assistant secretary under the 5725  
seal of the association, trust, or corporation, if it has a 5726  
seal, and shall also be verified under oath by one of the 5727  
officers signing the application. The commission shall prescribe 5728  
forms to be used in making the application. The application 5729  
shall specify the name of the person, association, trust, or 5730  
corporation making such application, the post-office address of 5731  
the applicant (if a corporation, the name of the state of its 5732  
incorporation), the dates on which the applicant intends to 5733  
conduct or hold such horse-racing meeting, which dates shall be 5734  
successive days, including Sundays unless otherwise requested by 5735  
the applicant and authorized by the commission, the hours of 5736

each racing day during which the applicant intends to hold or 5737  
conduct horse racing at such meeting, which shall be during the 5738  
hours specified pursuant to section 3769.07 of the Revised Code, 5739  
the location of the place, track, or enclosure where it is 5740  
proposed to hold or conduct such horse-racing meeting, and such 5741  
further information as the commission prescribes. 5742

If the application requests a permit for a horse-racing 5743  
meet at a location at which such a meet has not previously been 5744  
conducted by permission of the commission, then, in addition to 5745  
the other requirements for the application, there shall 5746  
accompany the application a petition signed by at least fifty- 5747  
one per cent of the qualified electors voting for governor at 5748  
the most recent general election in the townships in which the 5749  
racing meet is proposed to be conducted, together with a 5750  
certificate of the board of elections of the counties in which 5751  
such townships are situated that the signatures on the petition 5752  
are valid and comply with this section. No petition or 5753  
certificate shall be required for a transfer made under section 5754  
3769.13 of the Revised Code if the transfer is to a county in 5755  
which racing has previously been conducted pursuant to a permit 5756  
issued under section 3769.06 of the Revised Code. 5757

Such petition shall be in the following form: 5758

"We, the undersigned, electors of \_\_\_\_\_ township, 5759  
\_\_\_\_\_ county, Ohio request the granting of the 5760  
application of \_\_\_\_\_ for a horse-racing meet to be 5761  
conducted in whole or in part in \_\_\_\_\_ township, 5762  
\_\_\_\_\_ Ohio in the year \_\_\_\_\_ 5763

Name	Address	Voting Precinct	Township
			"

5764  
5765

Such petition shall be sworn to in the manner provided in 5766  
section 3513.27 of the Revised Code. This section does not apply 5767  
to small horse-racing meets or horse shows which are not 5768  
required to secure permits under section ~~3769.01~~ 3769.02 of the 5769  
Revised Code, nor shall this section, other than the first 5770  
paragraph, apply to county fair horse-racing meets. 5771

**Sec. 3769.041.** (A) Any information concerning the 5772  
following that is submitted, collected, or gathered as part of 5773  
an application to the ~~state racing~~ commission for a license or 5774  
permit under this chapter is confidential and not subject to 5775  
disclosure by a state agency or political subdivision as a 5776  
public record under section 149.43 of the Revised Code: 5777

(1) A minor child of an applicant; 5778

(2) The social security number, passport number, or 5779  
federal tax identification number of an applicant or of the 5780  
spouse of an applicant; 5781

(3) The home address and telephone number of an applicant 5782  
or of the spouse or dependent of an applicant; 5783

(4) An applicant's birth certificate; 5784

(5) The driver's license number of an applicant or of the 5785  
applicant's spouse; 5786

(6) The name or address of a previous spouse of the 5787  
applicant; 5788

(7) The date of birth of the applicant and of the spouse 5789  
of an applicant; 5790

(8) The place of birth of the applicant and of the spouse 5791  
of an applicant; 5792

(9) The personal financial information and records of an 5793  
applicant or of an employee or the spouse or dependent of an 5794  
applicant, including tax returns and information, and records of 5795  
criminal proceedings; 5796

(10) Any information concerning a victim of domestic 5797  
violence, sexual assault, or stalking; 5798

(11) The electronic mail address of the spouse or family 5799  
member of the applicant; 5800

(12) Any trade secret, medical records, and patents or 5801  
exclusive licenses; 5802

(13) Security information, including risk prevention 5803  
plans, detection and countermeasures, location of count rooms or 5804  
other money storage areas, emergency management plans, security 5805  
and surveillance plans, equipment and usage protocols, and theft 5806  
and fraud prevention plans and countermeasures; 5807

(14) Information provided in a multijurisdictional 5808  
personal history disclosure form, including the Ohio supplement, 5809  
exhibits, attachments, and updates. 5810

(B) Notwithstanding any other law to the contrary, upon 5811  
written request from a person, the commission shall provide the 5812  
following information to the person, except as provided in this 5813  
chapter: 5814

(1) The information provided under this chapter concerning 5815  
a licensee, permit holder, or an applicant; 5816

(2) A copy of a letter providing the reasons for the 5817  
denial of an applicant's license or permit and a copy of a 5818  
letter providing the reasons for the commission's refusal to 5819  
allow an applicant to withdraw the applicant's application, but 5820



with confidential information redacted if that information is 5821  
the reason for the denial or refusal to withdraw. 5822

(C) The individual's name, the individual's place of 5823  
employment, the individual's job title, and the individual's 5824  
gaming experience that is provided for an individual who holds, 5825  
held, or has applied for a license or permit under this chapter 5826  
is not confidential. The reason for denial or revocation of a 5827  
license or permit or for disciplinary action against the 5828  
individual is not confidential. The cover sheet completed by an 5829  
applicant for a key employee license is not confidential. 5830

(D) A person who holds, held, or has applied for a license 5831  
or permit under this chapter may waive the confidentiality 5832  
requirements of division (A) of this section. 5833

(E) Confidential information received by the commission 5834  
from another jurisdiction relating to a person who holds, held, 5835  
or has applied for a license or permit under this chapter is 5836  
confidential and not subject to disclosure as a public record 5837  
under section 149.43 of the Revised Code. The commission may 5838  
share the information referenced in this division with, or 5839  
disclose the information to, the inspector general, any 5840  
appropriate prosecuting authority, any law enforcement agency, 5841  
or any other appropriate governmental or licensing agency, if 5842  
the agency that receives the information complies with the same 5843  
requirements regarding confidentiality as those with which the 5844  
commission must comply. 5845

**Sec. 3769.05.** At the time of making application for a 5846  
permit to conduct a horse-racing meeting, the applicant shall 5847  
deposit with the ~~state racing~~ commission a cash bond, certified 5848  
check, or bank draft, payable to the order of the commission, in 5849  
an amount equal to one hundred dollars for each day petitioned 5850

for in said application. At the close of the last day of the 5851  
horse-racing meeting, for which a permit is issued, as provided 5852  
for in section 3769.06 of the Revised Code, the commission shall 5853  
refund to such permit holder the sum of one hundred dollars for 5854  
each racing day the permit holder paid to the state tax 5855  
commissioner the tax due for said day, as provided for and at 5856  
the rate stipulated in section 3769.08 of the Revised Code. In 5857  
harness horse-racing meetings, if any full day's racing is 5858  
declared off by the judges because of inclement weather or a 5859  
muddy track, the commission shall refund to the permit holders 5860  
the sum of one hundred dollars of their deposit for each such 5861  
day. 5862

**Sec. 3769.06.** Upon the proper filing of an application to 5863  
conduct a horse-racing meeting accompanied by a permit fee and a 5864  
cash bond, certified check, or bank draft by any person, 5865  
association, trust, or corporation, not in default of payment of 5866  
any obligation or debt due to the state under sections 3769.01 5867  
to 3769.14 of the Revised Code, the ~~state racing~~ commission may 5868  
issue a permit to such applicant to hold or conduct a horse- 5869  
racing meeting. Such permit shall specify: 5870

(A) The person, association, trust, or corporation to whom 5871  
the same is issued; 5872

(B) The days upon which such horse-racing meeting is to be 5873  
held or conducted; 5874

(C) The hours of such days between which live racing 5875  
programs will be permitted; 5876

(D) The location of the place, track, or enclosure where 5877  
such horse-racing meeting is to be held or conducted. Such 5878  
permit shall receipt the payment of the permit fee and deposit 5879

of the cash bond, certified check, or bank draft, by the 5880  
applicant. Every permit shall contain a condition that all horse 5881  
races or racing meetings, conducted thereunder, shall be subject 5882  
to the rules and conditions prescribed and promulgated by the 5883  
commission. The commission may refuse to award days or to issue 5884  
a permit to any applicant if a permit previously issued to said 5885  
applicant has been revoked under the authority of such sections. 5886  
Such permit may be suspended, diminished, or revoked by the 5887  
commission for any violation of such sections or of any rule of 5888  
the commission. The commission shall immediately enter upon its 5889  
record of proceedings a memorandum of its action in such 5890  
suspension, diminution, or revocation and its reasons therefor. 5891  
Such permit shall be nontransferable and shall apply only to the 5892  
place, track, or enclosure specified in the permit, except as 5893  
provided in section 3769.13 of the Revised Code. 5894

Each permit issued under this section to hold or conduct a 5895  
horse-racing meeting shall be issued for one year from the first 5896  
day of January of the year for which it is issued. The holder of 5897  
such permit shall be entitled to renewal of the permit upon 5898  
application to the commission for a renewal, and the commission 5899  
shall renew the permit unless the commission rejects the 5900  
application for good cause, according to the procedures of 5901  
Chapter 119. of the Revised Code. 5902

**Sec. 3769.07.** (A) Except as otherwise provided in this 5903  
section, no permit shall be issued under ~~sections 3769.01 to~~ 5904  
~~3769.14 of the Revised Code~~ this chapter, authorizing the 5905  
conduct of a live racing program for thoroughbred horses and 5906  
quarter horses at any place, track, or enclosure except between 5907  
the hours of twelve noon and seven p.m., for running horse- 5908  
racing meetings, except that on special events days running 5909  
horse-racing meetings may begin at nine a.m. by application to 5910

the ~~state racing~~ commission and except that the seven p.m. time 5911  
may be extended to eight p.m. on a Sunday or holiday by 5912  
application to the commission, and no permit shall be issued 5913  
under those sections authorizing the conduct of a live racing 5914  
program for harness horses at any place, track, or enclosure 5915  
except between the hours of twelve noon and twelve midnight for 5916  
light harness horse-racing meetings. The seven p.m. and eight 5917  
p.m. closing times described in this section shall upon 5918  
application to the commission be extended to nine p.m. for any 5919  
running horse-racing meeting conducted between the fifteenth day 5920  
of May and the fifteenth day of September at a track that is 5921  
located more than twenty-five miles from a track located in this 5922  
state where a light harness horse-racing meeting, other than a 5923  
light harness horse-racing meeting at a county fair or 5924  
independent fair, is being conducted and that is located less 5925  
than twenty-five miles from a track located outside this state. 5926  
A permit issued for horse racing at a county fair shall 5927  
authorize live horse racing to begin at nine a.m. 5928

(B) No permit shall be granted for the holding or 5929  
conducting of a horse-racing meeting after the tenth day of 5930  
December in any calendar year, except for racing at winterized 5931  
tracks. "Winterized track" means a track with enclosed club 5932  
house or grandstand, all-weather racing track, heated facilities 5933  
for jockeys or drivers, backstretch facilities that are properly 5934  
prepared for winter racing, and adequate snow removal equipment 5935  
available. 5936

(C) No permit shall be issued for more than an aggregate 5937  
of fifty-six racing days in any one calendar year, except that 5938  
an additional five days of racing may be approved by the 5939  
commission upon application by a permit holder and except that 5940  
an additional thirty days of racing may be granted for racing at 5941

any time after the fifteenth day of October and prior to the 5942  
fifteenth day of March to a permit holder who has a winterized 5943  
facility, but no more than thirty such additional days may be 5944  
issued at any one track or enclosure. No more than an aggregate 5945  
of fifty-six racing days shall be issued in any one calendar 5946  
year for any one race track, place, or enclosure, except for the 5947  
additional five days of racing for each permit holder which may 5948  
be approved by the commission pursuant to this section, except 5949  
as provided in sections 3769.071 and 3769.13 of the Revised 5950  
Code, except for racing days granted as a result of a winterized 5951  
facility, and except that the commission may issue a second 5952  
permit for a maximum of fifty-six racing days for any one track, 5953  
place, or enclosure, if the commission determines that the 5954  
issuance of such second permit is not against the public 5955  
interest. No such second permit shall be issued: 5956

(1) For the operation of racing in any county with a 5957  
population of less than seven hundred thousand or for the 5958  
operation of racing in any county which has more than one race 5959  
track at which a racing meet has been authorized, except as 5960  
provided in this division and in sections 3769.071 and 3769.13 5961  
of the Revised Code, in the same year by the commission. A 5962  
second permit issued pursuant to this division may be issued at 5963  
either or both race tracks in a county that has only two race 5964  
tracks if a racing meet has been authorized at both race tracks 5965  
in the same year by the commission and one race track has been 5966  
authorized to conduct thoroughbred racing meets and the other 5967  
race track has been authorized to conduct harness racing meets. 5968  
When such second permit is issued pursuant to this division for 5969  
racing at the one race track, racing shall not be conducted at 5970  
that race track on the same day that racing is conducted at the 5971  
other race track in the county except by mutual agreement of the 5972

two race tracks. 5973

(2) To any corporation having one or more shareholders 5974  
owning an interest in any other permit issued by the commission 5975  
for the operation of racing, in the same year, at any other race 5976  
track, place, or enclosure in this state; 5977

(3) To any person, association, or trust which owns, or 5978  
which has any members owning, an interest in any other permit 5979  
issued by the commission for the operation of racing, in the 5980  
same year, at any other race track, place, or enclosure in this 5981  
state. 5982

(D) No permit shall be issued so as to permit live racing 5983  
programs on the same hour at more than one track in one county 5984  
or on tracks in operation in 1975 within fifty miles of each 5985  
other, nor shall any other form of pari-mutuel wagering other 5986  
than horse racing be permitted within seventy-five miles of a 5987  
track where horse racing is being conducted, except that this 5988  
provision shall not apply to a horse-racing meeting held at the 5989  
state fair or at a fair conducted by a county agricultural 5990  
society or at a fair conducted by an independent agricultural 5991  
society. Distribution of days shall not apply to fairs or horse 5992  
shows not required to secure a permit under such section. 5993

(E) Notwithstanding any contrary provision of ~~The~~ the 5994  
Revised Code: 5995

(1) No person or entity shall be issued permits to conduct 5996  
horse-racing meetings at more than two facilities in this state 5997  
at any one time. 5998

(2) No person or entity shall be issued permits to conduct 5999  
thoroughbred horse-racing meetings at more than one facility in 6000  
this state at any one time. 6001

(3) No person or entity shall be a management company for persons or entities that have been issued permits to conduct horse-racing meetings at more than two facilities in this state at any one time.

(4) A person or entity is not prohibited from owning more than two facilities in this state at which horse-racing meetings are conducted, so long as the person or entity is not in violation of division (E) (1), (2), or (3) of this section.

(F) A permit, granted under ~~sections 3769.01 to 3769.14 of the Revised Code,~~ this chapter shall be conspicuously displayed during the horse-racing meeting in the principal office at such race track and at all reasonable times shall be exhibited to any authorized person requesting to see the same.

**Sec. 3769.071.** In addition to any permit authorized to be issued by this chapter, the ~~state racing~~ commission may issue not more than three permits for not more than fourteen consecutive racing days each at any race track, place, or enclosure. Not more than two permits shall be issued for quarter horse racing in one county. All racing under any permit issued pursuant to this section shall be limited to quarter horse racing only. This chapter applies to quarter horse racing, which shall be classified for this purpose the same as running horse racing. The minimum purse shall be five hundred dollars.

**Sec. 3769.072.** The commission shall grant to any track or enclosure that has fewer permits or total racing days available to it than another track or enclosure located within twenty miles a number of permits so that the total number of racing days available to both tracks or enclosures is equal. The ~~state racing~~ commission shall issue one additional permit for not more than sixty-one days to a permit holder issued a racing permit

under section 3769.07 of the Revised Code, if, on ~~the effective-~~ 6032  
~~date of this section~~ September 19, 1996, such permit holder 6033  
conducts racing at a track that is located within the same 6034  
county as, or is located within twenty miles of, another track 6035  
for which three or more permits have previously been issued by 6036  
the commission under section 3769.07 of the Revised Code. If one 6037  
of the three permits is for racing at a winterized facility, the 6038  
new permit issued under this section shall be for thirty days. 6039  
Further, in addition to any permit authorized to be issued by 6040  
this chapter, the commission shall issue not more than two 6041  
additional permits for not more than fourteen days each to a 6042  
permit holder issued a racing permit under section 3769.07 of 6043  
the Revised Code, if, on ~~the effective date of this section~~ 6044  
September 19, 1996, such permit holder conducts racing at a 6045  
track that is located within the same county as another track 6046  
for which permits have previously been issued by the commission 6047  
under section 3769.071 of the Revised Code. Permit holders 6048  
receiving permits issued by the commission under this section 6049  
may, but need not, conduct live racing programs under such a 6050  
permit, subject to commission approval, but the number of racing 6051  
days authorized by the permit shall be considered to be permit 6052  
days for the purpose of section 3769.0810 of the Revised Code, 6053  
whether or not live racing programs are conducted under that 6054  
permit. 6055

**Sec. 3769.08.** ~~(A) Any~~ (A) (1) The pari-mutuel method of 6056  
wagering on live horse racing programs, and on simulcast horse 6057  
racing programs as permitted under sections 3769.089 and 3769.26 6058  
of the Revised Code, is not unlawful. No person other than a 6059  
permit holder or a management services company designated by a 6060  
permit holder under section 3769.081 of the Revised Code shall 6061  
conduct pari-mutuel wagering on horse racing. No person shall 6062



conduct any other form of wagering on horse racing.

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(2) A person holding a permit to conduct a horse-racing  
meeting may provide a place in the race meeting grounds or  
enclosure at which the permit holder may conduct and supervise  
the accept pari-mutuel system of wagering by patrons of legal  
age wagers only on the live racing programs and simulcast racing  
programs conducted by the permit holder, only from individuals  
who are eighteen years of age or older, and only using equipment  
and systems approved by the commission and, if applicable,  
provided by a licensed totalizator company.

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~~The pari-mutuel method of wagering upon the live racing~~  
~~programs and simulcast racing programs held at or conducted~~  
~~within such race track, and at the time of such horse-racing~~  
~~meeting, or at other times authorized by the state racing~~  
~~commission, shall not be unlawful. No other place, except that~~  
~~provided and designated by the permit holder and except as~~  
~~provided in section 3769.26 of the Revised Code, nor any other~~  
~~method or system of betting or wagering on live racing programs~~  
~~and simulcast racing programs, except the pari-mutuel system,~~  
~~shall be used or permitted by the permit holder; nor, except as~~  
~~provided in section 3769.089 or 3769.26 of the Revised Code,~~  
~~shall the pari-mutuel system of wagering be conducted by the~~  
~~permit holder on any races except the races at the race track,~~  
~~grounds, or enclosure for which the person holds a permit.~~ (3) A  
permit holder may accept such a wager in person at the permit  
holder's track or satellite facility. A permit holder, other  
than a person who holds only a permit issued for a racing  
meeting at a fair, also may accept such a wager over the  
internet.

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(4) Each permit holder may retain as a commission an

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amount not to exceed eighteen per cent of the total of all 6093  
moneys wagered on live racing programs and simulcast racing 6094  
programs. 6095

(5) The pari-mutuel wagering authorized by this section is 6096  
subject to sections 3769.25 to 3769.28 of the Revised Code. 6097

(6) A permit holder shall comply with all applicable 6098  
requirements of Chapter 3772. of the Revised Code and the rules 6099  
of the commission. 6100

(B) At the close of each racing day, each permit holder 6101  
authorized to conduct thoroughbred racing, out of the amount 6102  
retained on that day by the permit holder, shall pay in the 6103  
manner prescribed under section 3769.103 of the Revised Code, as 6104  
a tax, a sum equal to the following percentages of the total of 6105  
all moneys wagered on live racing programs on that day and shall 6106  
separately compute and pay in the manner prescribed under 6107  
section 3769.103 of the Revised Code, as a tax, a sum equal to 6108  
the following percentages of the total of all money wagered on 6109  
simulcast racing programs on that day: 6110

(1) One per cent of the first two hundred thousand dollars 6111  
wagered, or any part of that amount; 6112

(2) Two per cent of the next one hundred thousand dollars 6113  
wagered, or any part of that amount; 6114

(3) Three per cent of the next one hundred thousand 6115  
dollars wagered, or any part of that amount; 6116

(4) Four per cent of all sums over four hundred thousand 6117  
dollars wagered. 6118

Except as otherwise provided in section 3769.089 of the 6119  
Revised Code, each permit holder authorized to conduct 6120

thoroughbred racing shall use for purse money a sum equal to 6121  
fifty per cent of the pari-mutuel revenues retained by the 6122  
permit holder as a commission after payment of the state tax. 6123  
This fifty per cent payment shall be in addition to the purse 6124  
distribution from breakage specified in this section. 6125

Subject to division (M) of this section, from the moneys 6126  
paid to the tax commissioner by thoroughbred racing permit 6127  
holders, one-half of one per cent of the total of all moneys so 6128  
wagered on a racing day shall be paid into the Ohio fairs fund 6129  
created by section 3769.082 of the Revised Code, one and one- 6130  
eighth per cent of the total of all moneys so wagered on a 6131  
racing day shall be paid into the Ohio thoroughbred race fund 6132  
created by section 3769.083 of the Revised Code, and one-quarter 6133  
of one per cent of the total of all moneys wagered on a racing 6134  
day by each permit holder shall be paid into the ~~state racing-~~ 6135  
~~casino control commission operating fund created by described in~~ 6136  
section ~~3769.03-3772.01~~ of the Revised Code. The required 6137  
payment to the ~~state racing casino control commission operating-~~ 6138  
fund does not apply to county and independent fairs and 6139  
agricultural societies. The remaining moneys may be retained by 6140  
the permit holder, except as provided in this section with 6141  
respect to the odd cents redistribution. Amounts paid into the 6142  
nursing home franchise permit fee fund pursuant to this section 6143  
and section 3769.26 of the Revised Code shall be used solely for 6144  
the support of the PASSPORT program as determined in 6145  
appropriations made by the general assembly. If the PASSPORT 6146  
program is abolished, the amount that would have been paid to 6147  
the nursing home franchise permit fee fund under this chapter 6148  
shall be paid to the general revenue fund of the state. As used 6149  
in this chapter, "PASSPORT program" has the same meaning as in 6150  
section 173.51 of the Revised Code. 6151

The total amount paid to the Ohio thoroughbred race fund 6152  
under this section and division (A) of section 3769.087 of the 6153  
Revised Code shall not exceed by more than six per cent the 6154  
total amount paid to this fund under this section and division 6155  
(A) of that section during the immediately preceding calendar 6156  
year. 6157

Each year, the total amount calculated for payment into 6158  
the Ohio fairs fund under this division, division (C) of this 6159  
section, and division (A) of section 3769.087 of the Revised 6160  
Code shall be an amount calculated using the percentages 6161  
specified in this division, division (C) of this section, and 6162  
division (A) of section 3769.087 of the Revised Code. 6163

A permit holder may contract with a thoroughbred 6164  
horsemen's organization for the organization to act as a 6165  
representative of all thoroughbred owners and trainers 6166  
participating in a horse-racing meeting conducted by the permit 6167  
holder. A "thoroughbred horsemen's organization" is any 6168  
corporation or association that represents, through membership 6169  
or otherwise, more than one-half of the aggregate of all 6170  
thoroughbred owners and trainers who were licensed and actively 6171  
participated in racing within this state during the preceding 6172  
calendar year. Except as otherwise provided in this paragraph, 6173  
any moneys received by a thoroughbred horsemen's organization 6174  
shall be used exclusively for the benefit of thoroughbred owners 6175  
and trainers racing in this state through the administrative 6176  
purposes of the organization, benevolent activities on behalf of 6177  
the horsemen, promotion of the horsemen's rights and interests, 6178  
and promotion of equine research. A thoroughbred horsemen's 6179  
organization may expend not more than an aggregate of five per 6180  
cent of its annual gross receipts, or a larger amount as 6181  
approved by the organization, for dues, assessments, and other 6182

payments to all other local, national, or international 6183  
organizations having as their primary purposes the promotion of 6184  
thoroughbred horse racing, thoroughbred horsemen's rights, and 6185  
equine research. 6186

(C) Except as otherwise provided in division (B) of this 6187  
section, at the close of each racing day, each permit holder 6188  
authorized to conduct harness or quarter horse racing, out of 6189  
the amount retained that day by the permit holder, shall pay in 6190  
the manner prescribed under section 3769.103 of the Revised 6191  
Code, as a tax, a sum equal to the following percentages of the 6192  
total of all moneys wagered on live racing programs and shall 6193  
separately compute and pay in the manner prescribed under 6194  
section 3769.103 of the Revised Code, as a tax, a sum equal to 6195  
the following percentages of the total of all money wagered on 6196  
simulcast racing programs on that day: 6197

(1) One per cent of the first two hundred thousand dollars 6198  
wagered, or any part of that amount; 6199

(2) Two per cent of the next one hundred thousand dollars 6200  
wagered, or any part of that amount; 6201

(3) Three per cent of the next one hundred thousand 6202  
dollars wagered, or any part of that amount; 6203

(4) Four per cent of all sums over four hundred thousand 6204  
dollars wagered. 6205

Except as otherwise provided in division (B) and subject 6206  
to division (M) of this section, from the moneys paid to the tax 6207  
commissioner by permit holders authorized to conduct harness or 6208  
quarter horse racing, one-half of one per cent of all moneys 6209  
wagered on that racing day shall be paid into the Ohio fairs 6210  
fund; from the moneys paid to the tax commissioner by permit 6211

holders authorized to conduct harness racing, five-eighths of 6212  
one per cent of all moneys wagered on that racing day shall be 6213  
paid into the Ohio standardbred development fund; and from the 6214  
moneys paid to the tax commissioner by permit holders authorized 6215  
to conduct quarter horse racing, five-eighths of one per cent of 6216  
all moneys wagered on that racing day shall be paid into the 6217  
Ohio thoroughbred race fund to support quarter horse development 6218  
and purses. 6219

(D) In addition, subject to division (M) of this section, 6220  
beginning on January 1, 1996, from the money paid to the tax 6221  
commissioner as a tax under this section and division (A) of 6222  
section 3769.087 of the Revised Code by harness horse permit 6223  
holders, one-half of one per cent of the amount wagered on a 6224  
racing day shall be paid into the Ohio standardbred development 6225  
fund. Beginning January 1, 1998, the payment to the Ohio 6226  
standardbred development fund required under this division does 6227  
not apply to county agricultural societies or independent 6228  
agricultural societies. 6229

The total amount paid to the Ohio standardbred development 6230  
fund under this division, division (C) of this section, and 6231  
division (A) of section 3769.087 of the Revised Code and the 6232  
total amount paid to the Ohio thoroughbred race fund to support 6233  
quarter horse development and purses under this division and 6234  
division (A) of that section shall not exceed by more than six 6235  
per cent the total amount paid into the fund under this 6236  
division, division (C) of this section, and division (A) of 6237  
section 3769.087 of the Revised Code in the immediately 6238  
preceding calendar year. 6239

(E) Subject to division (M) of this section, from the 6240  
money paid as a tax under this chapter by harness and quarter 6241

horse permit holders, one-quarter of one per cent of the total 6242  
of all moneys wagered on a racing day by each permit holder 6243  
shall be paid into the ~~state racing casino control~~ commission 6244  
~~operating fund created by~~ described in section 3769.03-3772.01 6245  
of the Revised Code. This division does not apply to county and 6246  
independent fairs and agricultural societies. 6247

(F) Except as otherwise provided in section 3769.089 of 6248  
the Revised Code, each permit holder authorized to conduct 6249  
harness racing shall pay to the harness horsemen's purse pool a 6250  
sum equal to fifty per cent of the pari-mutuel revenues retained 6251  
by the permit holder as a commission after payment of the state 6252  
tax. This fifty per cent payment is to be in addition to the 6253  
purse distribution from breakage specified in this section. 6254

(G) In addition, each permit holder authorized to conduct 6255  
harness racing shall be allowed to retain the odd cents of all 6256  
redistribution to be made on all mutual contributions exceeding 6257  
a sum equal to the next lowest multiple of ten. 6258

Forty per cent of that portion of that total sum of such 6259  
odd cents shall be used by the permit holder for purse money for 6260  
Ohio sired, bred, and owned colts, for purse money for Ohio bred 6261  
horses, and for increased purse money for horse races. Upon the 6262  
formation of the corporation described in section 3769.21 of the 6263  
Revised Code to establish a harness horsemen's health and 6264  
retirement fund, twenty-five per cent of that portion of that 6265  
total sum of odd cents shall be paid at the close of each racing 6266  
day by the permit holder to that corporation to establish and 6267  
fund the health and retirement fund. Until that corporation is 6268  
formed, that twenty-five per cent shall be paid at the close of 6269  
each racing day by the permit holder to the tax commissioner or 6270  
the tax commissioner's agent in the county seat of the county in 6271

which the permit holder operates race meetings. The remaining 6272  
thirty-five per cent of that portion of that total sum of odd 6273  
cents shall be retained by the permit holder. 6274

(H) In addition, each permit holder authorized to conduct 6275  
thoroughbred racing shall be allowed to retain the odd cents of 6276  
all redistribution to be made on all mutuel contributions 6277  
exceeding a sum equal to the next lowest multiple of ten. Twenty 6278  
per cent of that portion of that total sum of such odd cents 6279  
shall be used by the permit holder for increased purse money for 6280  
horse races. Upon the formation of the corporation described in 6281  
section 3769.21 of the Revised Code to establish a thoroughbred 6282  
horsemen's health and retirement fund, forty-five per cent of 6283  
that portion of that total sum of odd cents shall be paid at the 6284  
close of each racing day by the permit holder to that 6285  
corporation to establish and fund the health and retirement 6286  
fund. Until that corporation is formed, that forty-five per cent 6287  
shall be paid by the permit holder to the tax commissioner or 6288  
the tax commissioner's agent in the county seat of the county in 6289  
which the permit holder operates race meetings, at the close of 6290  
each racing day. The remaining thirty-five per cent of that 6291  
portion of that total sum of odd cents shall be retained by the 6292  
permit holder. 6293

(I) In addition, each permit holder authorized to conduct 6294  
quarter horse racing shall be allowed to retain the odd cents of 6295  
all redistribution to be made on all mutuel contributions 6296  
exceeding a sum equal to the next lowest multiple of ten, 6297  
subject to a tax of twenty-five per cent on that portion of the 6298  
total sum of such odd cents that is in excess of two thousand 6299  
dollars during a calendar year, which tax shall be paid at the 6300  
close of each racing day by the permit holder to the tax 6301  
commissioner or the tax commissioner's agent in the county seat 6302



of the county within which the permit holder operates race 6303  
meetings. Forty per cent of that portion of that total sum of 6304  
such odd cents shall be used by the permit holder for increased 6305  
purse money for horse races. The remaining thirty-five per cent 6306  
of that portion of that total sum of odd cents shall be retained 6307  
by the permit holder. 6308

(J) (1) To encourage the improvement of racing facilities 6309  
for the benefit of the public, breeders, and horse owners, and 6310  
to increase the revenue to the state from the increase in pari- 6311  
mutuel wagering resulting from those improvements, the taxes 6312  
paid by a permit holder to the state as provided for in this 6313  
chapter shall be reduced by three-fourths of one per cent of the 6314  
total amount wagered for those permit holders who make capital 6315  
improvements to existing race tracks or construct new race 6316  
tracks. The percentage of the reduction that may be taken each 6317  
racing day shall equal seventy-five per cent of the taxes levied 6318  
under divisions (B) and (C) of this section and section 3769.087 6319  
of the Revised Code, and division (F) (2) of section 3769.26 of 6320  
the Revised Code, as applicable, divided by the calculated 6321  
amount each fund should receive under divisions (B) and (C) of 6322  
this section and section 3769.087 of the Revised Code, and 6323  
division (F) (2) of section 3769.26 of the Revised Code and the 6324  
reduction provided for in this division. If the resulting 6325  
percentage is less than one, that percentage shall be multiplied 6326  
by the amount of the reduction provided for in this division. 6327  
Otherwise, the permit holder shall receive the full reduction 6328  
provided for in this division. The amount of the allowable 6329  
reduction not received shall be carried forward and applied 6330  
against future tax liability. After any reductions expire, any 6331  
reduction carried forward shall be treated as a reduction as 6332  
provided for in this division. 6333

If more than one permit holder is authorized to conduct racing at the facility that is being built or improved, the cost of the new race track or capital improvement shall be allocated between or among all the permit holders in the ratio that the permit holders' number of racing days bears to the total number of racing days conducted at the facility.

A reduction for a new race track or a capital improvement shall start from the day racing is first conducted following the date actual construction of the new race track or each capital improvement is completed and the construction cost has been approved by the ~~racing~~-commission, unless otherwise provided in this section. A reduction for a new race track or a capital improvement shall continue for a period of twenty-five years for new race tracks and for fifteen years for capital improvements if the construction of the capital improvement or new race track commenced prior to March 29, 1988, and for a period of ten years for new race tracks or capital improvements if the construction of the capital improvement or new race track commenced on or after March 29, 1988, but before June 6, 2001, or until the total tax reduction reaches seventy per cent of the approved cost of the new race track or capital improvement, as allocated to each permit holder, whichever occurs first. A reduction for a new race track or a capital improvement approved after June 6, 2001, shall continue until the total tax reduction reaches one hundred per cent of the approved cost of the new race track or capital improvement, as allocated to each permit holder.

A reduction granted for a new race track or a capital improvement, the application for which was approved by the ~~racing~~-commission after March 29, 1988, but before June 6, 2001, shall not commence nor shall the ten-year period begin to run until all prior tax reductions with respect to the same race

track have ended. The total tax reduction because of capital 6365  
improvements shall not during any one year exceed for all permit 6366  
holders using any one track three-fourths of one per cent of the 6367  
total amount wagered, regardless of the number of capital 6368  
improvements made. Several capital improvements to a race track 6369  
may be consolidated in an application if the racing commission 6370  
approved the application prior to March 29, 1988. No permit 6371  
holder may receive a tax reduction for a capital improvement 6372  
approved by the racing commission on or after March 29, 1988, at 6373  
a race track until all tax reductions have ended for all prior 6374  
capital improvements approved by the racing commission under 6375  
this section or section 3769.20 of the Revised Code at that race 6376  
track. If there are two or more permit holders operating 6377  
meetings at the same track, they may consolidate their 6378  
applications. The racing commission shall notify the tax 6379  
commissioner when the reduction of tax begins and when it ends. 6380

Each fiscal year the ~~racing~~ commission shall submit a 6381  
report to the tax commissioner, the office of budget and 6382  
management, and the legislative service commission. The report 6383  
shall identify each capital improvement project undertaken under 6384  
this division and in progress at each race track, indicate the 6385  
total cost of each project, state the tax reduction that 6386  
resulted from each project during the immediately preceding 6387  
fiscal year, estimate the tax reduction that will result from 6388  
each project during the current fiscal year, state the total tax 6389  
reduction that resulted from all such projects at all race 6390  
tracks during the immediately preceding fiscal year, and 6391  
estimate the total tax reduction that will result from all such 6392  
projects at all race tracks during the current fiscal year. 6393

(2) In order to qualify for the reduction in tax, a permit 6394  
holder shall apply to the ~~racing~~ commission in such form as the 6395

commission may require and shall provide full details of the new 6396  
race track or capital improvement, including a schedule for its 6397  
construction and completion, and set forth the costs and 6398  
expenses incurred in connection with it. The ~~racing~~-commission 6399  
shall not approve an application unless the permit holder shows 6400  
that a contract for the new race track or capital improvement 6401  
has been let under an unrestricted competitive bidding 6402  
procedure, unless the contract is exempted by the controlling 6403  
board because of its unusual nature. In determining whether to 6404  
approve an application, the ~~racing~~-commission shall consider 6405  
whether the new race track or capital improvement will promote 6406  
the safety, convenience, and comfort of the racing public and 6407  
horse owners and generally tend towards the improvement of 6408  
racing in this state. 6409

(3) If a new race track or capital improvement is approved 6410  
by the ~~racing~~-commission and construction has started, the tax 6411  
reduction may be authorized by the commission upon presentation 6412  
of copies of paid bills in excess of one hundred thousand 6413  
dollars or ten per cent of the approved cost, whichever is 6414  
greater. After the initial authorization, the permit holder 6415  
shall present copies of paid bills. If the permit holder is in 6416  
substantial compliance with the schedule for construction and 6417  
completion of the new race track or capital improvement, the 6418  
~~racing~~-commission may authorize the continuation of the tax 6419  
reduction upon the presentation of the additional paid bills. 6420  
The total amount of the tax reduction authorized shall not 6421  
exceed the percentage of the approved cost of the new race track 6422  
or capital improvement specified in division (J) (1) of this 6423  
section. The ~~racing~~-commission may terminate any tax reduction 6424  
immediately if a permit holder fails to complete the new race 6425  
track or capital improvement, or to substantially comply with 6426

the schedule for construction and completion of the new race 6427  
track or capital improvement. If a permit holder fails to 6428  
complete a new race track or capital improvement, the ~~racing~~- 6429  
commission shall order the permit holder to repay to the state 6430  
the total amount of tax reduced. The normal tax paid by the 6431  
permit holder shall be increased by three-fourths of one per 6432  
cent of the total amount wagered until the total amount of the 6433  
additional tax collected equals the total amount of tax reduced. 6434

(4) As used in this section: 6435

(a) "Capital improvement" means an addition, replacement, 6436  
or remodeling of a structural unit of a race track facility 6437  
costing at least one hundred thousand dollars, including, but 6438  
not limited to, the construction of barns used exclusively for 6439  
the race track facility, backstretch facilities for horsemen, 6440  
paddock facilities, new pari-mutuel and totalizator equipment 6441  
and appurtenances to that equipment purchased by the track, new 6442  
access roads, new parking areas, the complete reconstruction, 6443  
reshaping, and leveling of the racing surface and appurtenances, 6444  
the installation of permanent new heating or air conditioning, 6445  
roof replacement or restoration, installations of a permanent 6446  
nature forming a part of the track structure, and construction 6447  
of buildings that are located on a permit holder's premises. 6448  
"Capital improvement" does not include the cost of replacement 6449  
of equipment that is not permanently installed, ordinary 6450  
repairs, painting, and maintenance required to keep a race track 6451  
facility in ordinary operating condition. 6452

(b) "New race track" includes the reconstruction of a race 6453  
track damaged by fire or other cause that has been declared by 6454  
the racing commission, as a result of the damage, to be an 6455  
inadequate facility for the safe operation of horse racing. 6456

(c) "Approved cost" includes all debt service and interest 6457  
costs that are associated with a capital improvement or new race 6458  
track and that the ~~racing~~-commission approves for a tax 6459  
reduction under division (J) of this section. 6460

(5) The ~~racing~~-commission shall not approve an application 6461  
for a tax reduction under this section if it has reasonable 6462  
cause to believe that the actions or negligence of the permit 6463  
holder substantially contributed to the damage suffered by the 6464  
track due to fire or other cause. The ~~racing~~-commission shall 6465  
obtain any data or information available from a fire marshal, 6466  
law enforcement official, or insurance company concerning any 6467  
fire or other damage suffered by a track, prior to approving an 6468  
application for a tax reduction. 6469

(6) The approved cost to which a tax reduction applies 6470  
shall be determined by generally accepted accounting principles 6471  
and verified by an audit of the permit holder's records upon 6472  
completion of the project by the ~~racing~~-commission, or by an 6473  
independent certified public accountant selected by the permit 6474  
holder and approved by the commission. 6475

(K) No other license or excise tax or fee, except as 6476  
provided in sections 3769.01 to 3769.14 of the Revised Code, 6477  
shall be assessed or collected from such licensee by any county, 6478  
township, district, municipal corporation, or other body having 6479  
power to assess or collect a tax or fee. That portion of the tax 6480  
paid under this section by permit holders for racing conducted 6481  
at and during the course of an agricultural exposition or fair, 6482  
and that portion of the tax that would have been paid by 6483  
eligible permit holders into the nursing home franchise permit 6484  
fee fund as a result of racing conducted at and during the 6485  
course of an agricultural exposition or fair, shall be deposited 6486

into the state treasury to the credit of the horse racing tax 6487  
fund, which is hereby created for the use of the agricultural 6488  
societies of the several counties in which the taxes originate. 6489  
The ~~state racing~~ commission shall determine eligible permit 6490  
holders for purposes of the preceding sentence, taking into 6491  
account the breed of horse, the racing dates, the geographic 6492  
proximity to the fair, and the best interests of Ohio racing. On 6493  
the first day of any month on which there is money in the fund, 6494  
the tax commissioner shall provide for payment to the treasurer 6495  
of each agricultural society the amount of the taxes collected 6496  
under this section upon racing conducted at and during the 6497  
course of any exposition or fair conducted by the society. 6498

(L) From the tax paid under this section by harness track 6499  
permit holders, the tax commissioner shall pay into the Ohio 6500  
thoroughbred race fund a sum equal to a percentage of the amount 6501  
wagered upon which the tax is paid. The percentage shall be 6502  
determined by the tax commissioner and shall be rounded to the 6503  
nearest one-hundredth. The percentage shall be such that, when 6504  
multiplied by the amount wagered upon which tax was paid by the 6505  
harness track permit holders in the most recent year for which 6506  
final figures are available, it results in a sum that 6507  
substantially equals the same amount of tax paid by the tax 6508  
commissioner during that year into the Ohio fairs fund from 6509  
taxes paid by thoroughbred permit holders. This division does 6510  
not apply to county and independent fairs and agricultural 6511  
societies. 6512

(M) Twenty-five per cent of the taxes levied on 6513  
thoroughbred racing permit holders, harness racing permit 6514  
holders, and quarter horse racing permit holders under this 6515  
section, division (A) of section 3769.087 of the Revised Code, 6516  
and division (F) (2) of section 3769.26 of the Revised Code shall 6517

be paid into the nursing home franchise permit fee fund. The tax 6518  
commissioner shall pay any money remaining, after the payment 6519  
into the nursing home franchise permit fee fund and the 6520  
reductions provided for in division (J) of this section and in 6521  
section 3769.20 of the Revised Code, into the Ohio fairs fund, 6522  
Ohio thoroughbred race fund, Ohio standardbred development fund, 6523  
and ~~state racing casino control~~ commission ~~operating~~ fund as 6524  
prescribed in this section and division (A) of section 3769.087 6525  
of the Revised Code. The tax commissioner shall thereafter use 6526  
and apply the balance of the money paid as a tax by any permit 6527  
holder to cover any shortage in the accounts of such funds 6528  
resulting from an insufficient payment as a tax by any other 6529  
permit holder. Subject to section 3769.101 of the Revised Code, 6530  
the moneys received by the tax commissioner shall be deposited 6531  
monthly and paid by the tax commissioner into the funds to cover 6532  
the total aggregate amount due from all permit holders to the 6533  
funds, as calculated under this section and division (A) of 6534  
section 3769.087 of the Revised Code, as applicable. If, after 6535  
the payment into the nursing home franchise permit fee fund, 6536  
sufficient funds are not available from the tax deposited by the 6537  
tax commissioner to pay the required amounts into the Ohio fairs 6538  
fund, Ohio standardbred development fund, Ohio thoroughbred race 6539  
fund, and the ~~state racing casino control~~ commission ~~operating~~ 6540  
fund, the tax commissioner shall prorate on a proportional basis 6541  
the amount paid to each of the funds. Any shortage to the funds 6542  
as a result of a proration shall be applied against future 6543  
deposits for the same calendar year when funds are available. 6544  
After this application, the tax commissioner shall pay any 6545  
remaining money paid as a tax by all permit holders into the 6546  
nursing home franchise permit fee fund. This division does not 6547  
apply to permit holders conducting racing at the course of an 6548  
agricultural exposition or fair as described in division (K) of 6549



this section.

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Sec. 3769.081. (A) (1) A permit holder may contract with  
one management services company to offer pari-mutuel wagering on  
horse racing under section 3769.08 of the Revised Code on the  
permit holder's behalf, in a manner authorized under the  
contract. If the permit holder contracts with a management  
services company, the permit holder shall not offer pari-mutuel  
wagering on horse racing under that section in any other manner.

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(2) A management services company may offer pari-mutuel  
wagering on horse racing only in accordance with this chapter,  
with the rules adopted by the commission under this chapter, and  
with the nature of the permit holder's permit.

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(B) (1) A management services company shall be licensed  
under this section before entering into a contract with a permit  
holder as described in division (A) of this section. A  
management services company license entitles the holder to  
contract with one permit holder. An applicant for an initial or  
renewed management services company license shall meet all  
requirements for licensure established by the commission by rule  
and shall pay the fee required under division (C) (3) of section  
109.572 of the Revised Code, along with a nonrefundable  
application fee in an amount determined by the commission by  
rule.

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(2) The commission may accept another jurisdiction's  
license, if the commission determines it has similar licensing  
requirements, as evidence that the applicant meets the  
requirements for a license issued under this section.

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(3) After receiving an initial or renewed management  
services company license, the applicant shall pay a

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nonrefundable license fee in an amount determined by the 6579  
commission by rule. 6580

(C) A management services company license shall be valid 6581  
for a term of five years. In order to renew a management 6582  
services company license, the licensee shall apply to the 6583  
commission for a renewed license in the same manner as for an 6584  
initial license. 6585

(D) In order to permit a management services company to 6586  
offer pari-mutuel wagering on horse racing on behalf of a permit 6587  
holder, the permit holder and the management services company 6588  
shall enter into a written contract that has been approved by 6589  
the commission. If the permit holder and the management services 6590  
company wish to make a material change to the contract, the 6591  
permit holder first shall submit the change to the commission 6592  
for its approval or rejection. The permit holder or the 6593  
management services company shall not assign, delegate, 6594  
subcontract, or transfer the management services company's 6595  
duties and responsibilities under the contract to a third party. 6596

(E) (1) Subject to division (E) (2) of this section, the 6597  
provisions of this chapter and Chapter 3772. of the Revised Code 6598  
concerning a permit holder apply to a management services 6599  
company that contracts with the permit holder with respect to 6600  
all rights, duties, and liabilities of the permit holder 6601  
assigned, delegated, subcontracted, or transferred to the 6602  
management services company as though the management services 6603  
company were a permit holder. Unless the context requires 6604  
otherwise, references in the Revised Code to a permit holder 6605  
apply to a management services company to the extent that the 6606  
management services company is acting on behalf of a permit 6607  
holder pursuant to the contract. 6608

(2) Division (E) (1) of this section does not permit a 6609  
management services company to operate pari-mutuel wagering on 6610  
horse racing other than pursuant to a contract with a permit 6611  
holder to operate pari-mutuel wagering on horse racing on behalf 6612  
of the permit holder. Division (E) (1) of this section does not 6613  
permit a management services company to operate video lottery 6614  
terminals on behalf of a permit holder. 6615

(F) The commission shall adopt a rule setting a maximum 6616  
number of management services company licenses a person may hold 6617  
at any one time. 6618

**Sec. 3769.082.** (A) There is hereby created in the state 6619  
treasury the Ohio fairs fund. The director of agriculture shall 6620  
distribute money in the fund annually, on or before the first 6621  
day of March, as follows: 6622

(1) To each county agricultural society and to each 6623  
independent agricultural society conducting an annual fair, 6624  
twelve per cent of the total money in the Ohio fairs fund, to be 6625  
allocated for general operations; 6626

(2) To the Ohio expositions commission, the sum of one 6627  
hundred twenty thousand dollars annually, to be divided equally 6628  
as purse money among four stake races for two-year-old and 6629  
three-year-old colts and for four stake races for two-year-old 6630  
and three-year-old fillies at each gait of trotting and pacing; 6631  
provided, that five thousand dollars and all entry fees shall be 6632  
added to each race by the Ohio expositions commission. 6633

(3) To each county agricultural society and each 6634  
independent agricultural society conducting horse races during 6635  
its annual fair, the sum of four thousand dollars, to be used as 6636  
purse money for horse races in accordance with this section, and 6637

the additional sum of one thousand dollars to each such county 6638  
agricultural society and independent agricultural society to be 6639  
used for race track maintenance and other expenses necessary for 6640  
the conduct of such horse races or colt stakes. 6641

A grant of four thousand dollars shall be available to 6642  
each county or independent agricultural society for the conduct 6643  
of four stake races for two-year-old and three-year-old colts 6644  
and for four stake races for two-year-old and three-year-old 6645  
fillies at each gait of trotting and pacing; provided, that at 6646  
least five hundred dollars shall be added to each race. 6647  
Exclusive of entrance fees and the excess money provided in 6648  
division (A) (4) of this section from the grant of four thousand 6649  
dollars for purse money provided in this division, a sum not to 6650  
exceed three thousand dollars may be used by a society to reach 6651  
the required purse for each of the eight stake races. Such stake 6652  
races shall be distributed as evenly as possible throughout the 6653  
racing season. 6654

(4) In the event that the money available on the first day 6655  
of March of any year ~~are~~is less than that required to carry out 6656  
divisions (A) (1), (2), and (3) of this section, the money so 6657  
available in the Ohio fairs fund shall be prorated equally to 6658  
the items set forth in such divisions. In the event that the 6659  
money available on the first day of March of any year ~~are~~is in 6660  
excess of that required to carry out divisions (A) (1), (2), and 6661  
(3) of this section, such excess shall be distributed equally to 6662  
those county agricultural societies and independent agricultural 6663  
societies conducting stake races, such excess to be added to the 6664  
stake races conducted under division (A) (3) of this section. The 6665  
balance of such excess shall be distributed to provide four per 6666  
cent of such excess to the Ohio expositions commission to be 6667  
added to the purses pursuant to division (A) (2) of this section, 6668

and the balance shall be distributed to the county and 6669  
independent agricultural societies conducting stake races, such 6670  
excess to be added to and divided equally among the stake races 6671  
conducted under division (A) (3) of this section. 6672

(B) County agricultural societies and independent 6673  
agricultural societies participating under division (A) (3) of 6674  
this section shall, on or before the first day of November in 6675  
the year immediately preceding the year in which the money ~~are~~ 6676  
is to be distributed, make application for participation in such 6677  
distribution to the director of agriculture on forms provided by 6678  
the director. 6679

(C) Distribution of money pursuant to division (A) (3) of 6680  
this section shall not be paid to county agricultural societies 6681  
and independent agricultural societies that conduct on their 6682  
race courses automobile or motorcycle races during any year for 6683  
which such distribution is requested, unless such automobile or 6684  
motorcycle races are not conducted during the days and nights 6685  
that horse racing is being conducted at such fair. 6686

(D) All the foals in stake races conducted for two-year- 6687  
old and three-year-old colts and fillies under this section 6688  
shall have been sired by a stallion registered with the ~~state~~ 6689  
~~racing~~ commission. To be eligible for registration, a stallion 6690  
shall be one of the following: 6691

(1) Owned by a resident of Ohio and regularly standing the 6692  
entire stud season in Ohio; 6693

(2) Owned by a resident of a state other than Ohio but 6694  
regularly standing the entire stud season in Ohio and leased by 6695  
a resident of Ohio for a term of not less than ten years; 6696

(3) Owned jointly by a resident of a state other than Ohio 6697

and a resident of Ohio, regularly standing the entire stud 6698  
season in Ohio, and leased by a resident of Ohio for a term of 6699  
not less than ten years. 6700

Each race shall be conditioned to admit only registered 6701  
two-year-old and three-year-old colts and fillies sired by a 6702  
registered stallion owned or leased and permanently standing for 6703  
service at and within this state at the time of the foal's 6704  
conception. All other conditions for the scheduling and conduct 6705  
of these races shall be approved by the ~~state racing~~ commission. 6706  
The races shall be scheduled subject to the right of the 6707  
commission to prevent conflicts in the event of contemporaneous 6708  
meetings. 6709

Such stake races shall be open for nomination not earlier 6710  
than the fifteenth day of February in the year the race is to be 6711  
held. All entrance fees in such events shall be added to the 6712  
money distributed under this section as purse money. 6713

(E) The ~~state racing~~ commission shall make unannounced 6714  
periodic urine, saliva, or blood tests of horses competing in 6715  
the events raced under this section. 6716

(F) The director of agriculture shall provide forms for 6717  
application for distribution under division (A) (3) of this 6718  
section, shall adopt such rules as are necessary for carrying 6719  
out this section, and may make such investigations as are 6720  
necessary to determine the validity of any claims and 6721  
applications for distribution of money under this section. 6722

(G) Any county agricultural society or independent 6723  
agricultural society which uses the money distributed under this 6724  
section for any purpose other than that provided in this section 6725  
is not eligible to receive distribution from the Ohio fairs fund 6726

for a period of two years after such misuse of such money 6727  
occurs. 6728

(H) As used in this section, "horse races" and "stake 6729  
races" include either harness races or running races. 6730

**Sec. 3769.083.** (A) As used in this section: 6731

(1) An "accredited Ohio thoroughbred horse" means a horse 6732  
conceived in this state and born in this state which is both of 6733  
the following: 6734

(a) Born of a mare that is domiciled in this state at the 6735  
time of the horse's conception, that remains continuously in the 6736  
state through the date on which the horse is born, and that is 6737  
registered as required by the rules of the ~~state racing~~ 6738  
commission; 6739

(b) By a stallion that stands for breeding purposes only 6740  
in this state in the year in which the horse is conceived, and 6741  
that is registered as required by the rules of the commission. 6742

(2) An "Ohio foaled horse" means a horse registered as 6743  
required by the rules of the ~~state racing~~ commission which is 6744  
either of the following: 6745

(a) A horse born of a mare that enters this state before 6746  
foaling and remains continuously in this state until the horse 6747  
is born; 6748

(b) A thoroughbred foal produced within the state by any 6749  
broodmare shipped into the state to foal and be bred to a 6750  
registered Ohio stallion. To qualify this foal as an Ohio foaled 6751  
horse, the broodmare shall remain in this state one year 6752  
continuously after foaling or continuously through foaling to 6753  
the cover of the Ohio stallion, whichever is sooner. All horses 6754

previously registered as Ohio conceived and foaled shall be 6755  
considered as Ohio foaled horses effective January 1, 1976. 6756

Any thoroughbred mare may leave this state for periods of 6757  
time for purposes of activities such as veterinary treatment or 6758  
surgery, sales purposes, breeding purposes, racing purposes, and 6759  
similar activities if permission is granted by the ~~state racing~~ 6760  
commission and the mare is returned to this state immediately 6761  
upon the conclusion of the requested activity. 6762

(3) "Horse," "stallion," "mare," or "foal" means a horse 6763  
of the thoroughbred breed as distinguished from a horse of the 6764  
standard breed or any other breed, and "race" means a race for 6765  
thoroughbred horses conducted by a permit holder of the state 6766  
racing commission. 6767

(4) "Horse" includes animals of all ages and of both 6768  
sexes. 6769

(B) There is hereby created in the state treasury the Ohio 6770  
thoroughbred race fund, to consist of moneys paid into it 6771  
pursuant to sections 3769.08 and 3769.087 of the Revised Code. 6772  
All investment earnings on the cash balances in the fund shall 6773  
be credited to it. Moneys to the credit of the fund shall be 6774  
distributed on order of the ~~state racing~~ commission. The 6775  
commission, with the advice and assistance of the Ohio 6776  
thoroughbred racing advisory committee, shall use the fund, 6777  
except as provided in divisions (C) (2) and (3) and (D) of this 6778  
section, to promote races and provide purses for races for 6779  
horses in the following classes: 6780

(1) Accredited Ohio thoroughbred horses; 6781

(2) Ohio foaled horses. 6782

Not less than ten nor more than twenty-five per cent of 6783



the total money to be paid from the fund for all types of races 6784  
shall be allocated to races restricted to accredited Ohio 6785  
thoroughbred horses. The commission may combine the classes of 6786  
horses described in divisions (B) (1) and (2) of this section in 6787  
one race, except in stakes races. 6788

(C) (1) Each permit holder conducting thoroughbred races 6789  
shall schedule races each week for horses in the classes named 6790  
in division (B) of this section; the number of the races shall 6791  
be prescribed by the ~~state racing~~ commission. The commission, 6792  
pursuant to division (B) of this section, shall prescribe the 6793  
class or classes of the races to be held by each permit holder 6794  
and, with the advice of the Ohio thoroughbred racing advisory 6795  
committee, shall fix the dates and conditions of the races and 6796  
the amount of moneys to be paid from the Ohio thoroughbred race 6797  
fund to be added in each race to the minimum purse established 6798  
by the permit holder for the class of race held. 6799

(2) The commission, with the advice of the Ohio 6800  
thoroughbred racing advisory committee, may provide for stakes 6801  
races to be run each year, and fix the number of stakes races 6802  
and the time, place, and conditions under which each shall be 6803  
run. The commission shall fix the amount of moneys to be paid 6804  
from the Ohio thoroughbred race fund to be added to the purse 6805  
provided for each stakes race by the permit holder, except that, 6806  
in at least four stakes races each year, the commission shall 6807  
require, if four stakes races can be arranged, that the permit 6808  
holder conducting the stakes race provide no less than fifteen 6809  
thousand dollars for the purse for the stakes race, and the 6810  
commission shall provide moneys from the fund to be added to the 6811  
purse in an amount equal to or greater than the amount provided 6812  
by the permit holder. The commission may require a nominating, 6813  
sustaining, and entry fee not to exceed one per cent of the 6814

money added from the fund for each horse in any stakes race, 6815  
which fee shall be added to the purse for the race. 6816

Stakes races where money is added from the Ohio 6817  
thoroughbred race fund shall be open only to accredited Ohio 6818  
thoroughbred horses and Ohio foaled horses. Twenty-five per cent 6819  
of the total moneys to be paid from the fund for stakes races 6820  
shall be allocated to races for only accredited Ohio 6821  
thoroughbred horses. The commission may require a nominating, 6822  
sustaining, and entry fee, not to exceed one per cent of the 6823  
money added from the fund, for each horse in any of these stakes 6824  
races. These fees shall be accumulated by the commission and 6825  
shall be paid out by the commission at its discretion as part of 6826  
the purse money for additional races. 6827

(3) The commission may pay from the Ohio thoroughbred race 6828  
fund to the breeder of a horse of class (1) or (2) of division 6829  
(B) of this section winning first, second, or third prize money 6830  
of a purse for a thoroughbred race an amount not to exceed 6831  
fifteen per cent of the first, second, or third prize money of 6832  
the purse. For the purposes of this division, the term "breeder" 6833  
shall be defined by rule of the commission. 6834

The commission also may provide for stallion owners' 6835  
awards in an amount equal to not less than three nor more than 6836  
ten per cent of the first, second, or third place share of the 6837  
purse. The award shall be paid to the owner of the stallion, 6838  
provided that the stallion was standing in this state as 6839  
provided in division (A) (1) (b) of this section at the time the 6840  
horse placing first, second, or third was conceived. 6841

(D) The ~~state racing~~ commission may provide for the 6842  
expenditure of moneys from the Ohio thoroughbred race fund in an 6843  
amount not to exceed in any one calendar year ten per cent of 6844

the total amount received in the account that year to provide 6845  
for research projects directed toward improving the breeding, 6846  
raising, racing, and health and soundness of thoroughbred horses 6847  
in the state and toward education or promotion of the industry. 6848  
Research for which the moneys from the fund may be used may 6849  
include, but shall not be limited to, studies of pre-race blood 6850  
testing, post-race testing, improvement of the breed, and 6851  
nutrition. 6852

(E) The ~~state racing~~ commission shall appoint qualified 6853  
personnel as may be required to supervise registration of horses 6854  
under the terms of this section, to determine the eligibility of 6855  
horses for accredited Ohio thoroughbred races, Ohio foaled 6856  
races, and the stakes races authorized by division (C)(2) of 6857  
this section, and to assist the Ohio thoroughbred racing 6858  
advisory committee and the commission in determining the 6859  
conditions, class, and quality of the race program to be 6860  
established under this section so as to carry out the purposes 6861  
of this section. The personnel shall serve at the pleasure of 6862  
the commission, and compensation shall be fixed by the 6863  
commission. The compensation of the personnel and necessary 6864  
expenses shall be paid out of the Ohio thoroughbred race fund. 6865

The commission shall adopt rules as are necessary to carry 6866  
out this section and shall administer the stakes race program 6867  
and other races supported by the Ohio thoroughbred race fund in 6868  
a manner best designed to aid in the development of the 6869  
thoroughbred horse industry in the state, to upgrade the quality 6870  
of horse racing in the state, and to improve the quality of 6871  
horses conceived and foaled in the state. 6872

(F) The ~~state racing~~ commission shall adopt rules 6873  
regarding the maintenance and use of money collected for quarter 6874

horse development and purses under division (C) of section 6875  
3769.08 and division (A) of section 3769.087 of the Revised 6876  
Code. 6877

**Sec. 3769.084.** (A) The Ohio thoroughbred racing advisory 6878  
committee is hereby created to consist of three members 6879  
appointed by the governor with the advice and consent of the 6880  
senate. The members of the committee shall be residents of the 6881  
state knowledgeable in the breeding and racing of thoroughbred 6882  
horses. The Ohio thoroughbred horsemen's association and 6883  
representatives of Ohio thoroughbred race tracks may submit to 6884  
the governor the names of persons whom they recommend for 6885  
appointment as members of the committee. Terms of office shall 6886  
be for three years, commencing on the first day of February and 6887  
ending on the thirty-first day of January. Each member shall 6888  
hold office from the date of ~~his~~ appointment until the end of 6889  
the term for which ~~he was~~ appointed. Any member appointed to 6890  
fill a vacancy occurring prior to the expiration of the term for 6891  
which ~~his~~ the member's predecessor was appointed shall hold 6892  
office for the remainder of such term. Any member shall continue 6893  
in office subsequent to the expiration date of ~~his~~ the member's 6894  
term until ~~his~~ the member's successor takes office, or until a 6895  
period of sixty days has elapsed, whichever occurs first. 6896

(B) The Ohio thoroughbred racing advisory committee shall 6897  
advise and assist the ~~state racing~~ commission regarding the 6898  
administration of the Ohio thoroughbred race fund created by 6899  
section 3769.083 of the Revised Code. 6900

(C) Members of the committee shall receive no compensation 6901  
except that they shall be paid from the fund for the actual and 6902  
necessary expenses incurred in the performance of their duties. 6903

**Sec. 3769.085.** (A) There is hereby created in the state 6904

treasury the Ohio standardbred development fund, to consist of 6905  
moneys paid into it pursuant to section 3769.08 of the Revised 6906  
Code and any fees assessed for or on behalf of the Ohio sires 6907  
stakes races. All fees so assessed shall be exempt from the 6908  
requirements of divisions (D) and (M) of that section. All 6909  
investment earnings on the cash balance in the fund shall be 6910  
credited to the fund. Moneys to the credit of the fund shall be 6911  
distributed on order of the ~~state racing~~ Ohio casino control 6912  
commission with the approval of the Ohio standardbred 6913  
development commission. 6914

(B) The Ohio standardbred development commission shall 6915  
consist of three members, all to be residents of this state 6916  
knowledgeable in breeding and racing, to be appointed by the 6917  
governor with the advice and consent of the senate. One member 6918  
shall be a standardbred breeder, and one member shall be a 6919  
standardbred owner. Of the initial appointments, one member 6920  
shall be appointed for a term ending June 30, 1977, and two 6921  
members shall be appointed for terms ending June 30, 1979. 6922  
Thereafter, appointments for other than unexpired terms shall be 6923  
for four years. Terms shall begin the first day of July and end 6924  
the thirtieth day of June. Any member appointed to fill a 6925  
vacancy occurring prior to the expiration of the term for which 6926  
the member's predecessor was appointed shall hold office for the 6927  
remainder of that term. Any member shall continue in office 6928  
subsequent to the expiration date of the member's term until a 6929  
successor takes office. Members shall receive no compensation, 6930  
except that they shall be paid actual and necessary expenses 6931  
from the Ohio standardbred development fund. The ~~state racing~~ 6932  
Ohio casino control commission also shall be reimbursed from the 6933  
fund for actual expenses approved by the development commission. 6934  
The development commission may elect one member to serve as 6935

secretary. 6936

(C) Upon application not later than the first day of 6937  
December from the harness tracks conducting races with pari- 6938  
mutuel wagering, other than agricultural expositions and fairs, 6939  
the Ohio standardbred development commission, after a hearing 6940  
and not later than the twentieth day of January, shall allocate 6941  
and approve all available moneys for colt races for two-year-old 6942  
and three-year-old colts and fillies, both trotting and pacing. 6943  
Separate races for fillies shall be provided at each age and 6944  
gait. Up to five races and a championship race shall be 6945  
scheduled for each of the eight categories of age, sex, and 6946  
gait. The allocations shall take into account the time of year 6947  
that racing colts is feasible, the equity and continuity of the 6948  
proposed dates for racing events, and the amounts to be added by 6949  
the tracks, looking to the maximum benefit for those 6950  
participating in the races. Representatives of the tracks and 6951  
the Ohio harness horsemen's association shall be given an 6952  
opportunity to be heard before the allocations are made. No 6953  
races shall be contested earlier than the first day of May or 6954  
later than the first day of November; all permit holders 6955  
operating extended pari-mutuel meetings between those dates 6956  
shall be entitled to at least three races. No funds for a race 6957  
shall be allocated to and paid to a permit holder by the 6958  
development commission unless the permit holder adds at least 6959  
twenty-five per cent to the amount allocated by the development 6960  
commission, and not less than five thousand dollars to each 6961  
race. 6962

Colts and fillies eligible to the races shall be only 6963  
those sired by a standardbred stallion that was registered with 6964  
the state racing commission and stood in the state the entire 6965  
breeding season of the year the colt or filly was conceived. 6966

If the development commission concludes that sufficient  
funds are available to add aged races without reducing purse  
levels of the colt and filly races, the development commission  
may allocate funds to four-year-old and up races of each sex and  
gait with Ohio eligibility required as set forth in this  
section.

(D) The ~~state racing~~ Ohio casino control commission may  
allocate an amount not to exceed five per cent of the total Ohio  
standardbred development fund available in any one calendar year  
to research projects directed toward improving the breeding,  
raising, racing, and health and soundness of horses in the state  
and toward education or promotion of the industry.

**Sec. 3769.087.** (A) In addition to the commission of  
eighteen per cent retained by each permit holder as provided in  
section 3769.08 of the Revised Code, each permit holder shall  
retain an additional amount equal to four per cent of the total  
of all moneys wagered on each racing day on all wagering pools  
other than win, place, and show, of which amount retained an  
amount equal to three per cent of the total of all moneys  
wagered on each racing day on those pools shall be paid in the  
manner prescribed under section 3769.103 of the Revised Code, as  
a tax. Subject to the restrictions contained in divisions (B),  
(C), and (M) of section 3769.08 of the Revised Code, from such  
additional moneys paid to the tax commissioner:

(1) Four-sixths shall be allocated to fund distribution as  
provided in division (M) of section 3769.08 of the Revised Code.

(2) One-twelfth shall be paid into the Ohio fairs fund  
created by section 3769.082 of the Revised Code.

(3) One-twelfth of the additional moneys paid to the tax

commissioner by thoroughbred racing permit holders shall be paid 6996  
into the Ohio thoroughbred race fund created by section 3769.083 6997  
of the Revised Code. 6998

(4) One-twelfth of the additional moneys paid to the tax 6999  
commissioner by harness horse racing permit holders shall be 7000  
paid to the Ohio standardbred development fund created by 7001  
section 3769.085 of the Revised Code. 7002

(5) One-sixth shall be paid into the ~~state racing casino~~ 7003  
~~control commission operating fund created by~~ described in 7004  
section ~~3769.03-3772.01~~ of the Revised Code. 7005

(6) One-twelfth of the additional moneys paid to the tax 7006  
commissioner by quarterhorse racing permit holders shall be paid 7007  
into the Ohio thoroughbred race fund created by section 3769.083 7008  
of the Revised Code to support quarterhorse development and 7009  
purses. 7010

The remaining one per cent that is retained of the total 7011  
of all moneys wagered on each racing day on all pools other than 7012  
win, place, and show, shall be retained by racing permit 7013  
holders, and, except as otherwise provided in section 3769.089 7014  
of the Revised Code, racing permit holders shall use one-half 7015  
for purse money and retain one-half. 7016

(B) In addition to the commission of eighteen per cent 7017  
retained by each permit holder as provided in section 3769.08 of 7018  
the Revised Code and the additional amount retained by each 7019  
permit holder as provided in division (A) of this section, each 7020  
permit holder shall retain an additional amount equal to one- 7021  
half of one per cent of the total of all moneys wagered on each 7022  
racing day on all wagering pools other than win, place, and 7023  
show. The additional amount retained under this division shall 7024



be paid in the manner prescribed under section 3769.103 of the 7025  
Revised Code, as a tax. The tax commissioner shall pay the 7026  
amount of the tax received under this division to the ~~state~~ 7027  
~~racing casino control commission operating fund created by~~ 7028  
~~described in section 3769.03-3772.01~~ of the Revised Code. 7029

(C) Unless otherwise agreed to by the video lottery sales 7030  
agent and the applicable horsemen's association recognized by 7031  
the ~~state racing commission~~ to represent such persons, ~~within~~ 7032  
~~ninety days after September 29, 2013, for video lottery sales~~ 7033  
~~agents operating as such on September 29, 2013, or within six~~ 7034  
~~months after the date a video lottery sales agent begins~~ 7035  
~~operating as such for video lottery sales agents not operating~~ 7036  
~~as such on September 29, 2013, the state racing commission shall~~ 7037  
direct through rule that a percentage of the lottery sales 7038  
agent's commission as determined by the ~~state lottery commission~~ 7039  
for conducting video lottery terminal gaming on behalf of the 7040  
state be paid to the ~~state racing commission~~ for the benefit of 7041  
breeding and racing in this state. The percentage so determined 7042  
shall not be less than nine per cent or more than eleven per 7043  
cent of the video lottery terminal income, and shall be a 7044  
sliding scale based upon capital expenditures necessary to build 7045  
the video lottery sales agent's facility. The aggregate of one 7046  
hundred per cent of video lottery terminal income minus the 7047  
lottery sales agent's commission percentage as determined by the 7048  
~~state lottery commission~~ plus the percentage of the lottery sale 7049  
agent's commission, as determined by the ~~state racing commission~~ 7050  
or otherwise agreed to by the video lottery sales agent and the 7051  
applicable horsemen's association recognized by the ~~state racing~~ 7052  
commission to represent such persons, for the benefit of 7053  
breeding and racing in this state shall not exceed forty-five 7054  
per cent of the video lottery terminal income. In addition, 7055

~~beginning July 1, 2013, the state lottery commission shall adopt~~ 7056  
~~a rule to require the lottery sales agent conducting video~~ 7057  
~~lottery terminal gaming on behalf of the state to disperse~~ 7058  
~~disburse to the state lottery commission one-half of one per~~ 7059  
~~cent of such a lottery sales agent's commission for the purpose~~ 7060  
~~of providing funding support to appropriate state agencies for~~ 7061  
~~programs that provide for gambling addiction and other related~~ 7062  
~~addiction services, to be deposited in the state treasury to the~~ 7063  
~~credit of the problem gambling fund established under section~~ 7064  
~~5753.031 of the Revised Code. The state lottery commission's~~ 7065  
~~rule also may require the lottery sales agent conducting video~~ 7066  
~~lottery terminal gaming on behalf of the state to disperse~~ 7067  
~~disburse to the state lottery commission an additional amount up~~ 7068  
~~to one-half of one per cent of such a lottery sales agent's~~ 7069  
~~commission for that purpose to be deposited in the state~~ 7070  
~~treasury to the credit of that fund.~~ 7071

**Sec. 3769.089.** ~~(A) As used in this chapter:~~ 7072

~~(1) "Racing day" means any day authorized under a permit~~ 7073  
~~holder's permit on which, at a simulcast host, either a live~~ 7074  
~~racing program is conducted as authorized under section 3769.07~~ 7075  
~~of the Revised Code or a simulcast racing program is conducted~~ 7076  
~~as authorized under this section.~~ 7077

~~(2) "Live racing day" means a racing day on which a live~~ 7078  
~~racing program is conducted by the permit holder along with~~ 7079  
~~simulcasts of all other available racing programs from within~~ 7080  
~~this state and simulcast racing programs from outside this state~~ 7081  
~~as authorized under this section.~~ 7082

~~(3) "Live racing program" means a racing program~~ 7083  
~~consisting of no fewer than seven live horse races at~~ 7084  
~~thoroughbred tracks and nine live races at standardbred tracks~~ 7085

~~and additional horse races simulcast from other facilities~~ 7086  
~~located either inside or outside this state, in which not more~~ 7087  
~~than two horse races on which pari-mutuel wagering is conducted~~ 7088  
~~are simulcast from facilities located outside this state. If~~ 7089  
~~only one racing meeting of a particular breed of horse is being~~ 7090  
~~held, no fewer than nine live horse races shall be held on a~~ 7091  
~~live racing day. If, during the course of a racing meeting at a~~ 7092  
~~standardbred track, the racing secretary of the permit holder~~ 7093  
~~determines that there is an insufficient number of entries to~~ 7094  
~~have a full field of eight horses for each of nine races on a~~ 7095  
~~live racing program, then the racing secretary of the permit~~ 7096  
~~holder, after consultation with the Ohio harness horsemens~~ 7097  
~~association, may reduce the number of live races on that live~~ 7098  
~~racing program, as the racing secretary may determine. The~~ 7099  
~~racing secretary shall not reduce the live racing program to~~ 7100  
~~less than seven live races. If during the course of a meeting at~~ 7101  
~~a thoroughbred track, the racing secretary of a permit holder~~ 7102  
~~determines that there is an insufficient number of entries to~~ 7103  
~~have a full field of eight horses for each of nine races on a~~ 7104  
~~live racing program, then the racing secretary of the permit~~ 7105  
~~holder, with the consent of the thoroughbred horsemens~~ 7106  
~~association, may reduce the number of live races on that live~~ 7107  
~~racing program, as the racing secretary may determine. The~~ 7108  
~~racing secretary shall not reduce the live racing program to~~ 7109  
~~less than seven live races. No more than seventeen races on~~ 7110  
~~which pari-mutuel wagering is conducted, including both live~~ 7111  
~~races and races simulcast from other facilities located either~~ 7112  
~~inside or outside this state, shall be part of a live racing~~ 7113  
~~program.~~ 7114

~~(4) "Simulcast host" means a track or enclosure in this~~ 7115  
~~state where, on a racing day, a permit holder is doing one or~~ 7116

~~both of the following:~~

~~(a) Conducting a live racing program and offering this  
program for simulcasting to one or more simulcast guests and  
satellite facilities in this state;~~

~~(b) Receiving a simulcast racing program for simulcasting  
to one or more simulcast guests and satellite facilities in this  
state.~~

~~(5) "Simulcast guest" means any track or enclosure that is  
receiving from a simulcast host, on a day other than a racing-  
day, a live racing program or a simulcast racing program.~~

~~(6) "Simulcast racing program" means all simulcasts of  
horse races to a simulcast host or simulcast guest on a racing-  
day or on any other day on which pari-mutuel wagering is  
conducted, but does not include any simulcast horse races from-  
inside or outside this state that are included in a simulcast-  
host's live racing program.~~

~~(7) "Satellite facility" has the same meaning as in  
section 3769.25 of the Revised Code.~~

~~(8) "Collection and settlement agent" has the same meaning  
as in section 3769.0810 of the Revised Code.~~

~~(9) "Special racing event" means individual races in live-  
racing programs or simulcast racing programs, and simulcast-  
racing programs on special event days under division (C) of this  
section, conducted at facilities located outside this state for-  
which the track, racing association, or state regulatory agency-  
conducting such races charges a simulcast host a fee for the  
privilege of receiving a simulcast of such races into this state  
that is higher than the customary and regular fee charged for-  
simulcast races because of the status or popularity of such~~

~~aces.~~

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~~(B) (1) (a)~~ (A) (1) (a) The ~~state racing~~ commission shall,  
upon request by any permit holder, permit electronically  
televised simulcasts of horse races at the permit holder's track  
or enclosure on racing days authorized by the permit holder's  
permit. Except as provided in division ~~(B) (A)~~ of this section,  
the commission shall not permit the simulcast of any simulcast  
racing program conducted at tracks or facilities located outside  
this state unless the out-of-state simulcast racing program is  
available at the same signal rate to all permit holders, whether  
serving as simulcast hosts or simulcast guests, and all  
satellite facilities, in this state open and operating on that  
day. A permit holder or satellite facility may inform the  
commission that it waives the right to receive the simulcast of  
a simulcast racing program or a race in a simulcast racing  
program on that day and in this event the simulcast racing  
program or simulcast race shall be available to all other  
simulcast hosts, simulcast guests, and satellite facilities open  
and operating in this state on that day.

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(b) In order for a permit holder to offer simulcasts of  
horse races conducted at facilities located outside this state,  
the permit holder shall have conducted live racing programs  
during the immediately preceding calendar year on a number of  
days that is not less than the number of regular live racing  
days it conducted in calendar year 1991, not including  
additional racing days conducted in calendar year 1991 by the  
permit holder at a winterized facility under a permit issued  
under section 3769.07 of the Revised Code, as certified by the  
commission. In satisfying the foregoing requirement for live  
racing days during the immediately preceding calendar year, a  
permit holder may include the number of days on which live

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racing programs were conducted under a permit issued under 7177  
section 3769.07 of the Revised Code for additional racing days 7178  
at a winterized facility. In addition, in order for a permit 7179  
holder to offer simulcasts of horse races conducted at 7180  
facilities located outside this state, the permit holder shall 7181  
offer all simulcasts of horse races conducted in this state made 7182  
available to it. 7183

In order for a permit holder to offer simulcasts of races 7184  
conducted at race tracks located outside this state at the same 7185  
time and during the hours in which the live races of a live 7186  
racing program are being conducted at its track, a permit holder 7187  
conducting a thoroughbred live racing program shall obtain the 7188  
consent of the thoroughbred horsemens association and a permit 7189  
holder conducting a harness live racing program shall obtain the 7190  
consent of the Ohio harness horsemens association. The consent 7191  
of the horsemen's organization shall not be unreasonably 7192  
withheld, and shall be consistent with the interest of 7193  
preserving live racing in this state. If a horsemen's 7194  
organization withholds its consent, the permit holder may file 7195  
an objection with the commission, which shall promptly consider 7196  
the objection and determine whether the horsemen's 7197  
organization's action in withholding consent is without 7198  
substantial merit and, if the commission so determines, shall 7199  
authorize the permit holder to simulcast the simulcast racing 7200  
programs. The determination of the commission is final. A permit 7201  
holder, as a simulcast host, may offer simulcast racing programs 7202  
at its track or enclosure of races conducted at tracks and 7203  
facilities located outside this state prior to the commencement 7204  
of, and following the conclusion of, its live races without 7205  
obtaining the consent of a horsemen's organization under this 7206  
division. 7207

(c) Division ~~(B) (1) (b)~~ (A) (1) (b) of this section remains 7208  
in effect for each permit holder until the calendar year after 7209  
that permit holder first receives a commission as a lottery 7210  
sales agent for conducting video lottery terminal gaming on 7211  
behalf of the state. 7212

(2) Notwithstanding section 3769.07 of the Revised Code 7213  
and unless otherwise agreed to by the applicable horsemen's 7214  
association and the permit holder, beginning in the calendar 7215  
year after the permit holder first receives video lottery 7216  
terminal income, one of the following applies as determined on a 7217  
yearly basis: 7218

(a) If eleven per cent of the gross gaming revenue from 7219  
video lottery terminals at the permit holder's facilities 7220  
(either existing or relocated) in the previous calendar year 7221  
exceeds fifteen million dollars, a permit holder shall conduct a 7222  
minimum of one hundred twenty-five live racing days. 7223

(b) If eleven per cent of the gross gaming revenue from 7224  
video lottery terminals at the permit holder's facilities 7225  
(either existing or relocated) in the previous calendar year 7226  
exceeds eleven million dollars, but is less than or equal to 7227  
fifteen million dollars, a permit holder shall conduct a minimum 7228  
of one hundred live racing days or the number of racing days 7229  
applied for by the permit holder in calendar year 2012, 7230  
whichever is greater. 7231

(c) If eleven per cent of the gross gaming revenue from 7232  
video lottery terminals at the permit holder's facilities 7233  
(either existing or relocated) in the previous calendar year is 7234  
less than or equal to eleven million dollars, a permit holder 7235  
shall conduct a minimum of seventy-five racing days or the 7236  
number of racing days applied for by the permit holder for 7237

calendar year 2012, whichever is greater. 7238

In no case shall the minimum number of racing days for any 7239  
permit holder exceed one hundred twenty-five racing days. 7240

(3) For the purposes of division ~~(B) (2)~~ (A) (2) of this 7241  
section, for live racing conducted at a track with more than one 7242  
permit, the minimum live racing days shall apply to those 7243  
permits collectively and not as a single permit. 7244

(4) In addition to the required live racing days, a permit 7245  
holder shall simulcast a simulcast racing program on a minimum 7246  
of three hundred sixty days each calendar year. The permit 7247  
holder shall simulcast all simulcast racing programs conducted 7248  
in this state and made available to the permit holder and 7249  
simulcast racing programs conducted outside this state. 7250

(5) The commission may make exception to the required 7251  
minimum number of live racing days or simulcast racing program 7252  
days in instances of natural disaster or other unexpected 7253  
circumstances as defined by the commission, in its sole 7254  
discretion. For any calendar year, the horsemen's association at 7255  
each track may negotiate an agreement with the permit holder for 7256  
that track to reduce the number of live racing days at that 7257  
track to less than the minimum live racing days required by 7258  
division ~~(B) (2) (a)~~ (A) (2) (a), (b), or (c) of this section, as 7259  
applicable, subject to the approval of the commission. These 7260  
negotiations shall not reduce the number of live racing days to 7261  
less than fifty days per calendar year. 7262

(6) To satisfy the requirement of live racing days, a 7263  
permit holder may include the number of days on which live 7264  
racing programs were conducted under a permit issued under 7265  
section 3769.07 of the Revised Code for racing days authorized 7266



at a winterized facility.

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~~(C)~~ (B) The commission shall allocate to each track one  
racing day for each permit holder during each calendar year for  
the conduct of a live racing program on which a permit holder  
may conduct as few as one live horse race, with the remainder of  
the horse races on that racing day on which pari-mutuel wagering  
is conducted as part of the live racing program being simulcast  
from other tracks and facilities located either inside or  
outside this state. In addition, the commission may allocate to  
each permit holder racing days on which it may as part of a live  
racing program simulcast more than two horse races from  
facilities located outside this state if the horse races involve  
a national wagering pool and pari-mutuel wagering is conducted  
on the national wagering pool, but on such a racing day there  
shall in no event be more than two horse races simulcast from  
facilities located outside this state included in a live racing  
program on which separate pari-mutuel wagering is conducted. As  
used in this division, "national wagering pool" means an  
interstate or intrastate common pari-mutuel wagering pool  
involving two or more selections covering two or more horse  
races conducted at tracks located inside or outside this state.

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In emergency situations, the commission may authorize a  
live racing day at a track in which all horse races on that  
racing day on which pari-mutuel wagering is conducted are  
simulcast from tracks and facilities located either inside or  
outside this state with the consent of the thoroughbred  
horsemens association for a track conducting a thoroughbred live  
racing program and with the consent of the Ohio harness  
horsemens association for a track conducting a harness live  
racing program. If a horsemen's organization withholds its  
consent, the permit holder may file an objection with the

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commission, which shall promptly consider the objection and 7298  
determine whether the horsemen's organization's action in 7299  
withholding consent is without substantial merit and, if the 7300  
commission so determines, shall authorize the permit holder to 7301  
simulcast the simulcast racing programs. The determination of 7302  
the commission is final. 7303

~~(D)~~ (C) On any day that a racing day has been applied for 7304  
at any track in this state, each track in this state may operate 7305  
as either a simulcast host or a simulcast guest and may conduct, 7306  
with the approval of the ~~state racing~~ commission, pari-mutuel 7307  
wagering on all simulcasts of races conducted inside this state 7308  
made available to it plus all simulcasts of races conducted at 7309  
facilities located outside this state as determined by the 7310  
simulcast hosts. Except as otherwise provided in this section, 7311  
any simulcast host or simulcast guest may receive and conduct 7312  
simulcast racing programs that feature any breed of horse at any 7313  
time of day, as authorized by the commission. Those persons 7314  
holding state fair, county fair, or other fair permits shall not 7315  
receive a simulcast racing program on which pari-mutuel wagering 7316  
is conducted, except that a holder of a permit issued under 7317  
section 3769.07 of the Revised Code that has been authorized by 7318  
the commission to conduct races of the state fair, a county 7319  
fair, or other fair at a commercial track may receive and 7320  
conduct simulcast racing programs as a simulcast host or 7321  
simulcast guest at the same time in conjunction with the live 7322  
racing program of the state fair, county fair, or other fair 7323  
permit holder conducted at its track. 7324

The simulcast hosts, with the approval of the ~~state racing~~ 7325  
commission, shall determine which simulcast racing programs 7326  
offered by race tracks located outside this state will be 7327  
simulcast at their tracks and at all simulcast hosts, simulcast 7328

guests, and satellite facilities in this state that are open and 7329  
operating during the hours that the simulcast hosts are 7330  
operating. Simulcast guests and satellite facilities shall 7331  
receive all approved simulcast racing programs offered by 7332  
simulcast hosts. In addition, a simulcast host and simulcast 7333  
guest, with the approval of the commission, may also receive 7334  
simulcast horse races and simulcast racing programs not agreed 7335  
to by simulcast hosts. 7336

A simulcast host that normally operates during the day 7337  
only may serve as a simulcast host for only day-simulcast racing 7338  
programs, which include all simulcast racing programs that 7339  
commence at a track located outside this state on or before four 7340  
p.m. A simulcast host that normally operates during the evening 7341  
only may serve as a simulcast host for only evening-simulcast 7342  
racing programs, which include all simulcast racing programs 7343  
that commence at a track located outside this state on or after 7344  
three p.m. A simulcast host that normally operates during the 7345  
evening, but that under its permit conducts live racing programs 7346  
during the day, may serve as a simulcast host for day-simulcast 7347  
racing programs. A permit holder that is offering at its track 7348  
simulcast racing programs that commence at a track located 7349  
outside this state on or before four p.m. and simulcast racing 7350  
programs that commence at a track located outside this state on 7351  
or after three p.m. may serve as a simulcast host for both the 7352  
day-simulcast racing program and the evening-simulcast racing 7353  
program only if no other permit holder is serving as a simulcast 7354  
host for the other simulcast racing programs. The times listed 7355  
in this and the immediately following paragraphs are standard 7356  
time as described in section 1.04 of the Revised Code and in the 7357  
"Uniform Time Act of 1966," 80 Stat. 107, 15 U.S.C. 260 to 265. 7358

A simulcast host that is conducting a live racing program 7359

and is simulcasting that program to other simulcast hosts and 7360  
simulcast guests in this state shall receive from each simulcast 7361  
host and each simulcast guest receiving the simulcast an 7362  
intrastate simulcast fee of one and three-eighths per cent of 7363  
the amounts wagered on such simulcast racing program at its 7364  
facilities. The simulcast hosts and simulcast guests receiving 7365  
such simulcast racing program shall pay the intrastate simulcast 7366  
fee to the collection and settlement agent, and the fee shall be 7367  
disbursed by the agent, at the time and in the manner provided 7368  
in section 3769.0810 of the Revised Code. 7369

~~(E) (1)~~ (D) (1) The moneys wagered on simulcast racing 7370  
programs on a racing day shall be separated from the moneys 7371  
wagered on the live racing program on that racing day. From the 7372  
moneys wagered on the simulcast races, each permit holder may 7373  
retain as a commission the percentage of the amount wagered as 7374  
specified in sections 3769.08 and 3769.087 of the Revised Code, 7375  
as applicable, and shall pay, in the manner prescribed under 7376  
section 3769.103 of the Revised Code, as a tax, the tax 7377  
specified in sections 3769.08 and 3769.087 of the Revised Code, 7378  
as applicable. From the tax collected, the tax commissioner 7379  
shall make the distributions to the respective funds, and in the 7380  
proper amounts, as required by sections 3769.08 and 3769.087 of 7381  
the Revised Code, as applicable. Except as provided in division 7382  
~~(E) (2)~~ (D) (2) of this section, from the amount remaining after 7383  
the payment of state taxes on the moneys wagered on live racing 7384  
programs and on the moneys wagered on simulcast racing programs, 7385  
a permit holder shall retain an amount equal to two and three- 7386  
eighths per cent of the amount wagered on live racing programs 7387  
and on intrastate and interstate simulcast racing programs 7388  
simulcast at its track and on the amount wagered on the live 7389  
racing programs and simulcast racing programs at a satellite 7390

facility allocated to it under section 3769.26 of the Revised 7391  
Code, as a fee to pay for those costs associated with the 7392  
reception and transmission of simulcasts and the administrative 7393  
cost of the conduct of live racing programs and simulcast racing 7394  
programs. From the remaining balance, one-half shall be retained 7395  
by the permit holder for purses. On a day when a permit holder 7396  
conducts a live racing program, all purse money generated from 7397  
wagering on live racing programs and on simulcast racing 7398  
programs at its track shall be used for that permit holder's 7399  
purse account. On a day when a permit holder operates as a 7400  
simulcast host with no live racing program, or operates as a 7401  
simulcast guest, all purse money generated from wagering on 7402  
intrastate and interstate simulcast racing programs shall be 7403  
paid to the state racing commission for deposit into the Ohio 7404  
combined simulcast horse racing purse fund created under this 7405  
section. In addition, on a day when a permit holder serves as a 7406  
simulcast host for a satellite facility, all purse money 7407  
generated from amounts wagered at the satellite facility 7408  
allocated to the permit holder under section 3769.26 of the 7409  
Revised Code shall be paid to the commission for deposit into 7410  
the Ohio simulcast horse racing purse fund. 7411

(2) If there are not four satellite facilities in 7412  
operation in this state within one year after September 19, 7413  
1996, or if there are not seven satellite facilities in 7414  
operation in this state within two years after September 19, 7415  
1996, or if there are not ten satellite facilities in operation 7416  
in this state within three years after September 19, 1996, then 7417  
in any such event the amount to be retained as a fee by the 7418  
permit holder under division ~~(E) (1)~~ (D) (1) of this section shall 7419  
be one and seven-eighths per cent until such time as the number 7420  
of satellite facilities specified in division ~~(E) (2)~~ (D) (2) of 7421

this section are in operation. For good cause shown, the 7422  
thoroughbred horsemens association and Ohio harness horsemens 7423  
association may waive the requirements of division ~~(E) (2)~~ (D) (2) 7424  
of this section or extend the date for compliance as to any year 7425  
by filing a written notification with the ~~state racing~~ 7426  
commission. 7427

(3) If a simulcast racing program simulcast by a simulcast 7428  
host at its track or enclosure and to other simulcast hosts, 7429  
simulcast guests, and satellite facilities in this state is a 7430  
special racing event, the permit holder offering the special 7431  
racing event and other simulcast hosts, simulcast guests, and 7432  
satellite facilities receiving the special racing event shall 7433  
not retain the fee provided under division ~~(E) (1)~~ (D) (1) or (2) 7434  
of this section but shall retain from the moneys wagered on the 7435  
special racing event an amount equal to the fee charged by the 7436  
track, racing association, or state regulatory agency 7437  
simulcasting the special racing event to the simulcast host. 7438  
From the remaining balance, one-half shall be retained by the 7439  
permit holder for purses in the manner provided in division ~~(E)~~ 7440  
~~(1)~~ (D) (1) of this section. 7441

A permit holder proposing to simulcast a special racing 7442  
event as a simulcast host shall advise its horsemen's 7443  
organization of the proposed schedule of the special racing 7444  
event and obtain its consent to this schedule. The consent of 7445  
the horsemen's organization shall not be unreasonably withheld 7446  
and shall be consistent with the interest of preserving live 7447  
racing in this state. If the horsemen's organization withholds 7448  
its consent, the permit holder may file an objection with the 7449  
~~state racing~~ commission, which shall promptly consider the 7450  
objection and determine whether the organization's action in 7451  
withholding consent is without substantial merit and, if the 7452

commission so determines, shall authorize the permit holder to 7453  
simulcast the special racing event. The determination of the 7454  
commission is final. 7455

~~(F)~~ (E) There is hereby created in the state treasury the 7456  
Ohio combined simulcast horse racing purse fund, to consist of 7457  
moneys paid into it by permit holders pursuant to division ~~(E)~~ 7458  
(D) of this section and by satellite facilities pursuant to 7459  
division (F) of section 3769.26 of the Revised Code. Moneys to 7460  
the credit of the fund, including interest earned thereon, may 7461  
be used by the commission for the costs of administering this 7462  
division and the balance shall be distributed among permit 7463  
holders no less frequently than monthly to each permit holder's 7464  
purse account on order of the commission. 7465

For each calendar year, permit holders at each track shall 7466  
receive a share of each distribution of the Ohio combined 7467  
simulcast horse racing purse fund in the same percentage, 7468  
rounded to the nearest one-hundredth of the amount of each 7469  
distribution, as the average total amount wagered at the track 7470  
on racing days at which live racing programs were conducted, 7471  
including the amount allocated to the track under section 7472  
3769.26 of the Revised Code for live races, during the five 7473  
calendar years immediately preceding the year for which the 7474  
distribution is made bears to the average annual total amount 7475  
wagered at all tracks in the state operating under permits 7476  
issued by the state racing commission under section 3769.07, 7477  
3769.071, or 3769.072 of the Revised Code on all racing days at 7478  
which live racing programs were conducted, including the amount 7479  
allocated to the tracks under section 3769.26 of the Revised 7480  
Code for live races, during the five calendar years immediately 7481  
preceding the year for which the distribution is made. By the 7482  
thirty-first day of January of each year the commission shall 7483

calculate the share of the permit holders at each track for that 7484  
year, shall enter the share percentages in its official records, 7485  
and shall notify all permit holders of the share percentages of 7486  
all tracks for that calendar year. 7487

The permit holders at each track, with the approval of the 7488  
commission, shall allocate their share of the fund as 7489  
distributed to the purse account of each permit holder for each 7490  
race meeting. 7491

The commission shall cause to be kept accurate records of 7492  
its administration of the fund, including all administrative 7493  
expenses incurred by it and charged to the fund, and of 7494  
distributions to permit holders. These records are public 7495  
records available for inspection at any time during the regular 7496  
business hours of the commission by any permit holder or 7497  
horsemen's organization, by an authorized agent of the permit 7498  
holder or horsemen's organization, or by any other person. 7499

~~(G)~~ (F) Upon the approval of the commission, a permit 7500  
holder conducting live racing programs may transmit 7501  
electronically televised simulcasts of horse races conducted at 7502  
the permit holder's track to racing associations, tracks, and 7503  
facilities located outside this state for the conduct of pari- 7504  
mutuel wagering thereon, at the times, on the terms, and for the 7505  
fee agreed upon by the permit holder and the receiving racing 7506  
association, track, or facility. From the fees paid to the 7507  
permit holder for such simulcasts, a permit holder shall retain 7508  
for the costs of administration a fee in an amount equal to one 7509  
per cent of the amount wagered on the races simulcast by the 7510  
permit holder. From the remaining balance of the fee, one-half 7511  
shall be retained by the permit holder for purses, except that 7512  
notwithstanding the fee arrangement between the permit holder 7513



and the receiving racing association, track, or facility, the 7514  
permit holder shall deposit into its purse account not less than 7515  
an amount equal to three-fourths of one per cent of the amount 7516  
wagered at racing associations, tracks, and facilities located 7517  
outside the state on the races simulcast by the permit holder. 7518

All televised simulcasts of horse races conducted in this 7519  
state to racing associations, tracks, and facilities located 7520  
outside this state shall comply with the "Interstate Horse 7521  
Racing Act of 1978," 92 Stat. 1811, 15 U.S.C.A. 3001 to 3007. 7522  
The consent of the horsemen's organization at the track of the 7523  
permit holder applying to the commission to simulcast horse 7524  
races conducted at the permit holder's track to racing 7525  
associations, tracks, and facilities located outside this state 7526  
shall be consistent with the interest of preserving live racing. 7527

~~(H)~~ (1) (G) (1) The ~~state racing~~ commission may authorize any 7528  
permit holder that is authorized to conduct live horse racing on 7529  
racing days and that conducts pari-mutuel wagering on simulcasts 7530  
of horse races under this section that are conducted at race 7531  
tracks either inside or outside this state to conduct, 7532  
supervise, and participate in interstate and intrastate common 7533  
pari-mutuel wagering pools on those races in the manner provided 7534  
in division ~~(H)~~ (G) of this section. Except as otherwise 7535  
expressly provided in division ~~(H)~~ (G) of this section or in the 7536  
rules of the ~~state racing~~ commission, the provisions of this 7537  
chapter that govern pari-mutuel wagering apply to interstate or 7538  
intrastate common pari-mutuel wagering pools. 7539

(2) Subject to the approval of the ~~state racing~~ 7540  
commission, the types of wagering, calculation of the commission 7541  
retained by the permit holder, tax rates, distribution of 7542  
winnings, and rules of racing in effect for pari-mutuel wagering 7543

pools at the host track may govern wagers placed at a receiving 7544  
track in this state and merged into an interstate or intrastate 7545  
common pari-mutuel wagering pool. Breakage from interstate or 7546  
intrastate common pari-mutuel wagering pools shall be calculated 7547  
in accordance with the rules that govern the host track and 7548  
shall be distributed among the tracks participating in the 7549  
interstate or intrastate common wagering pool in a manner agreed 7550  
to by the participating tracks and the host track. An interstate 7551  
common pari-mutuel wagering pool formed under division ~~(H)(3)~~(G) 7552  
(3) of this section is subject to that division rather than to 7553  
division ~~(H)(2)~~(G) (2) of this section. 7554

(3) Subject to the approval of the ~~state racing~~ 7555  
commission, an interstate common pari-mutuel wagering pool may 7556  
be formed between a permit holder and one or more receiving 7557  
tracks located in states other than the state in which the host 7558  
track is located. The commission may approve types of wagering, 7559  
calculation of the commission retained by the permit holder, tax 7560  
rates, distribution of winnings, rules of racing, and 7561  
calculation of breakage for such an interstate common pari- 7562  
mutuel wagering pool that differ from those that would otherwise 7563  
be applied in this state under this chapter but that are 7564  
consistent for all tracks participating in the interstate common 7565  
pari-mutuel wagering pool formed under division ~~(H)(3)~~(G) (3) of 7566  
this section. 7567

(4) As used in division ~~(H)~~(G) of this section: 7568

(a) "Host track" means a track where live horse races are 7569  
conducted and offered for simulcasting to receiving tracks. 7570

(b) "Receiving track" means a track where simulcasts of 7571  
races from a host track are displayed and wagered on. 7572

~~(I)~~ (H) Each permit holder is responsible for paying all 7573  
costs associated with the up-link for, and reception of, 7574  
simulcasts, and the conduct and operation of simulcast racing 7575  
programs, for all fees and costs associated with serving as a 7576  
simulcast host or simulcast guest, and for any required fees 7577  
payable to the tracks, racing associations, or state regulatory 7578  
agencies where simulcast racing is conducted at tracks located 7579  
outside this state. 7580

~~(J)~~ (I) No license, fee, or excise tax, other than as 7581  
specified in division ~~(E)~~ (D) of this section, shall be assessed 7582  
upon or collected from a permit holder or the owners of a permit 7583  
holder in connection with, or pertaining to, the operation and 7584  
conduct of simulcast racing programs in this state, by any 7585  
county, township, municipal corporation, district, or other body 7586  
having the authority to assess or collect a tax or fee. 7587

~~(K)~~ ~~(1)~~ (J) (1) Permit holders operating tracks within the 7588  
same county or adjacent counties that are conducting simulcast 7589  
racing programs under this section may enter into agreements 7590  
regarding the conduct of simulcast racing programs at their 7591  
respective tracks and the sharing of the retained commissions 7592  
therefrom, for such periods of time, upon such terms and 7593  
conditions, and subject to such rights and obligations, as the 7594  
contracting permit holders consider appropriate under the 7595  
circumstances. Permit holders shall notify the ~~state racing~~ 7596  
commission of their entry into an agreement pursuant to this 7597  
division, the names of the permit holders that are parties to 7598  
the agreement, and the length of time the agreement shall be in 7599  
effect. 7600

(2) Permit holders and the thoroughbred horsemens 7601  
association and Ohio harness horsemens association may agree to 7602

do any of the following: 7603

(a) Increase or reduce the fees and amounts to be retained 7604  
by the permit holders under this section; 7605

(b) Increase or reduce the fees and amounts to be 7606  
allocated to the purse accounts of permit holders under this 7607  
section; 7608

(c) Increase or reduce the fees to be paid between and 7609  
among simulcast hosts and simulcast guests under this section 7610  
and under division (C) of section 3769.0810 of the Revised Code; 7611

(d) Modify, suspend, or waive the requirements set forth 7612  
in division ~~(B)~~ (A) of this section as to any permit holder or as 7613  
to all permit holders. 7614

All permit holders and both horsemen's organizations shall 7615  
approve such agreement. Any agreement entered into under 7616  
division ~~(K)~~ ~~(2)~~ (J) (2) of this section shall set forth the 7617  
effective date of any such increase or reduction, and the terms 7618  
and provisions of the agreement, and a copy of the agreement 7619  
shall be filed with the ~~state racing~~ commission. 7620

**Sec. 3769.0810.** (A) As used in this section: 7621

(1) ~~"Collection and settlement agent" means the permit~~ 7622  
~~holder designated by the state racing commission under division~~ 7623  
~~(B) of this section.~~ 7624

~~(2) "Racing week" means a seven-day period commencing on a~~ 7625  
~~Monday and ending on a Sunday.~~ 7626

~~(3) "Simulcast guest" and "simulcast host" have the same~~ 7627  
~~meanings as in section 3769.089 of the Revised Code.~~ 7628

~~(4) "Satellite facility" has the same meaning as in~~ 7629

~~section 3769.25 of the Revised Code.~~

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~~(5)~~ (2) "Settlement of wagering accounts" means the  
exchange of funds in order to equalize payments of winning  
wagers at all tracks and facilities participating in a common  
pari-mutuel pool.

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(B) Except as provided in division (K) of this section,  
the ~~state racing~~ commission shall annually appoint as the  
collection and settlement agent one or more permit holders of  
tracks that hold no fewer than three fifty-six-day permits  
issued under section 3769.07 of the Revised Code. The collection  
and settlement agent shall give a cash or surety bond payable to  
the treasurer of state in an amount set by the commission for  
the performance of its duties under this section, and the bond  
shall be filed with the commission.

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(C) (1) At the close of each day, each permit holder acting  
as a simulcast guest shall pay, by check, draft, or money order,  
or by wire transfer of funds, out of the money retained on that  
day to the collection and settlement agent an amount equal to  
one-half of one per cent of the total of all moneys wagered on  
that day on out-of-state simulcast racing programs simulcast to  
the simulcast guest from a simulcast host, to reimburse the  
simulcast host for administrative and simulcast costs.

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(2) Within five business days after the close of each  
racing week, the collection and settlement agent shall pay and  
distribute to each simulcast host operating during that racing  
week its pro rata share of the fees collected from simulcast  
guests during that racing week. If a simulcast host acted as a  
host for day-simulcast racing programs only, then its share of  
the fees collected by the collection and settlement agent shall  
be computed and based on fees paid by simulcast guests offering

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such day-simulcast racing programs at their tracks. If a 7660  
simulcast host acted as a simulcast host for evening-simulcast 7661  
racing programs only, then its share of the fees shall be 7662  
computed and based on fees paid by simulcast guests offering 7663  
such evening-simulcast racing programs at their tracks. In 7664  
making a calculation of the amount of fees to be distributed to 7665  
simulcast hosts, the collection and settlement agent shall 7666  
allocate equally between the accounts of simulcast hosts 7667  
conducting only day-simulcast racing programs and only evening- 7668  
simulcast racing programs those fees received by the agent from 7669  
simulcast guests for simulcast racing programs that commenced on 7670  
or after three p.m. and on or before four p.m. The times listed 7671  
in division (C) (2) of this section are standard time as 7672  
described in section 1.04 of the Revised Code and in the 7673  
"Uniform Time Act of 1966," 80 Stat. 107, 15 U.S.C. 260 to 265. 7674

(D) (1) At the close of each day, each permit holder shall 7675  
pay, by check, draft, or money order, or by wire transfer of 7676  
funds, out of the money retained on that day to the collection 7677  
and settlement agent the intrastate simulcast fee provided in 7678  
division ~~(D)~~ (C) of section 3769.089 of the Revised Code in the 7679  
amount equal to one and three-eighths per cent of the total of 7680  
all moneys wagered on that day at its track or enclosure on live 7681  
races conducted in this state and simulcast to its facility. 7682

(2) Within five business days after the close of each 7683  
racing week, the collection and settlement agent shall pay and 7684  
distribute to permit holders that conducted live racing programs 7685  
in this state during that racing week their share of the fees 7686  
collected from other permit holders for that racing week. 7687

(E) At the close of each day, each permit holder and 7688  
satellite facility shall pay, by check, draft, or money order, 7689

or by wire transfer of funds, out of the money retained on that 7690  
day to the collection and settlement agent a sum equal to 7691  
required fees due to tracks, racing associations, or state 7692  
regulatory agencies located outside this state for races 7693  
simulcast into this state based on the totals of all money 7694  
wagered that day at its track or enclosure or satellite facility 7695  
on simulcast racing programs of races conducted outside this 7696  
state. The collection and settlement agent shall inform the 7697  
permit holders and the satellite facilities each day of the fee 7698  
charged by each track, racing association, or state regulatory 7699  
agency located outside this state for the simulcast of simulcast 7700  
racing programs on races conducted outside this state and 7701  
simulcast into this state. The collection and settlement agent 7702  
shall be responsible for paying and disbursing to these tracks, 7703  
racing associations, and state regulatory agencies on a timely 7704  
basis the fees collected by it from permit holders and satellite 7705  
facilities under this division. 7706

(F) On or before the tenth day of each month, the 7707  
collection and settlement agent shall file a report with the 7708  
~~state racing~~ commission showing all of the following: 7709

(1) All collections of moneys and fees from permit holders 7710  
and satellite facilities during the preceding calendar month; 7711

(2) All payments and disbursements made by the agent to 7712  
permit holders operating as simulcast hosts and the method of 7713  
calculation of the share of each simulcast host; 7714

(3) All payments and disbursements of required fees to 7715  
tracks, racing associations, and state regulatory agencies 7716  
located outside this state from which there were simulcasts of 7717  
simulcast racing programs into this state; 7718

(4) Such other information regarding the performance of 7719  
its duties under this section as the commission may request. 7720

(G) All moneys and fees received and collected by the 7721  
collection and settlement agent shall be deposited into, and 7722  
disbursed from, separate bank accounts maintained with banks 7723  
domiciled in this state established by the agent for this 7724  
purpose, and no other funds or money of the agent or any other 7725  
person shall be commingled with, deposited into, or withdrawn 7726  
from the accounts. The collection and settlement agent may 7727  
retain as its fee for services it provides and expenses it 7728  
incurs in the performance of its duties under this section any 7729  
interest earned on the bank accounts maintained by the agent 7730  
under this division. The commission shall annually audit the 7731  
bank account records, and the books and records, of the 7732  
collection and settlement agent. 7733

(H) (1) The collection and settlement agent shall assist 7734  
permit holders and satellite facilities in the settlement of 7735  
wagering accounts between and among simulcast hosts, simulcast 7736  
guests, and satellite facilities for intrastate simulcast racing 7737  
programs. 7738

(2) The collection and settlement agent on behalf of all 7739  
permit holders and satellite facilities operating in this state 7740  
shall be responsible for the settlement of wagering accounts for 7741  
interstate simulcast racing programs with all tracks, racing 7742  
associations, and state regulatory agencies located outside this 7743  
state. The agent shall notify each permit holder and satellite 7744  
facility not less frequently than weekly of the amounts that may 7745  
be due from it, or the amounts that may be due to it, for the 7746  
settlement of wagering accounts on interstate simulcast racing 7747  
programs simulcast into this state during the preceding race 7748



week. If a permit holder or satellite facility owes money for 7749  
the settlement of wagering accounts for that racing week, it 7750  
shall promptly pay, by check, draft, or money order, or by wire 7751  
transfer of funds, to the agent the amount due. From the amounts 7752  
it collects, the agent shall pay and disburse to permit holders 7753  
and satellite facilities and to tracks, racing associations, and 7754  
state regulatory agencies located outside this state, the 7755  
amounts necessary to provide for the settlement of wagering 7756  
accounts for that racing week. 7757

(I) If a permit holder or satellite facility fails to 7758  
timely pay and remit to the collection and settlement agent the 7759  
money and fees provided for in this section and in sections 7760  
3769.089 and 3769.26 of the Revised Code, the agent shall 7761  
promptly notify the commission, or if the collection and 7762  
settlement agent fails to collect, pay, disburse, and account 7763  
for, the moneys and fees in the manner provided for in this 7764  
section, then in any such event or occurrence, based on the 7765  
information in the commission's possession, the commission may 7766  
issue an emergency order prohibiting the permit holder, 7767  
satellite facility, or agent, as the case may be, from serving 7768  
as a simulcast host or simulcast guest or from receiving any 7769  
simulcast racing program, and conducting wagering thereon, at 7770  
its track or satellite facility, until such time as the permit 7771  
holder, satellite facility, or agent complies with the 7772  
requirements of this section and sections 3769.089 and 3769.26 7773  
of the Revised Code in the manner and to the extent set forth in 7774  
the commission's order. In addition, the commission may make an 7775  
assessment against the permit holder, satellite facility, or 7776  
agent, as the case may be, based on information in the 7777  
commission's possession. The commission shall give the party 7778  
assessed written notice of the assessment by personal service or 7779

certified mail. All assessments not paid within thirty days 7780  
after service of the notice of assessment, shall bear interest 7781  
at the rate per annum prescribed by section 5703.47 of the 7782  
Revised Code computed from and after the date the assessment is 7783  
made by the commission and entered in its official records until 7784  
paid. 7785

Unless the party to whom the notice of assessment is 7786  
directed files with the commission, within thirty days after 7787  
service of the notice of assessment, either personally or by 7788  
certified mail, a petition for reassessment in writing, signed 7789  
by the party assessed, or by the party's authorized agent having 7790  
knowledge of the facts, the assessment shall become conclusive 7791  
and the amount of the assessment, together with interest on it, 7792  
shall be due and payable from the party assessed to the 7793  
commission. The petition shall indicate the objections of the 7794  
party assessed, but additional objections may be raised in 7795  
writing if received prior to the date shown on the final 7796  
determination by the commission. 7797

Unless the petitioner waives a hearing, the commission 7798  
shall assign a time and place for the hearing on the petition 7799  
and notify the petitioner of the time and place of the hearing 7800  
by personal service or certified mail, but the commission may 7801  
continue the hearing from time to time if necessary. 7802

The commission may make such correction to its assessment 7803  
as it finds proper. The commission shall serve a copy of its 7804  
final determination on the petitioner by personal service or 7805  
certified mail, and its decision in the matter is final, subject 7806  
to appeal under section 119.12 of the Revised Code. 7807

After an assessment becomes final, if any portion of the 7808  
assessment, or interest due on it, remains unpaid, a certified 7809

copy of the commission's entry making the assessment final may 7810  
be filed in the office of the clerk of the court of common pleas 7811  
in the county in which the track for which the permit was issued 7812  
is located or the county in which the party assessed resides or 7813  
has its principal place of business. If the party assessed 7814  
maintains no place of business in this state and is not a 7815  
resident of this state, the certified copy of the entry may be 7816  
filed in the office of the clerk of the court of common pleas of 7817  
Franklin county. The clerk, immediately upon the filing of such 7818  
entry, shall enter a judgment for the state against the party 7819  
assessed in the amount shown on the entry. 7820

From the date of the filing of the entry in the clerk's 7821  
office, any unpaid portion of the assessment, including the 7822  
interest, shall bear interest at the rate per annum prescribed 7823  
in section 5703.47 of the Revised Code and shall have the same 7824  
effect as other judgments. Execution shall issue upon the 7825  
judgment upon request of the commission, and all laws applicable 7826  
to sales on execution apply to sales made under the judgment. 7827

If the judgment is entered against the collection and 7828  
settlement agent, the commission may immediately proceed against 7829  
the agent's bond and surety for the full amount of the judgment 7830  
and interest on it. 7831

Any assessment, including interest on it, paid to or 7832  
collected by the commission shall be deposited with the 7833  
treasurer of state to the account of the commission, and the fee 7834  
portion of such amount shall be distributed by the treasurer of 7835  
state on order of the commission to the collection and 7836  
settlement agent or to the permit holders and satellite 7837  
facilities entitled to receive such fees, as the case may be 7838  
under the circumstances. 7839

(J) The commission may adopt rules for the implementation 7840  
and administration of this section. 7841

(K) (1) Notwithstanding any other provision of this 7842  
section, after sixty days notification to the commission, a 7843  
permit holder may take responsibility for handling any payments 7844  
and distributions required of a collection and settlement agent 7845  
under this section for any or all related permits under common 7846  
ownership in lieu of making the required payments and 7847  
distributions through the collection and settlement agent 7848  
designated by the ~~state racing~~ commission under division (B) of 7849  
this section. 7850

(2) Any permit holder having responsibility for payments 7851  
and distributions required under division (K) (1) of this section 7852  
shall, on or before the tenth day of each month, file a report 7853  
with the ~~state racing~~ commission showing the following: 7854

(a) All payments and disbursements made by the permit 7855  
holder to permit holders operating as simulcast hosts and the 7856  
method of calculation of the share of each simulcast host; 7857

(b) All payments and disbursements of required fees to 7858  
tracks, racing associations, and state regulatory agencies 7859  
located outside this state from which there were simulcasts of 7860  
simulcast racing programs into the permit holder facilities; 7861

(c) Such other information regarding the performance of 7862  
the permit holder's duties under this section as the commission 7863  
may request. 7864

(3) A permit holder having responsibility for payments and 7865  
distributions required under division (K) (1) of this section may 7866  
utilize an authorized agent to make the required payments and 7867  
distributions. 7868

**Sec. 3769.09.** The ~~state racing~~ commission shall employ a 7869  
racing inspector to attend each horse-racing meeting, held under 7870  
a permit issued under ~~sections 3769.01 to 3769.14 of the Revised~~ 7871  
~~Code~~ this chapter. Such racing inspector shall give bond in the 7872  
sum of five thousand dollars with sufficient sureties to be 7873  
approved by and made payable to the treasurer of state, which 7874  
bond shall be filed with the secretary of state. Such racing 7875  
inspectors shall be paid a salary fixed pursuant to Chapter 124. 7876  
of the Revised Code. Such racing inspector shall have full and 7877  
free access to the books, records, and papers pertaining to the 7878  
pari-mutuel system of wagering and to the enclosure or space 7879  
where the pari-mutuel system is conducted at any horse-racing 7880  
meeting to which ~~he~~ the racing inspector shall be assigned, for 7881  
the purpose of ascertaining whether the holder of such permit is 7882  
retaining the proper amount of commission. Such racing inspector 7883  
shall investigate and ascertain whether such sections or rules 7884  
promulgated by the commission are being violated at such race 7885  
track or enclosure. Upon discovering any such violation, such 7886  
racing inspector shall immediately report ~~his~~ such findings in 7887  
writing and under oath to the commission for such action as it 7888  
may deem fitting and proper. 7889

**Sec. 3769.091.** The ~~state racing~~ commission may delegate to 7890  
the stewards and judges of racing meetings under the 7891  
jurisdiction of the commission the power to suspend licenses for 7892  
not to exceed one year and to impose fines not to exceed one 7893  
thousand dollars for any violation of the rules or orders of the 7894  
commission, provided that two of such officials shall concur in 7895  
such suspension. Any suspension of a license by such officials 7896  
is valid even though the suspension extends beyond the period of 7897  
the racing meeting for which such officials have been appointed. 7898  
The suspension shall be effective at all other race meetings 7899

under the jurisdiction of the commission. Any fine or suspension 7900  
may be appealed to the commission. Such appeal shall stay the 7901  
fine or suspension until further action by the commission. 7902

**Sec. 3769.10.** The ~~state racing~~ commission and the tax 7903  
commissioner shall enforce this chapter and may incur such 7904  
expenses as are necessary; provided, that the power of the tax 7905  
commissioner shall extend only to enforcement and administration 7906  
of the taxes levied by sections 3769.08, 3769.087, 3769.26, and 7907  
3769.28 of the Revised Code as provided in those sections and in 7908  
sections 3769.088, 3769.101, 3769.102, 3769.103, 5703.05, 7909  
5703.17 to 5703.37, 5703.39, 5703.41, and 5703.45 of the Revised 7910  
Code. The commissioner may adopt, in accordance with section 7911  
5703.14 of the Revised Code, such rules as the commissioner 7912  
considers necessary to administer sections 3769.08, 3769.087, 7913  
3769.088, 3769.101, 3769.102, 3769.103, 3769.26, and 3769.28 of 7914  
the Revised Code. 7915

Except as otherwise provided in section 3769.03 of the 7916  
Revised Code, all taxes, fees, and moneys due the state under 7917  
sections 3769.01 to 3769.071 and 3769.09 to 3769.14 of the 7918  
Revised Code shall be paid to, and receipted for by, the 7919  
~~secretary of the state racing~~ commission, and shall be paid by 7920  
the ~~secretary~~ commission weekly into the state treasury to the 7921  
credit of the general revenue fund. All taxes due the state 7922  
under sections 3769.08, 3769.087, and 3769.26 of the Revised 7923  
Code shall be paid to, and receipted for by, the tax 7924  
commissioner, and shall be paid by the commissioner monthly into 7925  
the proper funds. 7926

All vouchers of the commission issued under this chapter 7927  
shall be approved by the commission chairperson or ~~secretary~~ 7928  
executive director, or both, as authorized by the commission. 7929

**Sec. 3769.101.** (A) For the purposes of receiving, 7930  
distributing, and accounting for revenue received from the taxes 7931  
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 7932  
Code, there is hereby created in the state treasury the horse- 7933  
racing tax revenue fund. 7934

(B) All moneys collected from the taxes imposed by 7935  
sections 3769.08, 3769.087, and 3769.26 of the Revised Code 7936  
shall be deposited into the horse-racing tax revenue fund. 7937

(C) On or before the fifteenth day of each month, the tax 7938  
commissioner shall pay into the nursing home franchise permit 7939  
fee fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 7940  
standardbred development fund, and ~~state racing casino control~~ 7941  
~~commission operating fund created under this chapter~~ the amounts 7942  
required by sections 3769.08, 3769.087, and 3769.26 of the 7943  
Revised Code based on amounts received in the preceding month. 7944

**Sec. 3769.11.** (A) No individual who is on the commission's 7945  
track exclusion list created under section 3772.031 of the 7946  
Revised Code shall enter a track or satellite facility operated 7947  
by a permit holder or the grounds of such a track or participate 7948  
in the play or operation of pari-mutuel wagering on horse racing 7949  
in this state. A permit holder shall employ commercially 7950  
reasonable methods to prevent an individual who is on the 7951  
commission's track exclusion list from engaging in pari-mutuel 7952  
wagering on horse racing conducted by the permit holder. 7953

(B) (1) A permit holder may exclude any individual from 7954  
entering a track or satellite facility, or the grounds of a 7955  
track or satellite facility, that is under the control of the 7956  
permit holder and may exclude any individual from participating 7957  
in the play or operation of pari-mutuel wagering on horse racing 7958  
conducted by the permit holder. The permit holder shall keep a 7959

list of all excluded individuals. No individual who is on a 7960  
permit holder's exclusion list shall enter a track or satellite 7961  
facility, or the grounds of a track or satellite facility, that 7962  
is under the control of the permit holder or participate in the 7963  
play or operation of pari-mutuel wagering on horse racing 7964  
conducted by the permit holder under this chapter. 7965

(2) If a permit holder excludes an individual because the 7966  
permit holder determines that the individual engaged or 7967  
attempted to engage in any gaming related activity that is 7968  
prohibited under the laws of this state or rules of the 7969  
commission, the permit holder shall report that fact to the 7970  
commission. 7971

(C) (1) The commission shall require by rule adopted under 7972  
Chapter 119. of the Revised Code that each permit holder comply 7973  
with the requirements of the Ohio voluntary exclusion program 7974  
described in section 3772.39 of the Revised Code. 7975

(2) Absent gross negligence, all of the following persons 7976  
are immune from any type of civil liability on the basis that a 7977  
person who is participating in the Ohio voluntary exclusion 7978  
program enters or accesses a track or satellite facility or 7979  
participates in pari-mutuel wagering on horse racing conducted 7980  
under this chapter: 7981

(a) The commission or any other agency of this state and 7982  
its agents or employees; 7983

(b) A permit holder and its agents or employees. 7984

(D) No permit holder, no director, officer, agent, or 7985  
employee of a permit holder, no other person who has a financial 7986  
interest in a permit holder, and no person living in the same 7987  
household as any of those persons, shall engage in any pari- 7988



mutuel wagering on horse racing conducted by the permit holder, 7989  
other than as part of operating pari-mutuel wagering on horse 7990  
racing or as part of the employee's employment. A permit holder 7991  
shall employ commercially reasonable methods to prevent those 7992  
persons, and any other person who has access to confidential 7993  
information held by the permit holder, from engaging in pari- 7994  
mutuel wagering on horse racing conducted by the permit holder. 7995

(E) No member or employee of the commission shall 7996  
knowingly participate in pari-mutuel wagering on horse racing in 7997  
this state. A permit holder shall employ commercially reasonable 7998  
methods to prevent such a person from engaging in video lottery 7999  
terminal gaming conducted by the permit holder. 8000

(F) This section does not apply to a permit holder who 8001  
holds only a permit issued for a racing meeting at a fair. 8002

**Sec. 3769.12.** ~~The county sheriff shall enforce sections~~ 8003  
~~3769.01 to 3769.14, inclusive, of the Revised Code~~ this chapter 8004  
in cooperation with the commission. 8005

**Sec. 3769.13.** (A) Any person, association, trust, or 8006  
corporation owning, leasing, or operating a race track, place, 8007  
or enclosure which has been damaged by fire or other cause and 8008  
at which in any year such a person, association, trust, or 8009  
corporation has held or conducted a horse-racing meeting under a 8010  
permit issued by the ~~state racing~~ commission, may be issued a 8011  
permit by said commission to hold or conduct a horse-racing 8012  
meeting at any one other track, place, or enclosure for not more 8013  
than an aggregate of fifty-six racing days in the calendar year 8014  
for which such permit is issued, provided: 8015

(1) The damaged race track, place, or enclosure has not 8016  
been repaired or restored to its previous condition at the time 8017

the permit is issued~~+~~. 8018

(2) The permit is issued within two years after the damage 8019  
was incurred. 8020

(B) The permits provided for in divisions (A), (C), and 8021  
(D) of this section shall be issued in conformity with and 8022  
~~subject to sections 3769.01 to 3769.14 of the Revised Code~~ this 8023  
chapter, except that the restriction contained in section 8024  
3769.07 of the Revised Code against the issuing of a permit for 8025  
the holding or conducting of a horse-racing meeting for more 8026  
than an aggregate of fifty-six racing days in any one calendar 8027  
year for any one race track, place, or enclosure shall not be 8028  
applicable to a race track, place, or enclosure at which a 8029  
horse-racing meeting is held under a permit issued pursuant to 8030  
this section, and except that if more than one permit holder has 8031  
conducted horse-racing meetings at the same race track pursuant 8032  
to divisions (A), (C), and (D) of this section, the permits may 8033  
be consolidated or held under one permit holder with the consent 8034  
of all current permit holders and the approval of the ~~racing-~~ 8035  
commission. 8036

(C) Any person, association, trust, or corporation 8037  
operating or conducting a horse-racing meeting at a race track 8038  
in 1974 under license from the commission, or successor in 8039  
interest to such person, association, trust, or corporation, 8040  
shall be issued a permit by the commission to conduct a horse- 8041  
racing meeting at any other race track, if the race track is 8042  
within fifty miles of the race track at which racing was 8043  
conducted in 1974, and the facilities of the race track to which 8044  
it is sought to remove are substantially better than the 8045  
facilities of the race track from which it is sought to remove. 8046  
In the event of the removal, no other person, association, 8047

trust, or corporation, or successor in interest to the person, 8048  
association, trust, or corporation, excepting however, a fair or 8049  
agricultural society, may conduct racing under license from the 8050  
commission at the race track from which said permit was removed. 8051

(D) Any person, association, trust, or corporation to whom 8052  
a permit has been issued under section 3769.06 of the Revised 8053  
Code but who is unable to conduct a horse-racing meeting on any 8054  
of the days authorized by the permit because of damage by fire 8055  
or other cause to the race track, place, or enclosure where the 8056  
horse-racing meeting was to occur shall be issued a permit by 8057  
the commission authorizing the unused racing days to be used 8058  
during the next three successive years for which a permit is 8059  
issued under section 3769.06 of the Revised Code, except that 8060  
the commission shall not issue a permit authorizing the future 8061  
use of the unused days if it has reasonable cause to believe 8062  
that the actions or negligence of the permit holder 8063  
substantially contributed to the damage suffered by the track. 8064

**Sec. 3769.131.** Notwithstanding sections 3769.07 and 8065  
3769.13 of the Revised Code, any person operating or conducting 8066  
a horse-racing meeting at any race track, place, or enclosure in 8067  
1990 under a permit issued ~~by the state racing commission under~~ 8068  
this chapter, or the successor in interest to such person, may, 8069  
with the approval of the commission, consolidate and hold in one 8070  
entity all permits issued ~~by the commission under this chapter~~ 8071  
for horse racing at the same race track, place, or enclosure, as 8072  
were held in 1990. Any such consolidation of permits shall have 8073  
no effect on the number of racing days authorized to the holder 8074  
of the permits by this chapter. 8075

**Sec. 3769.14.** If there is presented to the board of 8076  
elections of any county a petition, sworn to in the manner 8077

provided by section 3513.27 of the Revised Code and signed by 8078  
thirty-five per cent of the qualified and registered electors, 8079  
where such qualified electors are required to be registered to 8080  
enjoy the privilege of suffrage, as shown by the most recent 8081  
general election, but in no event shall such petition contain 8082  
less than thirty-five hundred signatures of qualified electors, 8083  
requesting that there be submitted at a general election or at a 8084  
special election, at the discretion of the board, the issue, 8085  
"Shall licensed horse racing be prohibited throughout this 8086  
county for a period of \_\_\_\_\_ (not to exceed five) years?", 8087  
the board shall submit such issue to the electors of said county 8088  
in the manner provided by section 3505.06 of the Revised Code. 8089  
If a majority of the electors voting on said issue vote "yes" 8090  
thereon, the ~~state racing~~ commission shall have no jurisdiction 8091  
thereafter to license meetings in said county for the number of 8092  
years, not exceeding five, specified in said petition. If a 8093  
majority of the electors voting on said issue or question vote 8094  
"no" thereon, such issue or question shall not again be 8095  
submitted to a vote until the expiration of the time set forth 8096  
in the petition on which the question or issue was submitted. 8097

When the board of any county has received such petition 8098  
and accepted it as valid, it shall notify the commission of said 8099  
petition, and the commission shall not issue a permit for racing 8100  
in said county between the time of filing said petition and the 8101  
general or special election. 8102

**Sec. 3769.20.** (A) To encourage the renovation of existing 8103  
racing facilities for the benefit of the public, breeders, and 8104  
horse owners and to increase the revenue to the state from the 8105  
increase in pari-mutuel wagering resulting from such 8106  
improvement, the taxes paid by a permit holder to the state, in 8107  
excess of the amount paid into the nursing home franchise permit 8108

fee fund, shall be reduced by one per cent of the total amount 8109  
wagered for those permit holders who carry out a major capital 8110  
improvement project. The percentage of the reduction that may be 8111  
taken each racing day shall equal seventy-five per cent of the 8112  
amount of the taxes levied under divisions (B) and (C) of 8113  
section 3769.08, section 3769.087, and division (F)(2) of 8114  
section 3769.26 of the Revised Code, as applicable, divided by 8115  
the calculated amount each fund should receive under divisions 8116  
(B) and (C) of section 3769.08, section 3769.087, and division 8117  
(F)(2) of section 3769.26 of the Revised Code and the reduction 8118  
provided for in this section. If the resulting percentage is 8119  
less than one, that percentage shall be multiplied by the amount 8120  
of the reduction provided for in this section. Otherwise, the 8121  
permit holder shall receive the full reduction provided for in 8122  
this section. The amount of the allowable reduction not received 8123  
shall be carried forward and added to any other reduction 8124  
balance and applied against future tax liability. After any 8125  
reductions expire, any reduction carried forward shall be 8126  
treated as a reduction as provided for in this section. If the 8127  
amount of allowable reduction exceeds the amount of taxes 8128  
derived from a permit holder, the amount of the allowable 8129  
reduction not used may be carried forward and applied against 8130  
future tax liability. 8131

If more than one permit holder is authorized to conduct 8132  
racing at the facility that is being improved, the cost of the 8133  
major capital improvement project shall be allocated between or 8134  
among all the permit holders in the ratio that each permit 8135  
holder's number of racing days bears to the total number of 8136  
racing days conducted at the facility. 8137

A reduction for a major capital improvement project shall 8138  
start from the day racing is first conducted following the date 8139

on which the major capital improvement project is completed and 8140  
the construction cost has been approved by the ~~state racing~~ 8141  
commission, except as otherwise provided in division (E) of this 8142  
section, and shall continue until the total tax reduction equals 8143  
the cost of the major capital improvement project plus debt 8144  
service applicable to the project. In no event, however, shall 8145  
any tax reduction, excluding any reduction balances, be 8146  
permitted under this section after December 31, 2017. The total 8147  
tax reduction because of the major capital improvement project 8148  
shall not during any one year exceed for all permit holders 8149  
using any one track one per cent of the total amount wagered. 8150  
The ~~racing~~ commission shall notify the tax commissioner when the 8151  
reduction of tax begins and when it ends. 8152

(B) Each fiscal year, the ~~racing~~ commission shall submit a 8153  
report to the tax commissioner, the office of budget and 8154  
management, and the legislative service commission. The report 8155  
shall identify each capital improvement project undertaken under 8156  
this section and in progress at each race track, indicate the 8157  
total cost of each project, state the tax reduction that 8158  
resulted from each project during the immediately preceding 8159  
fiscal year, estimate the tax reduction that will result from 8160  
each project during the current fiscal year, state the total tax 8161  
reduction that resulted from all such projects at all race 8162  
tracks during the immediately preceding fiscal year, and 8163  
estimate the total tax reduction that will result from all such 8164  
projects at all race tracks during the current fiscal year. 8165

(C) The tax reduction granted pursuant to this section 8166  
shall be in addition to any tax reductions for capital 8167  
improvements and new race tracks provided for in section 3769.08 8168  
of the Revised Code and approved by the ~~racing~~ commission. 8169

(D) In order to qualify for the reduction in tax, a permit  
holder shall apply to the ~~racing~~-commission in such form as the  
commission may require and shall provide full details of the  
major capital improvement project, including plans and  
specifications, a schedule for the project's construction and  
completion, and a breakdown of proposed costs. In addition, the  
permit holder shall have commenced construction of the major  
capital improvement project or shall have had the application  
for the project approved by the ~~racing~~-commission prior to March  
29, 1988. The ~~racing~~-commission shall not approve an application  
unless the permit holder shows that a contract for the major  
capital improvement project has been let under an unrestricted  
competitive bidding procedure, unless the contract is exempted  
by the controlling board because of its unusual nature. In  
determining whether to approve an application, the ~~racing~~-  
commission shall consider whether the major capital improvement  
project will promote the safety, convenience, and comfort of the  
racing public and horse owners and generally tend toward the  
improvement of racing in this state.

(E) If the major capital improvement project is approved  
by the ~~racing~~-commission and construction has started, the tax  
reduction may be authorized by the commission upon presentation  
of copies of paid bills in excess of five hundred thousand  
dollars. After the initial authorization, the permit holder  
shall present copies of paid bills in the amount of not less  
than five hundred thousand dollars. If the permit holder is in  
substantial compliance with the schedule for construction and  
completion of the major capital improvement project, the ~~racing~~-  
commission may authorize the continuance of the tax reduction  
upon the presentation of the additional paid bills in increments  
of five hundred thousand dollars. The ~~racing~~-commission may

terminate the tax reduction if a permit holder fails to complete 8201  
the major capital improvement project or fails to comply 8202  
substantially with the schedule for construction and completion 8203  
of the major capital improvement project. If the time for 8204  
completion of the major capital improvement project is delayed 8205  
by acts of God, strikes, or the unavailability of labor or 8206  
materials, the time for completion as set forth in the schedule 8207  
shall be extended by the period of the delay. If a permit holder 8208  
fails to complete the major capital improvement project, the 8209  
~~racetrack~~ commission shall order the permit holder to repay to the 8210  
state the total amount of tax reduced, unless the permit holder 8211  
has spent at least six million dollars on the project. The 8212  
normal tax paid by the permit holder under section 3769.08 of 8213  
the Revised Code shall be increased by one per cent of the total 8214  
amount wagered until the total amount of the additional tax 8215  
collected equals the total amount of tax reduced. Any action 8216  
taken by the ~~racetrack~~ commission pursuant to this section in 8217  
terminating the tax adjustment or requiring repayment of the 8218  
amount of tax reduced shall be subject to Chapter 119. of the 8219  
Revised Code. 8220

(F) As used in this section, "major capital improvement 8221  
project" means the renovation, reconstruction, or remodeling, 8222  
costing at least six million dollars, of a race track facility, 8223  
including, but not limited to, the construction of barns used 8224  
exclusively for that race track facility, backstretch facilities 8225  
for horsemen, paddock facilities, pari-mutuel and totalizator 8226  
equipment and appurtenances to that equipment purchased by the 8227  
track, new access roads, new parking areas, the complete 8228  
reconstruction, reshaping, and leveling of the racing surface 8229  
and appurtenances, grandstand enclosure, installation of 8230  
permanent new heating or air conditioning, roof replacement, and 8231



installations of a permanent nature forming a part of the track 8232  
structure. 8233

(G) The cost and expenses to which the tax reduction 8234  
granted under this section applies shall be determined by 8235  
generally accepted accounting principles and be verified by an 8236  
audit of the permit holder's records, upon completion of the 8237  
major capital improvement project, either by the ~~racing~~ 8238  
commission or by an independent certified public accountant 8239  
selected by the permit holder and approved by the commission. 8240

(H) This section and section 3769.201 of the Revised Code 8241  
govern any tax reduction granted to a permit holder for the cost 8242  
to the permit holder of any cleanup, repair, or improvement 8243  
required as a result of damage caused by the 1997 Ohio river 8244  
flood to the place, track, or enclosure for which the permit is 8245  
issued. 8246

**Sec. 3769.201.** The holder of a permit issued under section 8247  
3769.06 of the Revised Code may apply to the ~~state racing~~ 8248  
commission for the tax reduction available under section 3769.20 8249  
of the Revised Code for the cost to the permit holder of any 8250  
cleanup, repair, or improvement required as a result of damage 8251  
caused by the 1997 Ohio river flood to the place, track, or 8252  
enclosure for which the permit is issued. As part of the 8253  
application, the permit holder shall submit evidence of payment 8254  
of the cost of the cleanup, repair, or improvement. The 8255  
commission shall approve the tax reduction in the amount of the 8256  
cost to the permit holder, net of any insurance proceeds, of any 8257  
cleanup, repair, or improvement the commission determines was 8258  
required as a result of damage caused by the flood. The permit 8259  
holder need not have followed unrestricted competitive bidding 8260  
procedures as required under section 3769.20 of the Revised Code 8261

to qualify for the reduction under this section. 8262

The permit holder shall claim the tax reduction under this 8263  
section in the same manner as if it were a tax reduction for a 8264  
major capital improvement project under section 3769.20 of the 8265  
Revised Code. The percentage of the reduction that may be taken 8266  
each racing day shall equal the percentage allowed for a 8267  
reduction under section 3769.20 of the Revised Code. A reduction 8268  
under this section shall be in addition to, and shall be taken 8269  
after completion of, a reduction approved under section 3769.20 8270  
or division (J) of section 3769.08 of the Revised Code. A permit 8271  
holder shall not take a reduction under this section for a 8272  
repair or improvement for which a reduction is taken under 8273  
section 3769.20 or division (J) of section 3769.08 of the 8274  
Revised Code. 8275

**Sec. 3769.21.** (A) A corporation may be formed pursuant to 8276  
Chapter 1702. of the Revised Code to establish a thoroughbred 8277  
horsemen's health and retirement fund and a corporation may be 8278  
formed pursuant to Chapter 1702. of the Revised Code to 8279  
establish a harness horsemen's health and retirement fund to be 8280  
administered for the benefit of horsemen. As used in this 8281  
section, "horsemen" includes any person involved in the owning, 8282  
breeding, training, grooming, or racing of horses which race in 8283  
Ohio, except for the owners or managers of race tracks. For 8284  
purposes of the thoroughbred horsemen's health and retirement 8285  
fund, "horsemen" also does not include trainers and grooms who 8286  
are not members of the thoroughbred horsemen's organization in 8287  
this state. No more than one corporation to establish a 8288  
thoroughbred horsemen's health and retirement fund and no more 8289  
than one corporation to establish a harness horsemen's health 8290  
and retirement fund may be established in Ohio pursuant to this 8291  
section. The trustees of the corporation formed to establish a 8292

thoroughbred horsemen's health and retirement fund shall have 8293  
the discretion to determine which horsemen shall benefit from 8294  
such fund. 8295

(B) The articles of incorporation of both of the 8296  
corporations described in division (A) of this section shall 8297  
provide for at least the following: 8298

(1) The corporation shall be governed by, and the health 8299  
and retirement fund shall be administered by, a board of three 8300  
trustees appointed pursuant to division (C) of this section for 8301  
staggered three-year terms. 8302

(2) The board of trustees shall adopt and administer a 8303  
plan to provide health benefits, retirement benefits, or both to 8304  
either thoroughbred or harness horsemen. 8305

(3) The sum paid to the corporation pursuant to division 8306  
(G) or (H) of section 3769.08 of the Revised Code shall be used 8307  
exclusively to establish and administer the health and 8308  
retirement fund, and to finance benefits paid to horsemen 8309  
pursuant to the plan adopted under division (B) (2) of this 8310  
section. 8311

(4) The articles of incorporation and code of regulations 8312  
of the corporation may be amended at any time by the board of 8313  
trustees pursuant to the method set forth in the articles of 8314  
incorporation and code of regulations, except that no amendment 8315  
shall be adopted which is inconsistent with this section. 8316

~~(C) Within sixty days after the formation of each of the~~ 8317  
~~corporations described in division (A) of this section, the~~ 8318  
~~state racing~~ The commission shall appoint the members of the 8319  
~~board boards~~ of trustees of that corporation the corporations 8320  
described in division (A) of this section. Vacancies shall be 8321

filled by the ~~state racing~~ commission in the same manner as 8322  
initial appointments. Each trustee of the thoroughbred 8323  
horsemen's health and retirement fund appointed by the 8324  
commission shall be active as a thoroughbred horseman while 8325  
serving a term as a trustee and shall have been active as a 8326  
thoroughbred horseman for at least five years immediately prior 8327  
to the commencement of any such term. Each trustee of the 8328  
harness horsemen's health and retirement fund appointed by the 8329  
commission shall be active as a harness horseman while serving a 8330  
term as a trustee and shall have been active as a harness 8331  
horseman for at least five years immediately prior to the 8332  
commencement of any such term. ~~The incorporators of either such~~ 8333  
~~corporation may serve as initial trustees until the state racing~~ 8334  
~~commission acts pursuant to this section to make these~~ 8335  
~~appointments.~~ 8336

(D) The intent of the general assembly in enacting this 8337  
section pursuant to Amended House Bill No. 639 of the 115th 8338  
general assembly was to fulfill a legitimate government 8339  
responsibility in a manner that would be more cost efficient and 8340  
effective than direct state agency administration by permitting 8341  
nonprofit corporations to be formed to establish health and 8342  
retirement funds for the benefit of harness and thoroughbred 8343  
horsemen, as it was determined that such persons were in need of 8344  
such benefits. 8345

**Sec. 3769.22.** (A) The general assembly finds and declares 8346  
all of the following: 8347

(1) A national racing compact, comprised of states that 8348  
are party to the compact, exists to provide for the licensure 8349  
and regulation of individuals involved in the horse racing 8350  
industry. 8351

(2) The intent of the compact is to prevent individual 8352  
owners, trainers, jockeys, drivers, backstretch employees, 8353  
totalizator employees, farriers, concessionaires, veterinarians, 8354  
and other persons involved in live horse racing upon which pari- 8355  
mutuel wagering is conducted from having to be licensed in each 8356  
state in which they may conduct business. 8357

(3) The compact authorizes the individuals described in 8358  
division (A) (2) of this section to be licensed in occupational 8359  
categories established by the compact committee that oversees 8360  
the compact and, thus, to be able to practice their occupation 8361  
in all states that are parties to the compact. 8362

(4) The purposes of the compact are to do all of the 8363  
following: 8364

(a) Establish uniform requirements among the states that 8365  
are parties to the compact for the licensure of the individuals 8366  
described in division (A) (2) of this section and to ensure that 8367  
all of those individuals licensed pursuant to the compact meet a 8368  
uniform minimum standard of honesty and integrity; 8369

(b) Facilitate the growth of the horse racing industry in 8370  
each state that is a party to the compact and throughout the 8371  
country by simplifying the licensing process for the individuals 8372  
described in division (A) (4) (a) of this section and by reducing 8373  
the duplicative and costly process of separate licensing by the 8374  
applicable agency in each state that is a party to the compact; 8375

(c) Provide for participation in the compact by officials 8376  
of the states that are parties to the compact, and permit those 8377  
officials, through the compact committee established by the 8378  
compact, to enter into contracts with governmental agencies and 8379  
nongovernmental persons and entities to carry out the purposes 8380

of the compact; 8381

(d) Establish the compact committee as an interstate 8382  
governmental entity authorized to request and receive criminal 8383  
record history information from the federal bureau of 8384  
investigation, other federal law enforcement agencies, the royal 8385  
Canadian mounted police, law enforcement agencies of other 8386  
nations, and state and local law enforcement agencies. 8387

(5) Both of the following apply under the compact: 8388

(a) No state that is party to the compact, including that 8389  
state's racing commission or equivalent agency, is liable for 8390  
the debts or other financial obligations incurred by the compact 8391  
committee. 8392

(b) No official of a state that is a party to the compact 8393  
or employee of the compact committee is personally liable for 8394  
any act the official or employee performs or omits to perform in 8395  
good faith while carrying out the official's or employee's 8396  
responsibilities and duties under the compact. 8397

(B) (1) The ~~state racing~~ commission is hereby authorized to 8398  
enter into and participate in the compact described in division 8399  
(A) of this section for the purposes described in that division. 8400

(2) The participation of this state and the commission in 8401  
the compact shall not have any of the following consequences: 8402

(a) Result in the diminution of any applicable existing 8403  
standards governing the issuance, denial, suspension, or 8404  
revocation of a license issued under section 3769.03 of the 8405  
Revised Code; 8406

(b) Prevent the enforcement of any statute or rule 8407  
affecting the holder of any such license; 8408

(c) Relieve any individual or entity of its duty to obtain 8409  
any such license or pay any license fee; 8410

(d) Make the state or the commission liable for the debts 8411  
or other financial obligations incurred by the compact 8412  
committee; 8413

(e) Make any officer or employee of this state personally 8414  
liable for any act the official or employee performs or omits to 8415  
perform in good faith while carrying out the official's or 8416  
employee's responsibilities and duties under the compact. 8417

(3) The commission shall designate an individual to 8418  
represent this state and the commission on the compact committee 8419  
in the administration of the compact. 8420

**Sec. 3769.25.** As used in sections 3769.25 to 3769.27 of 8421  
the Revised Code, ~~unless the context requires otherwise:~~ 8422

(A) ~~"Simulcast" means the telecast, for wagering purposes,~~ 8423  
~~of audio and visual signals of live horse races conducted at~~ 8424  
~~facilities either inside or outside this state.~~ 8425

~~(B) "Track" means any place, track, or enclosure where a~~ 8426  
~~permit holder conducts live horse racing for profit at a race~~ 8427  
~~meeting.~~ 8428

~~(C) "Permit holder" means a corporation, trust,~~ 8429  
~~partnership, limited partnership, association, person, or group~~ 8430  
~~of persons issued a permit under this chapter to conduct a~~ 8431  
~~racing meeting, other than does not include~~ the holder of a 8432  
permit issued for a racing meeting at a county fair or an 8433  
independent fair. 8434

~~(D) "Simulcast host" has the same meaning as in section~~ 8435  
~~3769.089 of the Revised Code.~~ 8436

~~(E) "Satellite facility" means any facility that is~~ 8437  
~~approved by the state racing commission and at which pari-mutuel~~ 8438  
~~wagering is conducted under section 3769.26 of the Revised Code.~~ 8439  
~~"Satellite facility" does not include a track.~~ 8440

~~(F) "Collection and settlement agent" has the same meaning~~ 8441  
~~as in section 3769.0810 of the Revised Code.~~ 8442

~~(G)~~ (B) "Approval of the appropriate local legislative 8443  
authority" means the enactment of an ordinance or resolution by 8444  
the legislative authority of the municipal corporation where a 8445  
satellite facility is proposed to be located or, if a satellite 8446  
facility is proposed to be located in an unincorporated area, by 8447  
the board of township trustees of the township where the 8448  
satellite facility is proposed to be located, that approves the 8449  
location of the satellite facility in the municipal corporation 8450  
or the unincorporated area. "Approval of the appropriate local 8451  
legislative authority" also means the failure of the legislative 8452  
authority of a municipal corporation or the board of township 8453  
trustees of a township to take a vote to enact an ordinance or 8454  
resolution described in this division within sixty days after 8455  
the ordinance or resolution is first introduced before the 8456  
legislative authority or board. 8457

**Sec. 3769.26.** (A) (1) Except as otherwise provided in 8458  
division (B) of this section, each track in existence on 8459  
September 27, 1994, regardless of the number of permit holders 8460  
authorized to conduct race meetings at the track, may establish, 8461  
with the approval of the ~~state racing~~ commission and the 8462  
appropriate local legislative authority, not more than two 8463  
satellite facilities at which it may conduct pari-mutuel 8464  
wagering on horse races conducted either inside or outside this 8465  
state and simulcast by a simulcast host to the satellite 8466



facilities. 8467

(2) Prior to a track's establishing satellite facilities 8468  
under this section, the permit holders at that track shall agree 8469  
among themselves regarding their respective rights and 8470  
obligations with respect to those satellite facilities. 8471

(3) (a) Any track that desires to establish a satellite 8472  
facility shall provide written notification of its intent to the 8473  
~~state racing~~ commission and to the appropriate local legislative 8474  
authority that is required to approve the satellite facility, 8475  
together with detailed plans and specifications for the 8476  
satellite facility. The commission shall deliver copies of this 8477  
notification to all other tracks in this state, and the 8478  
commission shall, within forty-five days after receiving the 8479  
notification, hold a hearing on the track's intent to establish 8480  
a satellite facility. At this hearing the commission shall 8481  
consider the evidence presented and determine whether the 8482  
request for establishment of a satellite facility shall be 8483  
approved. 8484

The commission shall not approve a track's request to 8485  
establish a satellite facility if the owner of the premises 8486  
where the satellite facility is proposed to be located or if the 8487  
proposed operator of the satellite facility has been convicted 8488  
of or has pleaded guilty to a gambling offense that is a felony 8489  
or any other felony under the laws of this state, any other 8490  
state, or the United States that the commission determines to be 8491  
related to fitness to be the owner of such a premises or to be 8492  
the operator of a satellite facility. As used in division (A) (3) 8493  
(a) of this section, "gambling offense" has the same meaning as 8494  
in section 2915.01 of the Revised Code and "operator" means the 8495  
individual who is responsible for the day-to-day operations of a 8496

satellite facility. The commission shall conduct a background 8497  
investigation on each person who is the owner of a premises 8498  
where a satellite facility is proposed to be located or who is 8499  
proposed to be the operator or an employee of a satellite 8500  
facility. The commission shall adopt rules in accordance with 8501  
Chapter 119. of the Revised Code that specify the specific 8502  
information the commission shall collect in conducting such a 8503  
background investigation. 8504

No track shall knowingly contract with a person as the 8505  
owner of the premises where a satellite facility is located, or 8506  
knowingly employ a person as the operator or an employee of a 8507  
satellite facility, who has been convicted of or pleaded guilty 8508  
to a gambling offense that is a felony or any other felony under 8509  
the laws of this state, any other state, or the United States 8510  
that the commission determines to be related to fitness to be 8511  
the owner of such a premises or to be the operator or an 8512  
employee of a satellite facility. The commission may impose a 8513  
fine in an amount not to exceed ten thousand dollars on any 8514  
track that violates any of these prohibitions. 8515

(b) Each track that receives the notification described in 8516  
division (A) (3) (a) of this section shall notify the commission 8517  
and the track that desires to establish the satellite facility, 8518  
within thirty days after receiving the notification from the 8519  
commission, indicating whether or not it desires to participate 8520  
in the joint ownership of the facility. Ownership shall be 8521  
distributed equally among the tracks that choose to participate 8522  
in the joint ownership of the facility unless the participating 8523  
tracks agree to and contract otherwise. Tracks that fail to 8524  
respond to the commission and the track that desires to 8525  
establish the satellite facility within this thirty-day period 8526  
regarding the ownership of the particular satellite facility are 8527

not eligible to participate in its ownership. 8528

(B) If, within three years after September 27, 1994, a 8529  
track in existence on September 27, 1994, does not establish 8530  
both of the satellite facilities it is authorized to establish 8531  
under division (A) of this section, another track, with the 8532  
approval of the ~~racing~~-commission, may establish in accordance 8533  
with this section a number of additional satellite facilities 8534  
that does not exceed the number of satellite facilities that the 8535  
first track did not establish. However, no more than fourteen 8536  
satellite facilities may be established in this state. 8537

(C) Except as otherwise provided in this division, each 8538  
permit holder in this state shall allow the races that it 8539  
conducts, and the races conducted outside this state that it 8540  
receives as a simulcast host, to be simulcast to all satellite 8541  
facilities operating in this state and shall take all action 8542  
necessary to supply its simulcast and wagering information to 8543  
these satellite facilities. A permit holder at a track where the 8544  
average daily amount wagered for all race meetings during 8545  
calendar year 1990 did not exceed two hundred fifty thousand 8546  
dollars may elect not to simulcast its races to the satellite 8547  
facilities. If a permit holder at such a track chooses to 8548  
simulcast its races to satellite facilities, it shall allow its 8549  
races to be simulcast to all satellite facilities operating in 8550  
this state. Except as otherwise provided in this division, each 8551  
satellite facility shall receive simulcasts of and conduct pari- 8552  
mutuel wagering on all live racing programs being conducted at 8553  
any track in this state and on all agreed simulcast racing 8554  
programs, as provided in division ~~(D)~~(C) of section 3769.089 of 8555  
the Revised Code, conducted in other states that are received by 8556  
simulcast in this state, without regard to the breed of horse 8557  
competing in the race or the time of day of the race. 8558

No satellite facility may receive simulcasts of horse 8559  
races during the same hours that a county fair or independent 8560  
fair located within the same county as the satellite facility is 8561  
conducting pari-mutuel wagering on horse races at that county or 8562  
independent fair. 8563

Except as otherwise provided in this division, the 8564  
commission shall not approve the establishment of a satellite 8565  
facility within a radius of fifty miles of any track. The 8566  
commission may approve the establishment of a satellite facility 8567  
at a location within a radius of at least thirty-five but not 8568  
more than fifty miles from one or more tracks if all of the 8569  
holders of permits issued for those tracks consent in writing to 8570  
the establishment of the satellite facility. The commission may 8571  
approve the establishment of a satellite facility at a location 8572  
within a radius of thirty-five miles of more than one race track 8573  
if all holders of permits issued for those tracks consent in 8574  
writing to the establishment of the satellite facility and, if 8575  
the tracks are located completely within one county and the 8576  
proposed satellite facility will be located within that county, 8577  
if both the legislative authority of the municipal corporation 8578  
in that county with the largest population, and the appropriate 8579  
legislative authority that is required to approve the satellite 8580  
facility under division (A) (1) of this section, approve the 8581  
establishment of the new satellite facility. The commission may 8582  
approve the establishment of a satellite facility at a location 8583  
within a radius of less than twenty miles from an existing 8584  
satellite facility if the owner of the existing satellite 8585  
facility consents in writing to the establishment of the new 8586  
satellite facility. 8587

A satellite facility shall not receive simulcasts of horse 8588  
races conducted outside this state on any day when no simulcast 8589

host is operating. 8590

(D) Each simulcast host is responsible for paying all 8591  
costs associated with the up-link for simulcasts. Each satellite 8592  
facility is responsible for paying all costs associated with the 8593  
reception of simulcasts and the operation of the satellite 8594  
facility. 8595

(E) All money wagered at the simulcast host, and all money 8596  
wagered at all satellite facilities on races simulcast from the 8597  
simulcast host, shall be included in a common pari-mutuel pool 8598  
at the simulcast host. Except as otherwise provided in division 8599  
(F) (6) of this section, the payment shall be the same for all 8600  
winning tickets whether a wager is placed at a simulcast host or 8601  
a satellite facility. Wagers placed at a satellite facility 8602  
shall conform in denomination, character, terms, conditions, and 8603  
in all other respects to wagers placed at the simulcast host for 8604  
the same race. 8605

(F) (1) As used in division (F) of this section, "effective 8606  
rate" means the effective gross tax percentage applicable at the 8607  
simulcast host, determined in accordance with sections 3769.08 8608  
and 3769.087 of the Revised Code, after combining the money 8609  
wagered at the simulcast host with the money wagered at 8610  
satellite facilities on races simulcast from the host track. 8611

(2) For the purposes of calculating the amount of taxes to 8612  
be paid and the amount of commissions to be retained by permit 8613  
holders, fifty per cent of the amount wagered at satellite 8614  
facilities on a live racing program simulcast from a simulcast 8615  
host shall be allocated to the permit holder's live race 8616  
wagering at that simulcast host that conducts the live racing 8617  
program, and fifty per cent of the amount wagered at satellite 8618  
facilities on simulcast racing programs conducted outside this 8619

state shall be allocated to, and apportioned equally among, the 8620  
permit holders acting as simulcast hosts for the out-of-state 8621  
simulcast racing programs. The remainder of the amount wagered 8622  
at a satellite facility on races simulcast from a simulcast host 8623  
shall be allocated to the satellite facility. In computing the 8624  
tax due on the amount allocated to the satellite facility, if 8625  
there is more than one simulcast host for out-of-state simulcast 8626  
racing programs, the effective rate applied by the satellite 8627  
facility shall be the tax rate applicable to the simulcast host 8628  
that pays the highest effective rate under section 3769.08 of 8629  
the Revised Code on such simulcast racing programs. 8630

(3) The portion of the amount wagered that is allocated to 8631  
a simulcast host under division (F)(2) of this section shall be 8632  
treated, for the purposes of calculating the amount of taxes to 8633  
be paid and commissions to be retained, as having been wagered 8634  
at the simulcast host on a live racing program or on a simulcast 8635  
racing program. The permit holder at the simulcast host shall 8636  
pay, in the manner prescribed under section 3769.103 of the 8637  
Revised Code, as a tax, the tax specified in sections 3769.08 8638  
and 3769.087 of the Revised Code, as applicable, except that the 8639  
tax shall be calculated using the effective rate, and the permit 8640  
holder may retain as a commission the percentage of the amount 8641  
wagered as specified in those sections. From the tax collected, 8642  
the tax commissioner shall make distributions to the respective 8643  
funds, and in the proper amounts, as required by sections 8644  
3769.08 and 3769.087 of the Revised Code, as applicable. 8645

(4) From the portion of the amount wagered that is 8646  
allocated to a satellite facility under division (F)(2) of this 8647  
section, the satellite facility may retain as a commission the 8648  
amount specified in section 3769.08 or 3769.087 of the Revised 8649  
Code, as applicable. The portion of the amount wagered that is 8650

allocated to a satellite facility shall be subject to tax at the 8651  
effective rate as follows: 8652

(a) One per cent of such amount allocated to the satellite 8653  
facility shall be paid as a tax each racing day to the tax 8654  
commissioner for deposit into the nursing home franchise permit 8655  
fee fund. 8656

(b) The remaining balance of the taxes calculated at the 8657  
effective rate, after payment of the tax specified in division 8658  
(F) (4) (a) of this section, shall be retained by the satellite 8659  
facility to pay for those costs associated with the reception of 8660  
the simulcasts. 8661

(5) From the commission retained by a satellite facility 8662  
after the deduction of the tax paid at the effective rate under 8663  
division (F) (4) of this section, the satellite facility shall 8664  
retain an amount equal to two and three-eighths per cent of the 8665  
amount wagered that day on simulcast racing programs and the 8666  
balance shall be divided as follows: 8667

(a) One-half shall be paid to the owner of the satellite 8668  
facility; 8669

(b) One-half shall be paid to the ~~state racing~~ commission 8670  
for deposit into the Ohio combined simulcast horse racing purse 8671  
fund. 8672

(6) In addition to the commission retained under this 8673  
section, a satellite facility shall retain two and one-half per 8674  
cent of the amount that would otherwise be paid on each winning 8675  
wager unless the retention of this amount would either cause or 8676  
add to a minus pool. As used in division (F) (6) of this section, 8677  
"minus pool" means a wagering pool in which a winning wager is 8678  
paid off at less than one hundred ten per cent of the amount of 8679

the wager. The amount retained shall be paid each racing day to 8680  
the tax commissioner for deposit into the nursing home franchise 8681  
permit fee fund. 8682

(7) At the close of each day, each satellite facility 8683  
shall pay, by check, draft, or money order, or by wire transfer 8684  
of funds, out of the money retained on that day to the 8685  
collection and settlement agent the required fee to be paid by 8686  
the simulcast host to the tracks, racing associations, or state 8687  
regulatory agencies located outside this state for simulcasts 8688  
into this state computed and based on one-half of the amount 8689  
wagered at the satellite facility that day on interstate 8690  
simulcast racing programs. 8691

(G) No license, fee, or excise tax, other than as 8692  
specified in division (F)(6) of this section, shall be assessed 8693  
upon or collected from a satellite facility, the owners of a 8694  
satellite facility, or the holders of permits issued for a track 8695  
that has established a satellite facility by any county, 8696  
township, municipal corporation, district, or other body having 8697  
the authority to assess or collect a tax or fee. 8698

(H) In no case shall that portion of the commissions 8699  
designated for purses from satellite facilities be less than 8700  
that portion of those commissions designated for purses at the 8701  
simulcast host. 8702

(I) It is the intention of the general assembly in 8703  
enacting this section not to adversely affect the amounts paid 8704  
into the Ohio thoroughbred race fund created under section 8705  
3769.083 of the Revised Code. Therefore, each track that acts as 8706  
a simulcast host under this section shall calculate, on a semi- 8707  
annual basis during calendar years 1994, 1995, and 1996, its 8708  
average daily contribution to the Ohio thoroughbred race fund 8709



created under section 3769.083 of the Revised Code on those days 8710  
on which the track conducted live horse racing. If this average 8711  
daily contribution to the fund is less than the average daily 8712  
contribution from the same track to the fund during the same 8713  
six-month period of calendar year 1992, there shall be 8714  
contributed to the fund an amount equal to the average daily 8715  
shortfall multiplied by the number of days of live racing 8716  
conducted during the six-month period in calendar year 1994, 8717  
1995, or 1996, as applicable. The amount of such contribution 8718  
shall be allocated among the simulcast host, the purse program 8719  
at the simulcast host, and the satellite facilities for which 8720  
the track served as the simulcast host, on a pro rata basis in 8721  
proportion to the amounts contributed by them to the fund during 8722  
such six-month period in calendar year 1994, 1995, or 1996, as 8723  
applicable. 8724

**Sec. 3769.27.** (A) If a petition is presented, not later 8725  
than four p.m. of the ninetieth day before the day of a general 8726  
or primary election, to the board of elections of any county, 8727  
signed by qualified electors of the county equal in number to at 8728  
least ten per cent of the total number of votes cast in the 8729  
county for the office of governor at the preceding general 8730  
election for that office, but signed by at least five hundred 8731  
electors, requesting that there be submitted the question "shall 8732  
satellite facilities that receive simulcasts of live horse races 8733  
and that conduct wagering on those simulcasts be prohibited 8734  
throughout this county for a period of \_\_\_\_\_ (not to exceed 8735  
five) years?", the board of elections shall submit this question 8736  
to the electors of the county on the day of the next general or 8737  
primary election, whichever occurs first, in the manner provided 8738  
by law for the submission of questions and issues. The board of 8739  
elections shall notify the ~~state racing~~ commission of the 8740

results of the election on the question.

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(B) If a majority of the electors voting on the question  
set forth in division (A) of this section vote "yes," the ~~state-~~  
~~racine~~-commission shall have no jurisdiction thereafter to  
approve satellite facilities in that county for the number of  
years, not exceeding five, specified in the petition. If a  
majority of the electors voting on the question set forth in  
division (A) of this section vote "no," this question shall not  
again be submitted to a vote in the county until the expiration  
of the time set forth in the petition. When the board of  
elections of any county has received a petition and accepted it  
as valid, it shall so notify the commission and the commission  
shall not approve a satellite facility in that county between  
this notification and the day of the general or primary  
election.

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(C) Once a proposed satellite facility receives the  
approval of the appropriate local legislative authority, a  
petition seeking an election under this section in the county  
where the proposed satellite facility will be located is invalid  
unless the date of signing of each signature on the petition  
that is counted by the board of elections to meet the number of  
signatures required by division (A) of this section is a date  
within ninety days after the date of the approval of the  
appropriate local legislative authority for the proposed  
satellite facility.

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Sec. 3769.99. (A) Whoever knowingly does any of the  
following commits a misdemeanor of the first degree on the first  
offense and a felony of the fifth degree on a subsequent  
offense:

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(1) Makes a false statement on an application submitted

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under this chapter; 8771

(2) Permits an individual under eighteen years of age to 8772  
engage in pari-mutuel wagering on horse racing; 8773

(3) Participates in pari-mutuel wagering on horse racing 8774  
in violation of division (D) of section 3769.11 of the Revised 8775  
Code, other than as part of operating pari-mutuel wagering on 8776  
horse racing or as part of the employee's employment. 8777

(B) Whoever knowingly does any of the following commits a 8778  
felony of the fifth degree on a first offense and a felony of 8779  
the fourth degree on a subsequent offense. If the person is a 8780  
permit holder or licensee under this chapter, the commission 8781  
shall revoke the person's permit or license issued under this 8782  
chapter after the first offense. 8783

(1) Offers, promises, or gives anything of value to anyone 8784  
for the purpose of influencing the outcome of a horse race on 8785  
which pari-mutuel wagering is conducted or attempts to do so; 8786

(2) Places, increases, or decreases a wager after 8787  
acquiring knowledge not available to the general public that 8788  
anyone has been offered, promised, or given anything of value 8789  
for the purpose of influencing the outcome of the horse race 8790  
upon which the wager is placed, increased, or decreased, or 8791  
attempts to do so; 8792

(3) Manufactures, sells, or distributes any device that is 8793  
intended by that person to be used to violate any provision of 8794  
this chapter or Chapter 3772. of the Revised Code or the horse 8795  
racing laws of any other state; 8796

(4) Places a bet or aids any other person in placing a bet 8797  
on a horse race after unlawfully acquiring knowledge of the 8798  
outcome on which winnings from that bet are contingent; 8799

(5) Claims, collects, or takes anything of value from a 8800  
permit holder with intent to defraud or attempts to do so 8801  
without having made a wager in which the amount or value is 8802  
legitimately won or owed; 8803

(6) Places a wager using counterfeit currency or other 8804  
counterfeit form of credit approved for wagering; 8805

(7) Possesses any device intended to be used to violate 8806  
this chapter, Chapter 3772. of the Revised Code, or any rule 8807  
adopted thereunder with respect to pari-mutuel wagering on horse 8808  
racing, or any materials used to manufacture such a device. This 8809  
division does not apply to a permit holder or to an agent or 8810  
employee of a permit holder who is acting in furtherance of the 8811  
permit holder's interest. 8812

(8) Changes or alters the normal outcome of any pari- 8813  
mutuel wagering on horse racing, including any system used to 8814  
monitor the wagering, or the way in which the outcome is 8815  
reported to any patron; 8816

(9) Operates pari-mutuel wagering on horse racing in a 8817  
manner other than the manner required under this chapter and 8818  
Chapter 3772. of the Revised Code. Premises or any internet web 8819  
site used or occupied in violation of this division constitute a 8820  
nuisance subject to abatement under Chapter 3767. of the Revised 8821  
Code. 8822

(C) Whoever knowingly does any of the following commits a 8823  
felony of the third degree. If the person is a permit holder or 8824  
licensee under this chapter, the commission shall revoke the 8825  
person's permit or license issued under this chapter after the 8826  
first offense. If the person is a public servant or political 8827  
party official, the person is forever disqualified from holding 8828

any public office, employment, or position of trust in this 8829  
state. 8830

(1) Offers, promises, or gives anything of value or 8831  
benefit to a person who is connected with a permit holder, an 8832  
agent or employee of a permit holder, or a member, agent, or 8833  
employee of the commission, under an agreement to influence, or 8834  
with the intent to influence, the actions of the person to whom 8835  
the offer, promise, or gift is made in order to affect or 8836  
attempt to affect the outcome of pari-mutuel wagering on horse 8837  
racing or an official action of a member, agent, or employee of 8838  
the commission; 8839

(2) Solicits, accepts, or receives a promise of anything 8840  
of value or benefit while the person is connected with a permit 8841  
holder, an agent or employee of a permit holder, or a member, 8842  
agent, or employee of the commission, under an agreement to 8843  
influence, or with the intent to influence, the actions of the 8844  
person to affect or attempt to affect the outcome of pari-mutuel 8845  
wagering on horse racing or an official action of a member, 8846  
agent, or employee of the commission. 8847

(D) Whoever knowingly does any of the following while 8848  
participating in pari-mutuel wagering on horse racing or 8849  
otherwise transacting with a permit holder as permitted under 8850  
this chapter commits a felony of the fifth degree on a first 8851  
offense and a felony of the fourth degree on a subsequent 8852  
offense: 8853

(1) Causes or attempts to cause the person to fail to file 8854  
a report required under 31 U.S.C. 5313(a) or 5325 or any 8855  
regulation prescribed thereunder or section 1315.53 of the 8856  
Revised Code, or to fail to file a report or maintain a record 8857  
required by an order issued under section 21 of the "Federal 8858

Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub. 8859  
L. No. 91-508; 8860

(2) Causes or attempts to cause the person to file a 8861  
report under 31 U.S.C. 5313(a) or 5325 or any regulation 8862  
prescribed thereunder or section 1315.53 of the Revised Code, to 8863  
file a report or to maintain a record required by any order 8864  
issued under 31 U.S.C. 3126, or to maintain a record required 8865  
under any regulation prescribed under section 21 of the "Federal 8866  
Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub. 8867  
L. No. 91-508 that contains a material omission or misstatement 8868  
of fact; 8869

(3) With one or more permit holders, structures a 8870  
transaction, is complicit in structuring a transaction, attempts 8871  
to structure a transaction, or is complicit in an attempt to 8872  
structure a transaction. As used in this division: 8873

(a) To be "complicit" means to engage in any conduct of a 8874  
type described in divisions (A) (1) to (4) of section 2923.03 of 8875  
the Revised Code. 8876

(b) "Structure a transaction" has the same meaning as in 8877  
section 1315.51 of the Revised Code. 8878

**Sec. 3770.10 3770.01.** ~~As used in sections 3770.07 to~~ 8879  
~~3770.073 and 3770.10 to 3770.14 of the Revised Code this~~ 8880  
chapter, except where the context requires otherwise: 8881

(A) "Commission" means the state lottery commission 8882  
established under section 3770.011 of the Revised Code. 8883

(B) "Court of competent jurisdiction" means either the 8884  
general division or the probate division of the court of common 8885  
pleas of the county in which the prize winner or transferor 8886  
resides, or, if the prize winner or transferor is not a resident 8887

of this state, either the general division or the probate 8888  
division of the court of common pleas of Franklin county or a 8889  
federal court having jurisdiction over the lottery prize award. 8890

~~(B)~~ (C) "Discounted present value" means the present value 8891  
of the future payments of a lottery prize award that is 8892  
determined by discounting those payments to the present, using 8893  
the most recently published applicable federal rate for 8894  
determining the present value of an annuity as issued by the 8895  
United States internal revenue service and assuming daily 8896  
compounding. 8897

~~(C)~~ (D) "Independent professional advice" means the advice 8898  
of an attorney, a certified public accountant, an actuary, or 8899  
any other licensed professional adviser if all of the following 8900  
apply: 8901

(1) The prize winner has engaged the services of the 8902  
licensed professional adviser to render advice concerning the 8903  
legal and other implications of a transfer of the lottery prize 8904  
award. 8905

(2) The licensed professional adviser is not affiliated in 8906  
any manner with or compensated in any manner by the transferee 8907  
of the lottery prize award. 8908

(3) The compensation of the licensed professional adviser 8909  
is not affected by whether or not a transfer of a lottery prize 8910  
award occurs. 8911

~~(D)~~ (E) "Internet lottery gaming" means an internet-based 8912  
version of lottery gaming in which lots are drawn to determine a 8913  
winner by chance among those who have purchased a lottery 8914  
ticket. "Internet lottery gaming" does not include video lottery 8915  
terminal gaming. 8916

(F) "Lottery prize award" means winnings from any form of 8917  
lottery gaming, including lottery sports gaming or a video 8918  
lottery terminal. 8919

(G) "Lottery sales agent" means both of the following: 8920

(1) A person licensed by the commission under section 8921  
3770.05 of the Revised Code to sell lottery tickets or otherwise 8922  
offer lottery gaming on behalf of the commission, including a 8923  
type C sports gaming host; 8924

(2) A video lottery sales agent. 8925

(H) "Lottery sports gaming" means sports gaming conducted 8926  
by a type C sports gaming proprietor on behalf of the commission 8927  
and offered through lottery sales agents that are licensed as 8928  
type C sports gaming hosts. 8929

(I) "Ohio voluntary exclusion program" has the same 8930  
meaning as in section 3772.01 of the Revised Code. 8931

(J) "Permit holder" and "track" have the same meanings as 8932  
in section 3769.01 of the Revised Code. 8933

(K) "Prize winner" means any person that holds the right 8934  
to receive all or any part of a lottery prize award as a result 8935  
of being any of the following: 8936

(1) A person who is a claimant under division (A) of 8937  
section 3770.07 of the Revised Code; 8938

(2) A person who is entitled to a prize award and who is 8939  
under a legal disability as described in division (B) of section 8940  
3770.07 of the Revised Code; 8941

(3) A person who was awarded a prize award to which 8942  
another has claimed title by a federal bankruptcy court order or 8943



other court order referred to in division (D) of section 3770.07 8944  
of the Revised Code; 8945

(4) A person who is receiving payments upon the death of a 8946  
prize winner as provided in division (D) of section 3770.07 of 8947  
the Revised Code. 8948

~~(E)~~ (L) "Sports gaming," "type C sports gaming 8949  
proprietor," and "type C sports gaming host" have the same 8950  
meanings as in section 3775.01 of the Revised Code. 8951

(M) "Statewide joint lottery game" means a lottery game 8952  
that the commission sells solely within this state under an 8953  
agreement with other lottery jurisdictions to sell the same 8954  
lottery game solely within their statewide or other 8955  
jurisdictional boundaries. 8956

(N) "Transfer" means any form of sale, assignment, or 8957  
redirection of payment of all or any part of a lottery prize 8958  
award for consideration. 8959

~~(F)~~ (O) "Transfer agreement" means an agreement that is 8960  
complete and valid, and that provides for the transfer of all or 8961  
any part of a lottery prize award from a transferor to a 8962  
transferee. A transfer agreement is incomplete and invalid 8963  
unless the agreement contains both of the following: 8964

(1) A statement, signed by the transferor under penalties 8965  
of perjury, that the transferor irrevocably agrees that the 8966  
transferor is subject to the tax imposed by Chapter 5733. or 8967  
5747. of the Revised Code with respect to gain or income which 8968  
the transferor will recognize in connection with the transfer. 8969  
If the transferor is a pass-through entity, as defined in 8970  
section 5733.04 of the Revised Code, each investor in the pass- 8971  
through entity shall also sign under penalties of perjury a 8972

statement that the investor irrevocably agrees that the investor 8973  
is subject to the tax imposed by Chapter 5733. or 5747. of the 8974  
Revised Code with respect to gain or income which the transferor 8975  
and the investor will recognize in connection with the transfer. 8976

(2) A statement, signed by the transferee, that the 8977  
transferee irrevocably agrees that the transferee is subject to 8978  
the withholding requirements imposed by division (C) of section 8979  
3770.072 of the Revised Code and that the transferee is subject 8980  
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 8981  
with respect to gain or income which the transferee will 8982  
recognize in connection with lottery prize awards to be received 8983  
as a result of the transfer. If the transferee is a pass-through 8984  
entity, as defined in section 5733.04 of the Revised Code, each 8985  
investor in the pass-through entity shall also sign under 8986  
penalties of perjury a statement setting forth that the investor 8987  
irrevocably agrees that the investor is subject to the 8988  
withholding requirements imposed by division (C) of section 8989  
3770.072 of the Revised Code and is subject to the tax imposed 8990  
by Chapter 5733. or 5747. of the Revised Code with respect to 8991  
gain or income which the transferee and the investor will 8992  
recognize in connection with lottery prize awards to be received 8993  
as a result of the transfer. 8994

~~(G)~~ (P) "Transferee" means a party acquiring or proposing 8995  
to acquire all or any part of a lottery prize award through a 8996  
transfer. 8997

~~(H)~~ (Q) "Transferor" means either a prize winner or a 8998  
transferee in an earlier transfer whose interest is acquired by 8999  
or is sought to be acquired by a transferee or a new transferee 9000  
through a transfer. 9001

~~(I) "Lottery prize award" includes winnings from lottery~~ 9002

~~sports gaming.~~ (R) "Video lottery sales agent" means a permit holder who is licensed by the Ohio casino control commission to operate video lottery terminals at a track operated by the permit holder. 9003  
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(S) "Video lottery technology provider" means a video lottery terminal manufacturer, distributor, or provider that contracts with video lottery sales agents. 9007  
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(T) "Video lottery terminal" means an electronic device approved by the Ohio casino control commission that provides immediate lottery prize determinations for participants on an electronic display that is located at a track operated by a video lottery sales agent. 9010  
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(U) "Video lottery terminal income" means credits played, minus approved video lottery terminal promotional gaming credits, minus video lottery prize awards. 9015  
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(V) "Video lottery terminal promotional gaming credit" means a video lottery terminal game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a video lottery terminal. 9018  
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**Sec. 3770.01 3770.011.** (A) There is hereby created the state lottery commission consisting of nine members appointed by the governor with the advice and consent of the senate. No more than five members of the commission shall be members of the same political party. Of the additional and new appointments made to the commission pursuant to the amendment of August 1, 1980, three shall be for terms ending August 1, 1981, three shall be for terms ending August 1, 1982, and three shall be for terms ending August 1, 1983. Thereafter, terms of office shall be for three years, each term ending on the same day of the same month 9022  
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of the year as did the term which it succeeds. 9032

(B) Each member shall hold office from the date of 9033  
appointment until the end of the term for which the member was 9034  
appointed. Any member appointed to fill a vacancy occurring 9035  
prior to the expiration of the term for which the member's 9036  
predecessor was appointed shall hold office for the remainder of 9037  
that term. Any member shall continue in office subsequent to the 9038  
expiration date of the member's term until the member's 9039  
successor takes office, or until a period of sixty days has 9040  
elapsed, whichever occurs first. 9041

(C) All members of the commission shall be citizens of the 9042  
United States and residents of this state. The members of the 9043  
commission shall represent the various geographic regions of the 9044  
state. No member of the commission shall have any pecuniary 9045  
interest in any contract or license awarded by the commission. 9046  
One person appointed as a member of the commission shall have 9047  
experience or training in the area of problem gambling or other 9048  
addictions and in assistance to recovering gambling or other 9049  
addicts. Each person appointed as a member of the commission, 9050  
except the member appointed as having experience or training in 9051  
the area of problem gambling or other addictions and in 9052  
assistance to recovering gambling or other addicts, shall have 9053  
prior experience or education in business administration, 9054  
management, sales, marketing, or advertising. 9055

(D) The commission shall elect annually one of its members 9056  
to serve as chairperson for a term of one year. Election as 9057  
chairperson shall not extend a member's appointive term. Each 9058  
member of the commission shall receive an annual salary of five 9059  
thousand dollars, payable in monthly installments. Each member 9060  
of the commission also shall receive the member's actual and 9061

necessary expenses incurred in the discharge of the member's 9062  
official duties. 9063

(E) Each member of the commission, before entering upon 9064  
the discharge of the member's official duties, shall give a 9065  
bond, payable to the treasurer of state, in the sum of ten 9066  
thousand dollars with sufficient sureties to be approved by the 9067  
treasurer of state, which bond shall be filed with the secretary 9068  
of state. 9069

(F) The governor may remove any member of the commission 9070  
for malfeasance, misfeasance, or nonfeasance in office, giving 9071  
the member a copy of the charges against the member and 9072  
affording the member an opportunity to be publicly heard in 9073  
person or by counsel in the member's own defense upon not less 9074  
than ten days' notice. If the member is removed, the governor 9075  
shall file in the office of the secretary of state a complete 9076  
statement of all charges made against the member and the 9077  
governor's finding on the charges, together with a complete 9078  
report of the proceedings, and the governor's decision on the 9079  
charges is final. 9080

(G) The commission shall maintain offices at locations in 9081  
the state as it may consider necessary for the efficient 9082  
performance of its functions. The director shall maintain an 9083  
office in Columbus to coordinate the activities of the state 9084  
lottery commission with other state departments. 9085

**Sec. 3770.02.** (A) Subject to the advice and consent of the 9086  
senate, the governor shall appoint a director of the state 9087  
lottery commission who shall serve at the pleasure of the 9088  
governor. The director shall devote full time to the duties of 9089  
the office and shall hold no other office or employment. The 9090  
director shall meet all requirements for appointment as a member 9091

of the commission and shall, by experience and training, possess 9092  
management skills that equip the director to administer an 9093  
enterprise of the nature of a state lottery. The director shall 9094  
receive an annual salary in accordance with pay range 48 of 9095  
section 124.152 of the Revised Code. 9096

(B) (1) The director shall attend all meetings of the 9097  
commission and shall act as its secretary. The director shall 9098  
keep a record of all commission proceedings and shall keep the 9099  
commission's records, files, and documents at the commission's 9100  
principal office. All records of the commission's meetings shall 9101  
be available for inspection by any member of the public, upon a 9102  
showing of good cause and prior notification to the director. 9103

(2) The director shall be the commission's executive 9104  
officer and shall be responsible for keeping all commission 9105  
records and supervising and administering the state lottery in 9106  
accordance with this chapter, and carrying out all commission 9107  
rules adopted under section 3770.03 of the Revised Code. 9108

(C) (1) The director shall appoint deputy directors as 9109  
necessary and as many regional managers as are required. The 9110  
director may also appoint necessary professional, technical, and 9111  
clerical assistants. All such officers and employees shall be 9112  
appointed and compensated pursuant to Chapter 124. of the 9113  
Revised Code. Regional and assistant regional managers, sales 9114  
representatives, and any lottery executive account 9115  
representatives shall remain in the unclassified service. The 9116  
assistant director shall act as director in the absence or 9117  
disability of the director. If the director does not appoint an 9118  
assistant director, the director shall designate a deputy 9119  
director to act as director in the absence or disability of the 9120  
director. 9121

(2) The director, in consultation with the director of 9122  
administrative services, may establish standards of proficiency 9123  
and productivity for commission field representatives. 9124

(D) The director shall request the bureau of criminal 9125  
identification and investigation, the department of public 9126  
safety, or any other state, local, or federal agency to supply 9127  
the director with the criminal records of any job applicant and 9128  
may periodically request the criminal records of commission 9129  
employees. At or prior to the time of making such a request, the 9130  
director shall require a job applicant or commission employee to 9131  
obtain fingerprint cards prescribed by the superintendent of the 9132  
bureau of criminal identification and investigation at a 9133  
qualified law enforcement agency, and the director shall cause 9134  
these fingerprint cards to be forwarded to the bureau of 9135  
criminal identification and investigation and the federal bureau 9136  
of investigation. The commission shall assume the cost of 9137  
obtaining the fingerprint cards and shall pay to each agency 9138  
supplying criminal records for each investigation under this 9139  
division a reasonable fee, as determined by the agency. 9140

~~(E) The~~ (E) (1) Except as otherwise provided in sections 9141  
3770.21 to 3770.22 of the Revised Code, the director shall 9142  
license lottery sales agents pursuant to section 3770.05 of the 9143  
Revised Code and, when it is considered necessary, may revoke or 9144  
suspend the license of any lottery sales agent. ~~The~~ 9145

(2) Except as otherwise provided in sections 3770.21 to 9146  
3770.22 of the Revised Code, the director may license ~~video~~ 9147  
lottery technology providers, independent testing laboratories, 9148  
and gaming employees, and promulgate rules relating thereto. 9149  
When the director considers it necessary, the director may 9150  
suspend or revoke the license of a ~~video~~ lottery technology 9151

provider, independent testing laboratory, or gaming employee, 9152  
including suspension or revocation without affording an 9153  
opportunity for a prior hearing under section 119.07 of the 9154  
Revised Code when the public safety, convenience, or trust 9155  
requires immediate action. 9156

(F) The director shall confer at least once each month 9157  
with the commission, at which time the director shall advise it 9158  
regarding the operation and administration of the lottery. The 9159  
director shall make available at the request of the commission 9160  
all documents, files, and other records pertaining to the 9161  
operation and administration of the lottery. The director shall 9162  
prepare and make available to the commission each month a 9163  
complete and accurate accounting of lottery revenues, prize 9164  
money disbursements and the cost of goods and services awarded 9165  
as prizes, operating expenses, and all other relevant financial 9166  
information, including an accounting of all transfers made from 9167  
any lottery funds in the custody of the treasurer of state to 9168  
benefit education. 9169

(G) The director may enter into contracts for the 9170  
operation or promotion of the lottery pursuant to Chapter 125. 9171  
of the Revised Code. 9172

(H) (1) Pursuant to rules adopted by the commission under 9173  
section 3770.03 of the Revised Code, the director shall require 9174  
any lottery sales agents to deposit to the credit of the state 9175  
lottery fund, in banking institutions designated by the 9176  
treasurer of state, net proceeds due the commission as 9177  
determined by the director. 9178

(2) Pursuant to rules adopted by the commission under 9179  
Chapter 119. of the Revised Code, the director may impose 9180  
penalties for the failure of a sales agent to transfer funds to 9181



the commission in a timely manner. Penalties may include 9182  
monetary penalties, immediate suspension or revocation of a 9183  
license, or any other penalty the commission adopts by rule. 9184

(I) The director may arrange for any person, or any 9185  
banking institution, to perform functions and services in 9186  
connection with the operation of the lottery as the director may 9187  
consider necessary to carry out this chapter. 9188

~~(J) (1) As used in this chapter, "statewide joint lottery~~ 9189  
~~game" means a lottery game that the commission sells solely~~ 9190  
~~within this state under an agreement with other lottery~~ 9191  
~~jurisdictions to sell the same lottery game solely within their~~ 9192  
~~statewide or other jurisdictional boundaries.~~ 9193

~~(2)~~ If the governor directs the director to do so, the 9194  
director shall enter into an agreement with other lottery 9195  
jurisdictions to conduct statewide joint lottery games. If the 9196  
governor signs the agreement personally or by means of an 9197  
authenticating officer pursuant to section 107.15 of the Revised 9198  
Code, the director then may conduct statewide joint lottery 9199  
games under the agreement. 9200

~~(3)~~ (2) The entire net proceeds from any statewide joint 9201  
lottery games shall be used to fund elementary, secondary, 9202  
vocational, and special education programs in this state. 9203

~~(4)~~ (3) The commission shall conduct any statewide joint 9204  
lottery games in accordance with rules it adopts under division 9205  
(B) (5) of section 3770.03 of the Revised Code. 9206

(K) (1) The director shall enter into an agreement with the 9207  
department of mental health and addiction services under which 9208  
the department shall provide a program of gambling addiction 9209  
services on behalf of the commission. The commission shall pay 9210

the costs of the program provided pursuant to the agreement. 9211

(2) As used in this section, "gambling addiction services" 9212  
has the same meaning as in section 5119.01 of the Revised Code. 9213

**Sec. 3770.03.** (A) (1) The state lottery commission shall 9214  
promulgate rules pursuant to Chapter 119. of the Revised Code, 9215  
and shall adopt operating procedures, under which a statewide 9216  
lottery and statewide joint lottery may be conducted, which 9217  
includes, and since the original enactment of this section has 9218  
included, the authority for the commission to operate video 9219  
lottery terminal games, internet lottery gaming, and all other 9220  
lottery games. Any reference in this chapter to tickets shall 9221  
not be construed to in any way limit the authority of the 9222  
commission to operate video lottery terminal games~~or~~, lottery 9223  
sports gaming, or internet lottery gaming. 9224

(2) Except regarding matters about which this chapter 9225  
explicitly requires the commission to promulgate rules under 9226  
Chapter 119. of the Revised Code, the commission instead may 9227  
adopt operating procedures for the conduct of lottery games. 9228  
Those operating procedures shall include, but need not be 9229  
limited to, the following: 9230

(a) The type of lottery to be conducted; 9231

(b) The prices of tickets in the lottery; 9232

(c) The number, nature, and value of prize awards, the 9233  
manner and frequency of prize drawings, and the manner in which 9234  
prizes shall be awarded to holders of winning tickets. 9235

(3) The commission shall publish all of its operating 9236  
procedures on its official web site and shall make copies of its 9237  
operating procedures available to the public upon request. 9238

(4) An operating procedure adopted under this section is 9239  
not considered a rule under section 111.15 of the Revised Code. 9240

(5) All rules of the commission that are in effect on ~~the~~ 9241  
~~effective date of this amendment~~ October 3, 2023, remain 9242  
effective unless the commission rescinds them. 9243

(B) The commission shall promulgate rules pursuant to 9244  
Chapter 119. of the Revised Code concerning all of the 9245  
following: 9246

(1) The locations at which lottery tickets may be sold and 9247  
the manner in which they are to be sold. These rules may 9248  
authorize the sale of lottery tickets by commission personnel or 9249  
other licensed individuals from traveling show wagons at the 9250  
state fair, and at any other expositions the director of the 9251  
commission considers acceptable. These rules shall prohibit 9252  
commission personnel or other licensed individuals from 9253  
soliciting from an exposition the right to sell lottery tickets 9254  
at that exposition, but shall allow commission personnel or 9255  
other licensed individuals to sell lottery tickets at an 9256  
exposition if the exposition requests commission personnel or 9257  
licensed individuals to do so. These rules may also address the 9258  
accessibility of sales agent locations to commission products in 9259  
accordance with the "Americans with Disabilities Act of 1990," 9260  
104 Stat. 327, 42 U.S.C. 12101 et seq. 9261

(2) The manner in which lottery sales revenues are to be 9262  
collected, including authorization for the director to impose 9263  
penalties for failure by lottery sales agents to transfer 9264  
revenues to the commission in a timely manner; 9265

(3) The amount of compensation to be paid to licensed 9266  
lottery sales agents ~~+~~, provided that for lottery gaming other 9267

than video lottery terminal gaming, lottery sports gaming, and 9268  
internet lottery gaming, a lottery sales agent shall receive a 9269  
base commission rate of not less than the following amount: 9270

(a) During the first year in which the commission conducts 9271  
internet lottery gaming, one-quarter per cent more than the base 9272  
commission rate that applies on the effective date of this 9273  
amendment; 9274

(b) Thereafter, one-half per cent more than the base 9275  
commission rate that applies on the effective date of this 9276  
amendment. 9277

(4) ~~The~~ Except as otherwise provided in sections 3770.21 9278  
to 3770.22 of the Revised Code, the substantive criteria for the 9279  
licensing of lottery sales agents consistent with section 9280  
3770.05 of the Revised Code, and procedures for revoking or 9281  
suspending their licenses consistent with Chapter 119. of the 9282  
Revised Code. If circumstances, such as the nonpayment of funds 9283  
owed by a lottery sales agent, or other circumstances related to 9284  
the public safety, convenience, or trust, require immediate 9285  
action, the director may suspend a license without affording an 9286  
opportunity for a prior hearing under section 119.07 of the 9287  
Revised Code. 9288

(5) Special game rules to implement any agreements signed 9289  
by the governor that the director enters into with other lottery 9290  
jurisdictions under division (J) of section 3770.02 of the 9291  
Revised Code to conduct statewide joint lottery games. The rules 9292  
shall require that the entire net proceeds of those games that 9293  
remain, after associated operating expenses, prize 9294  
disbursements, lottery sales agent bonuses, commissions, and 9295  
reimbursements, and any other expenses necessary to comply with 9296  
the agreements or the rules are deducted from the gross proceeds 9297

of those games, be transferred to the lottery profits education 9298  
fund under division (B) of section 3770.06 of the Revised Code. 9299

~~(6) Rules establishing any of the following with respect 9300  
to the operation of video implementing internet lottery terminal 9301  
games:— 9302~~

~~(a) Any fees, fines, or payment schedules;— 9303~~

~~(b) Any voluntary exclusion program gaming; 9304~~

(7) Rules specifying the circumstances under which the 9305  
commission, instead of a type C sports gaming proprietor, is 9306  
responsible for withholding amounts from lottery sports gaming 9307  
winnings under sections 3770.071, 3770.072, and 3770.073 of the 9308  
Revised Code. 9309

~~(C) ~~Chapter~~ Chapters 2915., 3768., and 3771. of the 9310  
Revised Code ~~does~~ do not apply to, affect, or prohibit lotteries 9311  
conducted pursuant to this chapter. 9312~~

(D) The commission may promulgate rules pursuant to 9313  
Chapter 119. of the Revised Code that establish any standards 9314  
governing the display of advertising and celebrity images on 9315  
lottery tickets and on other items that are used in the conduct 9316  
of, or to promote, the statewide lottery and statewide joint 9317  
lottery games. Any revenue derived from the sale of advertising 9318  
displayed on lottery tickets and on those other items shall be 9319  
considered, for purposes of section 3770.06 of the Revised Code, 9320  
to be related proceeds in connection with the statewide lottery 9321  
or gross proceeds from statewide joint lottery games, as 9322  
applicable. 9323

(E) (1) The commission shall meet with the director at 9324  
least once each month and shall convene other meetings at the 9325  
request of the chairperson or any five of the members. No action 9326

taken by the commission shall be binding unless at least five of 9327  
the members present vote in favor of the action. A written 9328  
record shall be made of the proceedings of each meeting and 9329  
shall be transmitted forthwith to the governor, the president of 9330  
the senate, the senate minority leader, the speaker of the house 9331  
of representatives, and the house minority leader. 9332

(2) The director shall present to the commission a report 9333  
each month, showing the total revenues, prize disbursements, and 9334  
operating expenses of the state lottery for the preceding month. 9335  
As soon as practicable after the end of each fiscal year, the 9336  
commission shall prepare and transmit to the governor and the 9337  
general assembly a report of lottery revenues, prize 9338  
disbursements, and operating expenses for the preceding fiscal 9339  
year and any recommendations for legislation considered 9340  
necessary by the commission. 9341

**Sec. 3770.05.** (A) As used in this section, "person" means 9342  
any individual, association, corporation, limited liability 9343  
company, partnership, club, trust, estate, society, receiver, 9344  
trustee, person acting in a fiduciary or representative 9345  
capacity, instrumentality of the state or any of its political 9346  
subdivisions, or any other business entity or combination of 9347  
individuals meeting the requirements set forth in this section 9348  
or established by rule or order of the state lottery commission. 9349

(B) The Except as otherwise provided in sections 3770.21 9350  
to 3770.22 of the Revised Code, the director of the state 9351  
lottery commission may license any person as a lottery sales 9352  
agent. 9353

Before issuing any license to a lottery sales agent, the 9354  
director shall consider all of the following: 9355

(1) The financial responsibility and security of the	9356
applicant and the applicant's business or activity;	9357
(2) The accessibility of the applicant's place of business	9358
or activity to the public;	9359
(3) The sufficiency of existing licensed agents to serve	9360
the public interest;	9361
(4) The volume of expected sales by the applicant;	9362
(5) Any other factors pertaining to the public interest,	9363
convenience, or trust.	9364
(C) Except as otherwise provided in divisions (F) and (G)	9365
of this section, the director of the state lottery commission	9366
may refuse to grant, or may suspend or revoke, a license if the	9367
applicant or licensee:	9368
(1) Has been convicted of a felony or has been convicted	9369
of a crime involving moral turpitude;	9370
(2) Has been convicted of an offense that involves illegal	9371
gambling;	9372
(3) Has been found guilty of fraud or misrepresentation in	9373
any connection;	9374
(4) Has been found to have violated any rule or order of	9375
the commission; or	9376
(5) Has been convicted of illegal trafficking in	9377
supplemental nutrition assistance program benefits.	9378
(D) Except as otherwise provided in division (G) of this	9379
section, the director of the state lottery commission may refuse	9380
to grant, or may suspend or revoke, a license if the applicant	9381
or licensee is a corporation or other business entity, and any	9382

of the following applies: 9383

(1) Any of the directors, officers, managers, or 9384  
controlling shareholders has been found guilty of any of the 9385  
activities specified in divisions (C)(1) to (5) of this section; 9386

(2) It appears to the director of the state lottery 9387  
commission that, due to the experience or general fitness of any 9388  
director, officer, manager, or controlling shareholder, the 9389  
granting of a license as a lottery sales agent would be 9390  
inconsistent with the public interest, convenience, or trust; 9391

(3) The corporation or other business entity is not the 9392  
owner or lessee of the business at which it would conduct a 9393  
lottery sales agency pursuant to the license applied for; 9394

(4) Any person, firm, association, or corporation other 9395  
than the applicant or licensee shares or will share in the 9396  
profits of the applicant or licensee, other than receiving 9397  
dividends or distributions as a shareholder, or participates or 9398  
will participate in the management of the affairs of the 9399  
applicant or licensee. 9400

(E)(1) The director of the state lottery commission shall 9401  
revoke a lottery sales agent license if the applicant or 9402  
licensee is or has been convicted of a violation of division (A) 9403  
or (C)(1) of section 2913.46 of the Revised Code. 9404

(2) The director shall revoke the lottery sales agent 9405  
license of a corporation if the corporation is or has been 9406  
convicted of a violation of division (A) or (C)(1) of section 9407  
2913.46 of the Revised Code. 9408

(F) The director of the state lottery commission shall not 9409  
refuse to issue a license to an applicant because of a 9410  
conviction of an offense unless the refusal is in accordance 9411



with section 9.79 of the Revised Code. 9412

(G) The director of the state lottery commission shall 9413  
request the bureau of criminal identification and investigation, 9414  
the department of public safety, or any other state, local, or 9415  
federal agency to supply the director with the criminal records 9416  
of any applicant for a lottery sales agent license, and may 9417  
periodically request the criminal records of any person to whom 9418  
a lottery sales agent license has been issued. At or prior to 9419  
the time of making such a request, the director shall require an 9420  
applicant or licensee to obtain fingerprint impressions on 9421  
fingerprint cards prescribed by the superintendent of the bureau 9422  
of criminal identification and investigation at a qualified law 9423  
enforcement agency, and the director shall cause those 9424  
fingerprint cards to be forwarded to the bureau of criminal 9425  
identification and investigation, to the federal bureau of 9426  
investigation, or to both bureaus. The commission shall assume 9427  
the cost of obtaining the fingerprint cards. 9428

The director shall pay to each agency supplying criminal 9429  
records for each investigation a reasonable fee, as determined 9430  
by the agency. 9431

The commission may adopt uniform rules specifying time 9432  
periods after which the persons described in divisions (C)(1) to 9433  
(5) and (D)(1) to (4) of this section may be issued a license 9434  
and establishing requirements for those persons to seek a court 9435  
order to have records sealed in accordance with law. 9436

(H)(1) Each applicant for a lottery sales agent license 9437  
shall do both of the following: 9438

(a) Pay fees to the state lottery commission, if required 9439  
by rule adopted by the director under Chapter 119. of the 9440

Revised Code and the controlling board approves the fees; 9441

(b) Prior to approval of the application, obtain a surety 9442  
bond in an amount the director determines by rule adopted under 9443  
Chapter 119. of the Revised Code or, alternatively, with the 9444  
director's approval, deposit the same amount into a dedicated 9445  
account for the benefit of the state lottery. The director also 9446  
may approve the obtaining of a surety bond to cover part of the 9447  
amount required, together with a dedicated account deposit to 9448  
cover the remainder of the amount required. The director also 9449  
may establish an alternative program or policy, with the 9450  
approval of the commission by rule adopted under Chapter 119. of 9451  
the Revised Code, that otherwise ensures the lottery's financial 9452  
interests are adequately protected. If such an alternative 9453  
program or policy is established, an applicant or lottery sales 9454  
agent, subject to the director's approval, may be permitted to 9455  
participate in the program or proceed under that policy in lieu 9456  
of providing a surety bond or dedicated amount. 9457

A surety bond may be with any company that complies with 9458  
the bonding and surety laws of this state and the requirements 9459  
established by rules of the commission pursuant to this chapter. 9460  
A dedicated account deposit shall be conducted in accordance 9461  
with policies and procedures the director establishes. 9462

A surety bond, dedicated account, other established 9463  
program or policy, or any combination of these resources, as 9464  
applicable, may be used to pay for the lottery sales agent's 9465  
failure to make prompt and accurate payments for lottery ticket 9466  
sales, for missing or stolen lottery tickets, for damage to 9467  
equipment or materials issued to the lottery sales agent, or to 9468  
pay for expenses the commission incurs in connection with the 9469  
lottery sales agent's license. 9470

(2) A lottery sales agent license is effective for at 9471  
least one year, but not more than three years. 9472

A licensed lottery sales agent, on or before the date 9473  
established by the director, shall renew the agent's license and 9474  
provide at that time evidence to the director that the surety 9475  
bond, dedicated account deposit, or both, required under 9476  
division (H) (1) (b) of this section has been renewed or is 9477  
active, whichever applies. 9478

Before the commission renews a lottery sales agent 9479  
license, the lottery sales agent shall submit a renewal fee to 9480  
the commission, if one is required by rule adopted by the 9481  
director under Chapter 119. of the Revised Code and the 9482  
controlling board approves the renewal fee. The renewal fee 9483  
shall not exceed the actual cost of administering the license 9484  
renewal and processing changes reflected in the renewal 9485  
application. The renewal of the license is effective for at 9486  
least one year, but not more than three years. 9487

(3) A lottery sales agent license shall be complete, 9488  
accurate, and current at all times during the term of the 9489  
license. Any changes to an original license application or a 9490  
renewal application may subject the applicant or lottery sales 9491  
agent, as applicable, to paying an administrative fee that shall 9492  
be in an amount that the director determines by rule adopted 9493  
under Chapter 119. of the Revised Code, and that the controlling 9494  
board approves, and that shall not exceed the actual cost of 9495  
administering and processing the changes to an application. 9496

(4) The relationship between the commission and a lottery 9497  
sales agent is one of trust. A lottery sales agent collects 9498  
funds on behalf of the commission through the sale of lottery 9499  
tickets for which the agent receives a compensation. 9500

(I) Pending a final resolution of any question arising 9501  
under this section, the director of the state lottery commission 9502  
may issue a temporary lottery sales agent license, subject to 9503  
the terms and conditions the director considers appropriate. 9504

(J) If a lottery sales agent's rental payments for the 9505  
lottery sales agent's premises are determined, in whole or in 9506  
part, by the amount of retail sales the lottery sales agent 9507  
makes, and if the rental agreement does not expressly provide 9508  
that the amount of those retail sales includes the amounts the 9509  
lottery sales agent receives from lottery ticket sales, only the 9510  
amounts the lottery sales agent receives as compensation from 9511  
the state lottery commission for selling lottery tickets shall 9512  
be considered to be amounts the lottery sales agent receives 9513  
from the retail sales the lottery sales agent makes, for the 9514  
purpose of computing the lottery sales agent's rental payments. 9515

**Sec. 3770.06.** (A) There is hereby created the state 9516  
lottery gross revenue fund, which shall be in the custody of the 9517  
treasurer of state but shall not be part of the state treasury. 9518  
All gross revenues received from sales of lottery tickets, 9519  
fines, fees, and related proceeds in connection with the 9520  
statewide lottery, all gross proceeds of lottery sports gaming 9521  
described in sections ~~3770.23 to~~ 3770.24 and 3770.25 of the 9522  
Revised Code, and all gross proceeds from statewide joint 9523  
lottery games shall be deposited into the fund. The treasurer of 9524  
state shall invest any portion of the fund not needed for 9525  
immediate use in the same manner as, and subject to all 9526  
provisions of law with respect to the investment of, state 9527  
funds. The treasurer of state shall disburse money from the fund 9528  
on order of the director of the state lottery commission or the 9529  
director's designee. 9530

Except for gross proceeds from statewide joint lottery 9531  
games, all revenues of the state lottery gross revenue fund that 9532  
are not paid to holders of winning lottery tickets, that are not 9533  
required to meet short-term prize liabilities, that are not 9534  
credited to lottery sales agents in the form of bonuses, 9535  
commissions, or reimbursements, that are not paid to financial 9536  
institutions to reimburse those institutions for sales agent 9537  
nonsufficient funds, and that are collected from sales agents 9538  
for remittance to insurers under contract to provide sales agent 9539  
bonding services shall be transferred to the state lottery fund, 9540  
which is hereby created in the state treasury. In addition, all 9541  
revenues of the state lottery gross revenue fund that represent 9542  
the gross proceeds from the statewide joint lottery games and 9543  
that are not paid to holders of winning lottery tickets, that 9544  
are not required to meet short-term prize liabilities, that are 9545  
not credited to lottery sales agents in the form of bonuses, 9546  
commissions, or reimbursements, and that are not necessary to 9547  
cover operating expenses associated with those games or to 9548  
otherwise comply with the agreements signed by the governor that 9549  
the director enters into under division (J) of section 3770.02 9550  
of the Revised Code or the rules the commission adopts under 9551  
division (B)(5) of section 3770.03 of the Revised Code shall be 9552  
transferred to the state lottery fund. All investment earnings 9553  
of the fund shall be credited to the fund. Moneys shall be 9554  
disbursed from the fund pursuant to vouchers approved by the 9555  
director. Total disbursements for monetary prize awards to 9556  
holders of winning lottery tickets in connection with the 9557  
statewide lottery, other than lottery sports gaming, and 9558  
purchases of goods and services awarded as prizes to holders of 9559  
winning lottery tickets shall be of an amount equal to at least 9560  
fifty per cent of the total revenue accruing from the sale of 9561  
lottery tickets. 9562

(B) Pursuant to Section 6 of Article XV, Ohio 9563  
Constitution, there is hereby established in the state treasury 9564  
the lottery profits education fund. Whenever, in the judgment of 9565  
the director of the state lottery commission, the amount to the 9566  
credit of the state lottery fund that does not represent 9567  
proceeds from statewide joint lottery games is in excess of that 9568  
needed to meet the maturing obligations of the commission and as 9569  
working capital for its further operations, the director of the 9570  
state lottery commission shall recommend the amount of the 9571  
excess to be transferred to the lottery profits education fund, 9572  
and the director of budget and management may transfer the 9573  
excess to the lottery profits education fund in connection with 9574  
the statewide lottery. In addition, whenever, in the judgment of 9575  
the director of the state lottery commission, the amount to the 9576  
credit of the state lottery fund that represents proceeds from 9577  
statewide joint lottery games equals the entire net proceeds of 9578  
those games as described in division (B)(5) of section 3770.03 9579  
of the Revised Code and the rules adopted under that division, 9580  
the director of the state lottery commission shall recommend the 9581  
amount of the proceeds to be transferred to the lottery profits 9582  
education fund, and the director of budget and management may 9583  
transfer those proceeds to the lottery profits education fund. 9584  
Investment earnings of the lottery profits education fund shall 9585  
be credited to the fund. 9586

The lottery profits education fund shall be used solely 9587  
for the support of elementary, secondary, vocational, and 9588  
special education programs as determined in appropriations made 9589  
by the general assembly, or as provided in applicable bond 9590  
proceedings for the payment of debt service on obligations 9591  
issued to pay costs of capital facilities, including those for a 9592  
system of common schools throughout the state pursuant to 9593

section 2n of Article VIII, Ohio Constitution. When determining 9594  
the availability of money in the lottery profits education fund, 9595  
the director of budget and management may consider all balances 9596  
and estimated revenues of the fund. 9597

(C) There is hereby established in the state treasury the 9598  
deferred prizes trust fund. With the approval of the director of 9599  
budget and management, an amount sufficient to fund annuity 9600  
prizes shall be transferred from the state lottery fund and 9601  
credited to the trust fund. The treasurer of state shall credit 9602  
all earnings arising from investments purchased under this 9603  
division to the trust fund. Within sixty days after the end of 9604  
each fiscal year, the treasurer of state shall certify to the 9605  
director of budget and management whether the actuarial amount 9606  
of the trust fund is sufficient over the fund's life for 9607  
continued funding of all remaining deferred prize liabilities as 9608  
of the last day of the fiscal year just ended. Also, within that 9609  
sixty days, the director of budget and management shall certify 9610  
the amount of investment earnings necessary to have been 9611  
credited to the trust fund during the fiscal year just ending to 9612  
provide for such continued funding of deferred prizes. Any 9613  
earnings credited in excess of the latter certified amount shall 9614  
be transferred to the lottery profits education fund. 9615

To provide all or a part of the amounts necessary to fund 9616  
deferred prizes awarded by the commission in connection with the 9617  
statewide lottery, the treasurer of state, in consultation with 9618  
the commission, may invest moneys contained in the deferred 9619  
prizes trust fund which represents proceeds from the statewide 9620  
lottery in obligations of the type permitted for the investment 9621  
of state funds but whose maturities are thirty years or less. 9622  
Notwithstanding the requirements of any other section of the 9623  
Revised Code, to provide all or part of the amounts necessary to 9624

fund deferred prizes awarded by the commission in connection 9625  
with statewide joint lottery games, the treasurer of state, in 9626  
consultation with the commission, may invest moneys in the trust 9627  
fund which represent proceeds derived from the statewide joint 9628  
lottery games in accordance with the rules the commission adopts 9629  
under division (B) (5) of section 3770.03 of the Revised Code. 9630  
Investments of the trust fund are not subject to the provisions 9631  
of division (A) (11) of section 135.143 of the Revised Code 9632  
limiting to twenty-five per cent the amount of the state's total 9633  
average portfolio that may be invested in debt interests other 9634  
than commercial paper and limiting to five per cent the amount 9635  
that may be invested in debt interests, including commercial 9636  
paper, of a single issuer. 9637

All purchases made under this division shall be effected 9638  
on a delivery versus payment method and shall be in the custody 9639  
of the treasurer of state. 9640

The treasurer of state may retain an investment advisor, 9641  
if necessary. The commission shall pay any costs incurred by the 9642  
treasurer of state in retaining an investment advisor. 9643

(D) The auditor of state shall conduct annual audits of 9644  
all funds and any other audits as the auditor of state or the 9645  
general assembly considers necessary. The auditor of state may 9646  
examine all records, files, and other documents of the 9647  
commission, and records of lottery sales agents that pertain to 9648  
their activities as agents, for purposes of conducting 9649  
authorized audits. 9650

(E) The state lottery commission shall establish an 9651  
internal audit plan before the beginning of each fiscal year, 9652  
subject to the approval of the office of internal audit in the 9653  
office of budget and management. At the end of each fiscal year, 9654



the commission shall prepare and submit an annual report to the 9655  
office of internal audit for the office's review and approval, 9656  
specifying the internal audit work completed by the end of that 9657  
fiscal year and reporting on compliance with the annual internal 9658  
audit plan. 9659

(F) Whenever, in the judgment of the director of budget 9660  
and management, an amount of net state lottery proceeds is 9661  
necessary to be applied to the payment of debt service on 9662  
obligations, all as defined in sections 151.01 and 151.03 of the 9663  
Revised Code, the director shall transfer that amount directly 9664  
from the state lottery fund or from the lottery profits 9665  
education fund to the bond service fund defined in those 9666  
sections. The provisions of this division are subject to any 9667  
prior pledges or obligation of those amounts to the payment of 9668  
bond service charges as defined in division (C) of section 9669  
3318.21 of the Revised Code, as referred to in division (B) of 9670  
this section. 9671

**Sec. 3770.07.** (A) (1) Except as provided in division (A) (2) 9672  
of this section, lottery prize awards shall be claimed by the 9673  
holder of the winning lottery product, or by the executor or 9674  
administrator, or the trustee of a trust, of the estate of a 9675  
deceased holder of a winning lottery product, in a manner to be 9676  
determined by the state lottery commission, within one hundred 9677  
eighty days after the date on which the prize award was 9678  
announced if the lottery game is an online game, within one 9679  
hundred eighty days after the close of the game if the lottery 9680  
game is an instant game, and within one hundred eighty days 9681  
after the end of the sporting event or series of sporting events 9682  
on which the wager was placed if the lottery game is lottery 9683  
sports gaming. 9684

Any lottery prize award with a value that meets or exceeds 9685  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 9686  
subsequent analogous section of the Internal Revenue Code, shall 9687  
not be claimed by or paid to any person, as defined in section 9688  
1.59 of the Revised Code or as defined by rule or order of the 9689  
state lottery commission, until the name, address, and social 9690  
security number of each beneficial owner of the prize award are 9691  
documented for the commission. Except when a beneficial owner 9692  
otherwise consents in writing, in the case of a claim for a 9693  
lottery prize award made by one or more beneficial owners using 9694  
a trust, the name, address, and social security number of each 9695  
such beneficial owner in the commission's records as a result of 9696  
such a disclosure are confidential and shall not be subject to 9697  
inspection or copying under section 149.43 of the Revised Code 9698  
as a public record. 9699

Except as otherwise provided in division (A) (1) of this 9700  
section or as otherwise provided by law, the name and address of 9701  
any individual claiming a lottery prize award are subject to 9702  
inspection or copying under section 149.43 of the Revised Code 9703  
as a public record. 9704

(2) An eligible person serving on active military duty in 9705  
any branch of the United States armed forces during a war or 9706  
national emergency declared in accordance with federal law may 9707  
submit a delayed claim for a lottery prize award. The eligible 9708  
person shall do so by notifying the state lottery commission 9709  
about the claim not later than the three hundred sixtieth day 9710  
after the applicable deadline specified under division (A) (1) of 9711  
this section. 9712

(3) If no valid claim to a lottery prize award is made 9713  
within the prescribed period, the prize money, the cost of goods 9714

and services awarded as prizes, or, if goods or services awarded 9715  
as prizes are resold by the state lottery commission, the 9716  
proceeds from their sale shall be returned to the state lottery 9717  
fund and distributed in accordance with section 3770.06 of the 9718  
Revised Code. 9719

(4) The state lottery commission may share with other 9720  
governmental agencies the name, address, and social security 9721  
number of a beneficial owner disclosed to the commission under 9722  
division (A)(1) of this section, as authorized under sections 9723  
3770.071 and 3770.073 of the Revised Code. Any shared 9724  
information as disclosed pursuant to those sections that is made 9725  
confidential by division (A)(1) of this section remains 9726  
confidential and shall not be subject to inspection or copying 9727  
under section 149.43 of the Revised Code as a public record 9728  
unless the applicable beneficial owner otherwise provides 9729  
written consent. 9730

(5) As used in this division: 9731

(a) "Eligible person" means a person who is entitled to a 9732  
lottery prize award and who falls into either of the following 9733  
categories: 9734

(i) While on active military duty in this state, the 9735  
person, as the result of a war or national emergency declared in 9736  
accordance with federal law, is transferred out of this state 9737  
before the applicable deadline specified under division (A)(1) 9738  
of this section. 9739

(ii) While serving in the reserve forces in this state, 9740  
the person, as the result of a war or national emergency 9741  
declared in accordance with federal law, is placed on active 9742  
military duty and is transferred out of this state before the 9743

applicable deadline specified under division (A) (1) of this 9744  
section. 9745

(b) "Active military duty" means that a person is covered 9746  
by the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 9747  
50 U.S.C. 501 et seq., as amended, or the "Uniformed Services 9748  
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 9749  
38 U.S.C. 4301 et seq., as amended. 9750

(c) "Each beneficial owner" means the ultimate recipient 9751  
or, if there is more than one, each ultimate recipient of a 9752  
lottery prize award. 9753

~~(B) If (B) (1) Except as otherwise provided in division (B)~~ 9754  
~~(2) of this section, if a prize winner, as defined in section~~ 9755  
~~3770.10 of the Revised Code, is under eighteen years of age or,~~ 9756  
~~in the case of lottery sports gaming, under twenty-one years of~~ 9757  
~~age, or is under some other legal disability, and the prize~~ 9758  
~~money or the cost of goods or services awarded as a prize~~ 9759  
~~exceeds one thousand dollars, the director of the state lottery~~ 9760  
~~commission shall order that payment be made to the order of the~~ 9761  
~~legal guardian of that prize winner. If the amount of the prize~~ 9762  
~~money or the cost of goods or services awarded as a prize is one~~ 9763  
~~thousand dollars or less, the director may order that payment be~~ 9764  
~~made to the order of the adult member, if any, of that prize~~ 9765  
~~winner's family legally responsible for the care of that prize~~ 9766  
~~winner.~~ 9767

(2) If an individual under twenty-one years of age 9768  
participates in video lottery terminal gaming or lottery sports 9769  
gaming, the play or wager is void and the individual forfeits 9770  
all credits or amounts wagered. 9771

(C) No right of any prize winner, ~~as defined in section~~ 9772

~~3770.10 of the Revised Code,~~ to a prize award shall be the 9773  
subject of a security interest or used as collateral. 9774

(D) (1) No right of any prize winner, ~~as defined in section~~ 9775  
~~3770.10 of the Revised Code,~~ to a prize award shall be 9776  
assignable except as follows: when the payment is to be made to 9777  
the executor or administrator, or the trustee of a trust, of the 9778  
estate of a prize winner; when the award of a prize is disputed, 9779  
any person may be awarded a prize award to which another has 9780  
claimed title, pursuant to the order of a court of competent 9781  
jurisdiction; when a person is awarded a prize award to which 9782  
another has claimed title, pursuant to the order of a federal 9783  
bankruptcy court under Title 11 of the United States Code; or as 9784  
provided in sections ~~3770.10~~ 3770.11 to 3770.14 of the Revised 9785  
Code. 9786

(2) (a) No right of any prize winner, ~~as defined in section~~ 9787  
~~3770.10 of the Revised Code,~~ to a prize award with a remaining 9788  
unpaid balance of less than one hundred thousand dollars shall 9789  
be subject to garnishment, attachment, execution, withholding, 9790  
or deduction except as provided in sections 3119.80, 3119.81, 9791  
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 9792  
director is to make a payment pursuant to section 3770.071 or 9793  
3770.073 of the Revised Code. 9794

(b) No right of any prize winner, ~~as defined in section~~ 9795  
~~3770.10 of the Revised Code,~~ to a prize award with an unpaid 9796  
balance of one hundred thousand dollars or more shall be subject 9797  
to garnishment, attachment, execution, withholding, or deduction 9798  
except as follows: as provided in sections 3119.80, 3119.81, 9799  
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 9800  
director is to make a payment pursuant to section 3770.071 or 9801  
3770.073 of the Revised Code; or pursuant to the order of a 9802

court of competent jurisdiction located in this state in a 9803  
proceeding in which the state lottery commission is a named 9804  
party, in which case the garnishment, attachment, execution, 9805  
withholding, or deduction pursuant to the order shall be 9806  
subordinate to any payments to be made pursuant to section 9807  
3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 9808  
3770.073 of the Revised Code. 9809

(3) The state lottery commission may adopt and amend rules 9810  
pursuant to Chapter 119. of the Revised Code as necessary to 9811  
implement division (D) of this section, to provide for payments 9812  
from prize awards subject to garnishment, attachment, execution, 9813  
withholding, or deduction, and to comply with any applicable 9814  
requirements of federal law. 9815

(4) Upon making payments from a prize award as required by 9816  
division (D) of this section, the director and the state lottery 9817  
commission are discharged from all further liability for those 9818  
payments, whether they are made to an executor, administrator, 9819  
trustee, judgment creditor, or another person, or to the prize 9820  
winner, ~~as defined in section 3770.10 of the Revised Code.~~ 9821

(5) The state lottery commission shall adopt rules 9822  
pursuant to section 3770.03 of the Revised Code concerning the 9823  
payment of prize awards upon the death of a prize winner, ~~as~~ 9824  
~~defined in section 3770.10 of the Revised Code.~~ Upon the death 9825  
of a prize winner, the remainder of the prize winner's prize 9826  
award, to the extent it is not subject to a transfer agreement 9827  
under sections ~~3770.10~~ 3770.11 to 3770.14 of the Revised Code, 9828  
may be paid to the executor, administrator, or trustee in the 9829  
form of a discounted lump sum cash settlement. 9830

(E) No lottery prize award shall be awarded to or for any 9831  
officer or employee of the state lottery commission, any officer 9832

or employee of the auditor of state actively auditing, 9833  
coordinating, or observing commission drawings, or any blood 9834  
relative or spouse of such an officer or employee of the 9835  
commission or auditor of state living as a member of the 9836  
officer's or employee's household, nor shall any such officer, 9837  
employee, blood relative, or spouse attempt to claim a lottery 9838  
prize award. 9839

(F) The director may prohibit vendors to the state lottery 9840  
commission and their employees from being awarded a lottery 9841  
prize award. 9842

(G) Upon the payment of prize awards pursuant to a 9843  
provision of this section, other than a provision of division 9844  
(D) of this section, the director and the state lottery 9845  
commission are discharged from all further liability for their 9846  
payment. Installment payments of lottery prize awards shall be 9847  
paid by official check or warrant, and they shall be sent by 9848  
mail delivery to the prize winner's address within the United 9849  
States or by electronic funds transfer to an established bank 9850  
account located within the United States, or the prize winner 9851  
may pick them up at an office of the commission. 9852

**Sec. 3770.071.** (A) As used in this section, "lottery prize 9853  
award" does not include a prize award from a video lottery 9854  
terminal and does not include winnings from lottery sports 9855  
gaming from which, under the rules of the commission, the type C 9856  
sports gaming proprietor is responsible for withholding amounts. 9857

(B) If the amount of the prize money or the cost of goods 9858  
or services awarded as a lottery prize award meets or exceeds 9859  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 9860  
subsequent analogous section of the Internal Revenue Code, the 9861  
director of the state lottery commission or the director's 9862

designee shall consult the data match program established under 9863  
section 3123.89 of the Revised Code to determine whether the 9864  
person is subject to a final and enforceable determination of 9865  
default made under sections 3123.01 to 3123.07 of the Revised 9866  
Code. If so, the director or the director's designee shall 9867  
withhold an amount from the prize award in accordance with 9868  
section 3123.89 of the Revised Code. 9869

**Sec. 3770.072.** (A) As used in division (B) of this 9870  
section, "prize winner," "transferee," and "transferor" have the 9871  
same meanings as in section 3770.10 of the Revised Code "lottery 9872  
prize award" does not include a prize award from a video lottery 9873  
terminal and does not include winnings from lottery sports 9874  
gaming from which, under the rules of the commission, the type C 9875  
sports gaming proprietor is responsible for withholding amounts. 9876

(B) The state lottery commission shall deduct amounts from 9877  
lottery prize awards and file returns in accordance with 9878  
~~sections~~ section 5747.062 and 5747.064 of the Revised Code and 9879  
any rules adopted by the tax commissioner pursuant to ~~those~~ 9880  
~~sections~~ that section. This division also applies to lottery 9881  
prize award payments the commission remits to transferees. 9882

(C) (1) (a) Each transferee shall deduct and withhold from 9883  
each gross amount payable to each prize winner four per cent of 9884  
the gross amount payable prior to making any other reduction 9885  
required by this chapter. 9886

(b) Subject to division (C) (1) (c) of this section, each 9887  
transferee, including any transferee that is a related member, 9888  
as defined in section 5733.042 of the Revised Code, to the 9889  
transferor, shall deduct and withhold from each amount payable 9890  
to a transferor that is not a prize winner four per cent of the 9891  
portion of the payment representing gain or income the 9892



transferor will recognize in connection with the payment. 9893

(c) For purposes of division (C) (1) (b) of this section, 9894  
the portion of any payment representing gain or income 9895  
recognized by the transferor shall be computed in accordance 9896  
with the Internal Revenue Code. The transferor shall prepare a 9897  
written statement setting forth that amount and sign the 9898  
statement under penalty of perjury. Within five days before the 9899  
date on which the payment is to be made, the transferor shall 9900  
deliver the written statement to the transferee and deliver a 9901  
copy of the written statement to the tax commissioner. If the 9902  
transferee does not receive the written statement by the time 9903  
the payment is made, the transferee shall withhold four per cent 9904  
of the entire amount of the payment. If the tax commissioner 9905  
notifies the transferee that the transferor has erroneously 9906  
computed the amount of gain or income recognized, the transferee 9907  
shall withhold four per cent of the entire amount of each 9908  
payment to be made after the transferee receives the notice. 9909

(d) The tax commissioner may impose a penalty of up to one 9910  
thousand dollars for any person failing to timely deliver to the 9911  
tax commissioner the copy of the written statement as required 9912  
by division (C) (1) (c) of this section. Proceeds from the 9913  
imposition of the penalty shall be considered as revenue arising 9914  
from the tax imposed under section 5733.06 or 5747.02 of the 9915  
Revised Code, as applicable. 9916

(2) With respect to amounts deducted and withheld pursuant 9917  
to division (C) (1) of this section, each transferee shall comply 9918  
with divisions (A) (2) to (4) of section 5747.062 of the Revised 9919  
Code. 9920

(3) An employee of a corporation, limited liability 9921  
company, or business trust having control or supervision of or 9922

charged with the responsibility of filing the report and making 9923  
the payment required by division (C) of this section and section 9924  
5747.062 of the Revised Code, or an officer, member, manager, or 9925  
trustee of a corporation, limited liability company, or business 9926  
trust who is responsible for the execution of the corporation's, 9927  
limited liability company's, or business trust's fiscal 9928  
responsibilities, shall be personally liable for failure to file 9929  
the report or pay the amount due as required by division (C) of 9930  
this section and section 5747.062 of the Revised Code. The 9931  
dissolution, termination, or bankruptcy of a corporation, 9932  
limited liability company, or business trust does not discharge 9933  
a responsible officer's, member's, manager's, employee's, or 9934  
trustee's liability for a failure of the corporation, limited 9935  
liability company, or business trust to file returns or pay the 9936  
amount due. 9937

(4) (a) The tax commissioner may make an assessment against 9938  
any person listed in division (C) (1) or (3) of this section for 9939  
any deficiency for any period. Section 5747.13 of the Revised 9940  
Code shall apply with respect to issuing assessments, filing 9941  
petitions for reassessments, conducting hearings, issuing final 9942  
determinations, making the assessment final, and filing the 9943  
entry that makes the assessment final. Section 5717.02 of the 9944  
Revised Code shall apply to appeals of the commissioner's final 9945  
decision in connection with assessments issued pursuant to 9946  
division (C) (4) of this section. 9947

(b) An assessment issued against any person listed in 9948  
division (C) (1) or (3) of this section shall not be considered 9949  
an election of remedies or a bar to an assessment against any 9950  
other person for the failure to comply with division (C) (1) of 9951  
this section. No assessment shall be issued against any person 9952  
who is so listed if the amount required to be withheld has been 9953

paid by another. 9954

(c) The assessment shall include interest at the rate per 9955  
annum prescribed by section 5703.47 of the Revised Code on 9956  
liability from the time the payment is due until the date of 9957  
assessment. Interest shall continue to accrue from the date of 9958  
assessment until the date the assessment is paid in full. Any 9959  
interest accruing subsequent to the date of the issuance of the 9960  
assessment shall be considered to be an additional deficiency 9961  
for which the tax commissioner may issue subsequent assessments. 9962  
The initial assessment and any subsequent assessments may 9963  
include a penalty in an amount not to exceed twice the 9964  
applicable interest charged under this division. 9965

**Sec. 3770.073.** (A) As used in this section, "lottery prize 9966  
award" does not include a prize award from a video lottery 9967  
terminal and does not include winnings from lottery sports 9968  
gaming from which, under the rules of the commission, the type C 9969  
sports gaming proprietor is responsible for withholding amounts. 9970

(B) The attorney general shall provide the state lottery 9971  
commission or its designee with access to the real time data 9972  
match program described in section 131.02 of the Revised Code 9973  
for the purpose of identifying prize winners who owe amounts to 9974  
the state or a political subdivision. 9975

(C) If a person is entitled to a lottery prize award and 9976  
is indebted to the state for the payment of any tax, workers' 9977  
compensation premium, unemployment contribution, payment in lieu 9978  
of unemployment contribution, or certified claim under section 9979  
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 9980  
political subdivision that has a certified claim under section 9981  
131.02 of the Revised Code, owes lottery sales receipts held in 9982  
trust on behalf of the state lottery commission as described in 9983

division (H) (4) of section 3770.05 of the Revised Code, or owes 9984  
any charge, penalty, or interest arising from these—any of those 9985  
debts and if the amount of the prize money or the cost of goods 9986  
or services awarded as a lottery prize award meets or exceeds 9987  
the reportable winnings amount set by 26 U.S.C. 6041, the 9988  
director of the state lottery commission, or the director's 9989  
designee, shall do either of the following: 9990

(1) If the prize award will be paid in a lump sum, deduct 9991  
from the prize award and pay to the attorney general an amount 9992  
in satisfaction of the debt and pay any remainder to that 9993  
person. If the amount of the prize award is less than the amount 9994  
of the debt, the entire amount of the prize award shall be 9995  
deducted and paid in partial satisfaction of the debt. 9996

(2) If the prize award will be paid in annual 9997  
installments, on the date the initial installment payment is 9998  
due, deduct from that installment and pay to the attorney 9999  
general an amount in satisfaction of the debt and, if necessary 10000  
to collect the full amount of the debt, do the same for any 10001  
subsequent annual installments, at the time the installments 10002  
become due and owing to the person, until the debt is fully 10003  
satisfied. 10004

~~(B)~~ (D) If a person entitled to a lottery prize award owes 10005  
more than one debt, any debt owed to the state shall be 10006  
satisfied first, subject to both section 5739.33 and division 10007  
(G) of section 5747.07 of the Revised Code having first 10008  
priority, and subject to division ~~(C)~~ (E) of this section. 10009

~~(C)~~ (E) Any debt owed under section 3770.071 of the 10010  
Revised Code shall be satisfied with first priority over debts 10011  
owed under this section. 10012

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

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

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

~~(C) No~~ (C) (1) Except as otherwise provided in divisions (C) (2) and (3) of this section, no person shall sell a lottery ticket to any person under eighteen years of age, and no person under eighteen years of age shall attempt to purchase a lottery ticket.

(2) No person shall allow an individual under twenty-one years of age to participate in video lottery terminal gaming.

(3) No person shall allow an individual under twenty-one years of age to participate in lottery sports gaming, as prohibited under section 3775.99 of the Revised Code.

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

(E) Except as otherwise provided in this division, no

person shall sell lottery tickets on any fairgrounds during any 10042  
annual exhibition conducted in accordance with Chapter 991. or 10043  
1711. of the Revised Code. "Fairgrounds" includes any land or 10044  
property under the control or management of any agricultural 10045  
society or of the Ohio expositions commission. This division 10046  
does not apply to the sale of lottery tickets by the commission 10047  
at the state fairground during the state fair. 10048

**Sec. 3770.13.** (A) A transferee shall file an application 10049  
under sections ~~3770.10~~3770.11 to 3770.14 of the Revised Code 10050  
for the approval in advance of a transfer of a lottery prize 10051  
award in a court of competent jurisdiction. 10052

(B) The following procedures shall apply to an application 10053  
for the approval in advance by a court of a transfer of a 10054  
lottery prize award under division (A) of this section: 10055

(1) Upon the filing of the application, the court shall 10056  
set a date, time, and place for a hearing on the application and 10057  
shall notify the transferee and transferor of the date, time, 10058  
and place of the hearing. 10059

(2) Not less than thirty days prior to the date set by the 10060  
court for the hearing on an application filed pursuant to this 10061  
section, the transferee shall file with the court and shall 10062  
serve on the state lottery commission, in the manner prescribed 10063  
in the Rules of Civil Procedure for the service of process, a 10064  
notice of the proposed transfer and the application for its 10065  
approval in advance. The notice shall include all of the 10066  
following: 10067

(a) A copy of the application; 10068

(b) A copy of the transfer agreement or, if the transferor 10069  
is not a prize winner, a redacted copy of the transfer agreement 10070

that discloses sufficient information to allow the commission 10071  
and the court to determine the validity of the transfer 10072  
agreement; 10073

(c) If the transferor is a prize winner, a copy of the 10074  
disclosure statement provided by the transferee pursuant to 10075  
section 3770.11 of the Revised Code and signed by the prize 10076  
winner pursuant to division (A) of section 3770.12 of the 10077  
Revised Code; 10078

(d) The amounts and due dates of the lottery prize award 10079  
payments that will be transferred under the transfer agreement; 10080

(e) Notification of the date, time, and place of the 10081  
hearing on the application; 10082

(f) The complete name, address, and taxpayer 10083  
identification number of the transferee. 10084

(3) The commission shall not be required to appear in or 10085  
be named as a party to a hearing on the application, but may 10086  
intervene as of right in the proceeding. 10087

(4) At the conclusion of the hearing on an application 10088  
under this section, the court may grant or deny the approval of 10089  
the transfer. The court shall enter its order accordingly. If 10090  
the court grants the approval of the transfer, it shall include 10091  
in its order all of the express findings specified in section 10092  
3770.12 of the Revised Code. If the court denies the approval of 10093  
the transfer, it shall include in its order the reasons for the 10094  
denial. 10095

(5) An order of the court made under division (B) (4) of 10096  
this section is a final and appealable order. 10097

**Sec. 3770.21.** (A) ~~As used in this section:—~~ 10098

~~(1) "Video lottery terminal" means any electronic device approved by the state lottery commission that provides immediate prize determinations for participants on an electronic display that is located at a facility owned by a holder of a permit as defined in rule 3769-1-05 of the Administrative Code.~~

~~(2) "Video lottery terminal promotional gaming credit" means a video lottery terminal game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a video lottery terminal.~~

~~(3) "Video lottery terminal income" means credits played, minus approved video lottery terminal promotional gaming credits, minus video lottery prize awards.~~

~~(B) The state lottery commission shall include, in conjunction with the state racing commission, in any rules adopted concerning video lottery terminals, the level of minimum investments that must be made by video lottery terminal sales agents in the buildings, fixtures, equipment, facilities-related preparation, and grounds at the facilities, including temporary facilities, in which the terminals will be located, along with any standards and timetables for such investments.~~

(C) The state lottery commission shall offer lottery gaming on video lottery terminals at tracks as part of the statewide lottery, in accordance with this chapter. The state lottery commission may adopt rules under Chapter 119. of the Revised Code, in consultation with the Ohio casino control commission, to implement this section, so long as those rules are not in conflict with the rules of the Ohio casino control commission.

(B) The Ohio casino control commission shall license each



permit holder who meets the eligibility and suitability 10128  
requirements of this chapter, Chapters 3769. and 3772. of the 10129  
Revised Code, and the rules of the Ohio casino control 10130  
commission as a video lottery sales agent to operate video 10131  
lottery terminals at the permit holder's track on behalf of the 10132  
state lottery commission under the terms of a contract between 10133  
the video lottery sales agent and the state lottery commission. 10134

(C) (1) The Ohio casino control commission has jurisdiction 10135  
over all persons operating, or participating in the operation 10136  
of, video lottery terminals, including the authority to license, 10137  
regulate, investigate, and penalize those persons in a manner 10138  
that is consistent with the commission's authority with respect 10139  
to casino gaming, provided that the state lottery commission is 10140  
not required to be licensed by the Ohio casino control 10141  
commission to operate video lottery terminals. 10142

(2) An individual described in division (A) of section 10143  
3772.13 of the Revised Code shall hold a valid key gaming 10144  
employee license issued by the commission under that section at 10145  
all times. An individual whose duties with respect to video 10146  
lottery terminal gaming are as described in division (A) of 10147  
section 3772.131 of the Revised Code shall hold a valid gaming 10148  
employee license issued by the commission under that section at 10149  
all times. However, a member or employee of the state lottery 10150  
commission is not required to have a key gaming employee or 10151  
gaming employee license. 10152

(3) In all cases in which this chapter requires or allows 10153  
the Ohio casino control commission to adopt rules concerning 10154  
video lottery terminals, the commission shall adopt those rules 10155  
under Chapter 119. of the Revised Code. 10156

(D) A ~~licensed~~ video lottery sales agent may provide video 10157

lottery terminal promotional gaming credits or bonuses to 10158  
patrons for video lottery terminal gaming, subject to the 10159  
requirements of section 3772.231 of the Revised Code and the 10160  
rules of the Ohio casino control commission. Video lottery 10161  
terminal promotional gaming credits shall be subject to approval 10162  
by the director of the state lottery commission. 10163

~~(D)~~ (E) Video lottery ~~terminal~~-sales agents shall develop 10164  
internal guidelines and controls for the purpose of giving 10165  
minority business enterprises the ability to compete for the 10166  
awarding of contracts to provide goods and services to those 10167  
sales agents. As used in this division, "minority business 10168  
enterprise" has the meaning defined in section 122.71 of the 10169  
Revised Code. 10170

~~(E)~~ (F) No license or excise tax or fee not in effect on 10171  
the effective date of this section shall be assessed upon or 10172  
collected from a video lottery ~~terminal~~-sales agent by any 10173  
county, township, municipal corporation, school district, or 10174  
other political subdivision of the state that has authority to 10175  
assess or collect a tax or fee by reason of the video lottery 10176  
terminal related conduct authorized by section 3770.03 of the 10177  
Revised Code. This division does not prohibit the imposition of 10178  
taxes under Chapter 718. or 3769. of the Revised Code. 10179

~~(F) (1)~~ (G) (1) Any action asserting that this section or 10180  
section 3770.03 of the Revised Code or any ~~portion~~ provision of 10181  
those sections or any rule adopted under those sections violates 10182  
any provision of the Ohio Constitution shall be brought in the 10183  
court of common pleas of Franklin county within ninety days 10184  
after the effective date of the ~~amendment of this section by Am.~~ 10185  
~~Sub. H.B. 386 of the 129th general assembly or within ninety~~ 10186  
~~days after the effective day of any rule, as applicable~~ 10187

applicable provision or rule. 10188

(2) Any claim asserting that any action taken by the 10189  
governor~~or~~, the state lottery commission, or the Ohio casino 10190  
control commission pursuant to those sections violates any 10191  
provision of the Ohio Constitution or any provision of the 10192  
Revised Code shall be brought in the court of common pleas of 10193  
Franklin county within sixty days after the action is taken. 10194

(3) Divisions ~~(F)(1)~~ (G)(1) and (2) of this section do not 10195  
apply to any claim within the original jurisdiction of the 10196  
supreme court or a court of appeals under Article IV of the Ohio 10197  
Constitution. 10198

~~(G)~~ (H) The court of common pleas of Franklin county shall 10199  
give any claim filed under division ~~(F)(1)~~ (G)(1) or (2) of this 10200  
section priority over all other civil cases before the court, 10201  
irrespective of position on the court's calendar, and shall make 10202  
a determination on the claim expeditiously. A court of appeals 10203  
shall give any appeal from a final order issued in a case 10204  
brought pursuant to division ~~(F)~~ (G) of this section priority 10205  
over all other civil cases before the court, irrespective of 10206  
position on the court's calendar, and shall make a determination 10207  
on the appeal expeditiously. 10208

**Sec. 3770.211.** (A) The Ohio casino control commission 10209  
shall adopt rules that include all of the following: 10210

(1) The form and manner of applying for or renewing a 10211  
video lottery sales agent license, which shall require all of 10212  
the following: 10213

(a) That the applicant submit a nonrefundable application 10214  
fee in an amount sufficient to cover the cost of processing the 10215  
application; 10216

<u>(b) That an applicant not be required to take action to</u>	10217
<u>satisfy any requirement for a video lottery sales agent license</u>	10218
<u>that is substantially similar to any requirement the applicant</u>	10219
<u>previously has satisfied in order to obtain or renew any other</u>	10220
<u>license issued by the Ohio casino control commission;</u>	10221
<u>(c) That upon being granted a video lottery sales agent</u>	10222
<u>license, the applicant give the state lottery commission a</u>	10223
<u>surety bond or dedicated account deposit as described in</u>	10224
<u>division (H) of section 3770.05 of the Revised Code;</u>	10225
<u>(d) That a video lottery sales agent license issued on or</u>	10226
<u>after the effective date of this section be valid for a term of</u>	10227
<u>five years.</u>	10228
<u>(2) Procedures for a video lottery sales agent to operate</u>	10229
<u>video lottery terminals;</u>	10230
<u>(3) The types of records video lottery sales agents are to</u>	10231
<u>keep;</u>	10232
<u>(4) The manner in which video lottery sales agents must</u>	10233
<u>verify that their patrons are at least twenty-one years of age;</u>	10234
<u>(5) Protections for a person participating in video</u>	10235
<u>lottery terminal gaming;</u>	10236
<u>(6) Measures to promote responsible video lottery terminal</u>	10237
<u>gaming;</u>	10238
<u>(7) Penalties and fines for violating this section or</u>	10239
<u>rules adopted under this section;</u>	10240
<u>(8) Restrictions to ensure that video lottery sales</u>	10241
<u>agents' advertisements for video lottery terminals meet the</u>	10242
<u>requirements of section 3772.41 of the Revised Code;</u>	10243

(9) A requirement that each video lottery sales agent 10244  
comply with the requirements of the Ohio voluntary exclusion 10245  
program; 10246

(10) Any other procedure or thing the Ohio casino control 10247  
commission determines necessary to implement the requirements of 10248  
sections 3770.21 to 3770.22 or Chapter 3772. of the Revised Code 10249  
or to ensure the integrity of video lottery terminal gaming. 10250

(C) The Ohio casino control commission shall adopt rules 10251  
establishing minimum internal control standards for the 10252  
administration of video lottery sales agents' operations, video 10253  
lottery terminals, systems, or other items used by video lottery 10254  
sales agents, and the maintenance of video lottery sales agents' 10255  
financial records and other required records. The commission may 10256  
approve minimum internal control standards proposed by video 10257  
lottery sales agents. 10258

(D) The commission shall approve all video lottery 10259  
terminals in accordance with section 3772.312 of the Revised 10260  
Code and shall license all video lottery technology providers. 10261

(E) (1) The commission shall determine a permit holder's 10262  
eligibility to hold or renew a video lottery sales agent license 10263  
under this chapter, shall issue all video lottery sales agent 10264  
licenses, and shall maintain a record of all video lottery sales 10265  
agent licenses issued under this chapter. 10266

(2) The commission shall conduct a complete investigation 10267  
of each applicant for a video lottery sales agent license to 10268  
determine whether the applicant meets the requirements of this 10269  
chapter and of the commission's rules each time the applicant 10270  
applies for an initial or renewed video lottery sales agent 10271  
license. The commission may initiate an additional licensing 10272

investigation or adjudication or reopen an existing licensing 10273  
investigation or adjudication at any time. 10274

(F) The Ohio casino control commission shall levy and 10275  
collect all fees, fines, and surcharges the Ohio casino control 10276  
commission imposes under sections 3770.21 to 3770.22 and Chapter 10277  
3772. of the Revised Code and rules adopted under those sections 10278  
and that chapter and shall deposit all money collected in the 10279  
casino control commission fund created under section 5753.03 of 10280  
the Revised Code. 10281

(G) (1) The Ohio casino control commission, in an 10282  
adjudication conducted under Chapter 119. of the Revised Code 10283  
and in accordance with section 3772.04 of the Revised Code, may 10284  
do any of the following: 10285

(a) Penalize or fine any video lottery sales agent, 10286  
applicant for a video lottery sales agent license, or other 10287  
person who is subject to the commission's jurisdiction under 10288  
sections 3770.21 to 3770.22 of the Revised Code; 10289

(b) Limit, condition, restrict, suspend, revoke, deny, or 10290  
refuse to renew any video lottery sales agent license. 10291

(2) The executive director of the Ohio casino control 10292  
commission may issue an emergency order with respect to video 10293  
lottery terminal gaming under division (G) of section 3772.04 of 10294  
the Revised Code. 10295

(H) (1) The Ohio casino control commission shall monitor 10296  
all video lottery terminal gaming conducted in this state, or 10297  
shall contract with an independent integrity monitoring provider 10298  
for that purpose, in order to identify any unusual activities or 10299  
patterns that may indicate a need for further investigation. The 10300  
Ohio casino control commission shall require each video lottery 10301

sales agent to participate in the monitoring system as part of 10302  
the minimum internal control standards described in division (C) 10303  
of this section. 10304

(2) The information in the monitoring system described in 10305  
division (H) (1) of this section is not a public record. The 10306  
commission may disclose the information in the monitoring system 10307  
only as necessary for investigative or law enforcement purposes 10308  
or pursuant to a court order. 10309

(I) (1) The executive director of the Ohio casino control 10310  
commission and the director of the state lottery commission 10311  
promptly shall report to the Ohio casino control commission any 10312  
facts or circumstances related to the operation of video lottery 10313  
terminals that constitute a violation of state or federal law. 10314

(2) The Ohio casino control commission and the state 10315  
lottery commission shall cooperate with any investigation 10316  
conducted by a law enforcement agency, including by providing, 10317  
or facilitating the provision of, video lottery terminal gaming 10318  
information and audio or video files related to video lottery 10319  
terminal gaming. 10320

(3) A sheriff, chief of police, or prosecuting attorney 10321  
shall furnish to the Ohio casino control commission, on forms 10322  
prescribed by the commission, any information obtained 10323  
concerning any apparent violation of this chapter or rules 10324  
adopted under this chapter. If the information is considered a 10325  
confidential law enforcement investigatory record under section 10326  
149.43 of the Revised Code, the Ohio casino control commission 10327  
shall not disclose the information to the public. 10328

(J) (1) The attorney general has a civil cause of action to 10329  
restrain any violation of sections 3770.21 to 3770.22 or of 10330

rules adopted under those sections. Upon the request of the Ohio 10331  
casino control commission or its executive director, the 10332  
attorney general shall commence and prosecute such an action to 10333  
completion. The court shall give priority to such an action over 10334  
all other civil actions. 10335

(2) An action brought under division (J) (1) of this 10336  
section does not preclude an administrative or criminal 10337  
proceeding on the same facts. 10338

(3) The attorney general may enter into an agreement with 10339  
a state or local law enforcement agency to carry out the duties 10340  
described in division (J) (1) of this section. 10341

**Sec. 3770.212.** (A) The Ohio casino control commission 10342  
shall not grant a video lottery sales agent license until it has 10343  
determined that each person who has control of the applicant has 10344  
met the qualifications for the license. All of the following 10345  
persons are considered to have control of an applicant: 10346

(1) Each person associated with a corporate applicant, 10347  
including any corporate holding company, parent company, or 10348  
subsidiary company of the applicant, that has the ability to 10349  
control the activities of the corporate applicant or elect a 10350  
majority of the board of directors of that corporation, other 10351  
than any bank or other licensed lending institution that holds a 10352  
mortgage or other lien acquired in the ordinary course of 10353  
business; 10354

(2) Each person associated with a noncorporate applicant 10355  
that directly or indirectly holds a beneficial or proprietary 10356  
interest in the applicant's business operation or that the 10357  
commission otherwise determines has the ability to control the 10358  
applicant; 10359



(3) Key personnel of an applicant, including any 10360  
executive, employee, or agency, having the power to exercise 10361  
significant influence over decisions concerning any part of the 10362  
applicant's business operation. 10363

(B) A video lottery sales agent shall display its license 10364  
conspicuously in its place of business or have the license 10365  
available for inspection by any agent of the Ohio casino control 10366  
commission, the state lottery commission, or any law enforcement 10367  
agency. 10368

(C) A video lottery sales agent shall give the Ohio casino 10369  
control commission written notice within ten days of any 10370  
material change to any information provided in the video lottery 10371  
sales agent's application for a license or renewal, as required 10372  
under section 3772.113 of the Revised Code. 10373

(D) An applicant for a video lottery sales agent license 10374  
shall establish the applicant's suitability for the license by 10375  
clear and convincing evidence. 10376

(E) The Ohio casino control commission shall not grant a 10377  
video lottery sales agent license to an applicant if evidence 10378  
satisfactory to the commission exists that the applicant has 10379  
done any of the following: 10380

(1) Knowingly made a false statement to the Ohio casino 10381  
control commission or the state lottery commission; 10382

(2) Been suspended from operating a gambling game, gaming 10383  
device, or gaming operation, or had a license revoked by any 10384  
governmental unit of a national, state, or local body exercising 10385  
governmental functions; 10386

(3) Been convicted of a disqualifying offense, as defined 10387  
in section 3772.07 of the Revised Code; 10388

(4) Been directly involved in or employed by any offshore 10389  
wagering market that illegally serviced the United States or 10390  
otherwise accepted illegal wagers from individuals located in 10391  
the United States on or after April 16, 2015. 10392

(F) The Ohio casino control commission may deny a video 10393  
lottery sales agent license to any applicant, reprimand any 10394  
video lottery sales agent, or suspend or revoke a video lottery 10395  
sales agent license if any of the following are true: 10396

(1) The applicant or licensee has not demonstrated to the 10397  
commission's satisfaction financial responsibility sufficient to 10398  
adequately meet the requirements of the enterprise. 10399

(2) The applicant or licensee is not the true owner of the 10400  
business or is not the sole owner and has not disclosed the 10401  
existence or identity of other persons who have an ownership 10402  
interest in the business. 10403

(3) The applicant or licensee is a corporation that sells 10404  
more than five per cent of the corporation's voting stock, or 10405  
more than five per cent of the voting stock of a corporation 10406  
that controls the corporation, or sells the corporation's 10407  
assets, other than those bought and sold in the ordinary course 10408  
of business, or any interest in the assets, to any person who, 10409  
under division (A) of this section, must meet the qualifications 10410  
of a video lottery sales agent, and who has not already been 10411  
determined by the commission to have met the applicable 10412  
qualifications. 10413

(G) The Ohio casino control commission shall revoke a 10414  
video lottery sales agent license if the video lottery sales 10415  
agent ceases to be a permit holder. 10416

**Sec. 3770.213.** (A) A video lottery sales agent shall do 10417

- all of the following: 10418
- (1) Operate video lottery terminals in a manner that does 10419  
    not pose a threat to the public health, safety, or welfare of 10420  
    the citizens of this state; 10421
- (2) Keep current in all payments and obligations to the 10422  
    Ohio casino control commission and the state lottery commission; 10423
- (3) Provide a secure location for the placement, 10424  
    operation, and use of video lottery terminals; 10425
- (4) Prevent any person from tampering with or interfering 10426  
    with the operation of video lottery terminals; 10427
- (5) Ensure that video lottery terminal gaming is conducted 10428  
    within the sight and control of designated employees of the 10429  
    video lottery sales agent and that video lottery terminal gaming 10430  
    is conducted under continuous observation by security equipment 10431  
    in conformity with the specifications and requirements of the 10432  
    Ohio casino control commission; 10433
- (6) Ensure that video lottery terminal gaming occurs only 10434  
    in the locations and manner approved by the Ohio casino control 10435  
    commission and the state lottery commission; 10436
- (7) Maintain sufficient funds and other supplies to 10437  
    conduct video lottery terminal gaming at all times; 10438
- (8) Maintain daily records showing the video lottery sales 10439  
    agent's video lottery terminal receipts and timely file with the 10440  
    Ohio casino control commission and the state lottery commission 10441  
    any additional reports required by rule or by other provisions 10442  
    of the Revised Code; 10443
- (9) Comply with all applicable requirements of Chapter 10444  
    3772. of the Revised Code. 10445

(B) A video lottery sales agent is not liable under the 10446  
laws of this state to any party, including a patron, for 10447  
disclosing information as required under this chapter or for 10448  
refusing to disclose information that is not required by law to 10449  
be disclosed. 10450

**Sec. 3770.214.** (A) No individual who is on the Ohio casino 10451  
control commission's track exclusion list created under section 10452  
3772.031 of the Revised Code shall enter a track operated by a 10453  
video lottery sales agent or the grounds of such a track or 10454  
participate in the play or operation of video lottery terminal 10455  
gaming in this state. A video lottery sales agent shall employ 10456  
commercially reasonable methods to prevent an individual who is 10457  
on the commission's track exclusion list from engaging in video 10458  
lottery terminal gaming conducted by the video lottery sales 10459  
agent. 10460

(B) (1) A video lottery sales agent may exclude any 10461  
individual from entering a track, or the grounds of a track, 10462  
that is under the control of the video lottery sales agent and 10463  
may exclude any individual from participating in the play or 10464  
operation of video lottery terminal gaming conducted by the 10465  
video lottery sales agent. The video lottery sales agent shall 10466  
keep a list of all excluded individuals. No individual who is on 10467  
a video lottery sales agent's exclusion list shall enter a 10468  
track, or the grounds of a track, that is under the control of 10469  
the video lottery sales agent or participate in the play or 10470  
operation of video lottery terminal gaming conducted by the 10471  
video lottery sales agent under this chapter. 10472

(2) If a video lottery sales agent excludes an individual 10473  
because the video lottery sales agent determines that the 10474  
individual engaged or attempted to engage in any gaming related 10475

activity that is prohibited under the laws of this state or 10476  
rules of the Ohio casino control commission or the state lottery 10477  
commission, the video lottery sales agent shall report that fact 10478  
to the Ohio casino control commission and the state lottery 10479  
commission. 10480

(C) (1) A video lottery sales agent shall employ 10481  
commercially reasonable methods to prevent any person who is 10482  
participating in the Ohio voluntary exclusion program from 10483  
engaging in video lottery terminal gaming conducted by the video 10484  
lottery sales agent. 10485

(2) Absent gross negligence, all of the following persons 10486  
are immune from any type of civil liability on the basis that a 10487  
person who is participating in the Ohio voluntary exclusion 10488  
program enters or accesses a track or participates in video 10489  
lottery terminal gaming conducted under this chapter: 10490

(a) The Ohio casino control commission, the state lottery 10491  
commission, or any other agency of this state and its agents or 10492  
employees; 10493

(b) A video lottery sales agent and its agents or 10494  
employees. 10495

(D) No video lottery sales agent, no director, officer, 10496  
agent, or employee of a video lottery sales agent, no other 10497  
person who has a financial interest in a video lottery sales 10498  
agent, and no person living in the same household as any of 10499  
those persons, shall engage in any video lottery terminal gaming 10500  
conducted by the video lottery sales agent, other than as part 10501  
of operating video lottery terminals or as part of the 10502  
employee's employment. A video lottery sales agent shall employ 10503  
commercially reasonable methods to prevent those persons, and 10504

any other person who has access to confidential information held 10505  
by the video lottery sales agent, from engaging in video lottery 10506  
terminal gaming conducted by the video lottery sales agent. 10507

(E) No member or employee of the Ohio casino control 10508  
commission or the state lottery commission shall knowingly 10509  
participate in video lottery terminal gaming in this state. A 10510  
video lottery sales agent shall employ commercially reasonable 10511  
methods to prevent such a person from engaging in video lottery 10512  
terminal gaming conducted by the video lottery sales agent. 10513

**Sec. 3770.24.** (A) The state lottery commission shall 10514  
operate lottery sports gaming as part of the statewide lottery 10515  
in accordance with this section and with Chapter 3775. of the 10516  
Revised Code. The state lottery commission may adopt rules under 10517  
Chapter 119. of the Revised Code, in consultation with the Ohio 10518  
casino control commission, to implement sections ~~3770.23 to~~ 10519  
3770.24 and 3770.25 of the Revised Code, so long as those rules 10520  
are not in conflict with the rules of the Ohio casino control 10521  
commission. 10522

(B) (1) Each type C sports gaming proprietor shall contract 10523  
with the state lottery commission to operate lottery sports 10524  
gaming on behalf of the state lottery commission in exchange for 10525  
a portion of the state's proceeds from lottery sports gaming. 10526

(2) All provisions of Chapter 3775. of the Revised Code 10527  
that apply to type C sports gaming proprietors and type C sports 10528  
gaming hosts apply to those persons when they operate or offer 10529  
lottery sports gaming. 10530

(3) A type C sports gaming proprietor may adapt any 10531  
existing self-service or clerk-operated lottery terminals owned 10532  
or operated by the sports gaming proprietor or the state lottery 10533

commission also to serve as lottery sports gaming terminals, 10534  
subject to the rules of the Ohio casino control commission and 10535  
the state lottery commission. 10536

**Sec. 3770.25.** (A) The state lottery commission shall offer 10537  
lottery sports gaming only at type C sports gaming hosts' 10538  
facilities on self-service or clerk-operated terminals, and only 10539  
to individuals who are at least twenty-one years of age and who 10540  
are physically present on the premises of the facility. 10541

(B) All of the following apply concerning lottery sports 10542  
gaming: 10543

(1) If a type C sports gaming proprietor intends to 10544  
install more than two terminals in any type C sports gaming 10545  
host's facility, the type C sports gaming proprietor shall 10546  
notify the Ohio casino control commission of that fact not later 10547  
than seven days before installing the additional terminals. The 10548  
commission may disallow the installation of more than two 10549  
terminals in the facility, in accordance with the commission's 10550  
rules. 10551

(2) The self-service terminal or the clerk, as applicable, 10552  
shall verify that the lottery sports gaming participant is at 10553  
least twenty-one years of age. 10554

~~(3) A type C sports gaming proprietor may offer only the~~ 10555  
~~following types of wagers on sporting events, as approved by the~~ 10556  
~~Ohio casino control commission:~~ 10557

~~(a) Spread wagers;~~ 10558

~~(b) Over-under wagers;~~ 10559

~~(c) Moneyline wagers;~~ 10560

~~(d) Parlay wagers that are based on not more than four~~ 10561

~~component wagers.~~ 10562

~~(4)~~ A self-service terminal or clerk shall accept wagers 10563  
only by cash, credit card, debit card, or electronic payment 10564  
account. As used in this section, "electronic payment account" 10565  
means an account maintained with a third party for purposes of 10566  
making electronic payments, such as paypal, google pay, or apple 10567  
pay, that is intended for general use and not only for sports 10568  
gaming purposes. 10569

~~(5)~~ (4) A self-service terminal or clerk shall not accept 10570  
wagers aggregating more than seven hundred dollars in a calendar 10571  
week from any one participant. 10572

~~(6)~~ (5) The rules of the Ohio casino control commission 10573  
and the state lottery commission concerning lottery sports 10574  
gaming shall apply identically in all applicable respects to 10575  
lottery sports gaming offered on a self-service terminal and to 10576  
lottery sports gaming offered on a clerk-operated terminal. 10577

(C) (1) A participant whose winnings from lottery sports 10578  
gaming are of an amount that ~~is not subject to withholding under~~ 10579  
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 10580  
~~Code does not meet or exceed the reportable winnings amount set~~ 10581  
by 26 U.S.C. 6041 may receive the participant's winnings by any 10582  
of the following methods: 10583

(a) As a credit to the participant's credit card, debit 10584  
card, or electronic payment account~~;~~ 10585

(b) In cash from any type C sports gaming host; 10586

(c) By any additional method permitted by the state 10587  
lottery commission by rule. 10588

(2) A participant whose winnings from lottery sports 10589



gaming are of an amount that ~~is subject to withholding under~~ 10590  
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 10591  
~~Code~~ meets or exceeds the reportable winnings amount set by 26 10592  
U.S.C. 6041 may receive the participant's winnings in the ~~same~~ 10593  
~~manner as any other~~ determined by the state lottery prize award 10594  
~~of an amount that is subject to~~ commission, subject to 10595  
withholding by the sports gaming proprietor under these ~~section~~ 10596  
3772.37 of the Revised Code or subject to withholding by the 10597  
state lottery commission under sections 3770.071, 3770.072, and 10598  
3770.073 of the Revised Code, as determined by the commission by 10599  
rule. 10600

**Sec. 3770.26.** (A) The state lottery commission may conduct 10601  
internet lottery gaming only in accordance with this section. 10602  
The commission shall adopt rules under Chapter 119. of the 10603  
Revised Code to implement internet lottery gaming. 10604

(B) Internet lottery gaming does not include any of the 10605  
following: 10606

(1) Electronic facsimiles of any of the following games: 10607

(a) Rule 3770:1-7-20 ("Pick 3") of the Administrative 10608  
Code; 10609

(b) Rule 3770:1-7-25 ("Pick 4") of the Administrative 10610  
Code; 10611

(c) Rule 3770:1-7-101 ("Pick 5") of the Administrative 10612  
Code; 10613

(d) Rule 3770:1-9-23 ("Rolling Cash Five") of the 10614  
Administrative Code; 10615

(e) Rule 3770:1-9-53 ("Classic Lotto") of the 10616  
Administrative Code. 10617

(2) Electronic facsimiles of any game of chance, as 10618  
defined in section 2915.01 of the Revised Code; 10619

(3) Charitable gaming authorized under Chapter 3768. of 10620  
the Revised Code; 10621

(4) Wagering on horse racing; 10622

(5) Internet gambling authorized under Chapter 3771. of 10623  
the Revised Code; 10624

(6) Casino gaming as authorized in Section 6(C) (4) of 10625  
Article XV, Ohio Constitution and Chapter 3772. of the Revised 10626  
Code; 10627

(7) Fantasy contests authorized under Chapter 3774. of the 10628  
Revised Code; 10629

(8) Sports gaming authorized under Chapter 3775. of the 10630  
Revised Code, including lottery sports gaming; 10631

(9) Sweepstakes terminal devices or skill-based amusement 10632  
machines authorized under Chapter 3777. of the Revised Code; 10633

(10) Any type of game that represents or simulates a 10634  
casino game, as defined in section 3772.01 of the Revised Code, 10635  
or video lottery terminal game, that features the ability to 10636  
reveal all of the symbols in the game through a single action, 10637  
such as by activating a "reveal all" game control or operation. 10638

(C) For one year following the effective date of this 10639  
section, internet lottery gaming does not include statewide 10640  
joint lottery games. 10641

(D) At the end of each calendar quarter, the commission 10642  
shall calculate the amount that is equal to three and one-half 10643  
per cent of the state's internet lottery gaming sales in that 10644

calendar quarter. The commission shall distribute an equal share 10645  
of that amount to each lottery sales agent not later than thirty 10646  
days after the end of the calendar quarter. 10647

**Sec. 3770.99.** (A) Whoever is prohibited from claiming a 10648  
lottery prize award under division (E) of section 3770.07 of the 10649  
Revised Code and attempts to claim or is paid a lottery prize 10650  
award is guilty of a minor misdemeanor, and shall provide 10651  
restitution to the state lottery commission of any moneys 10652  
erroneously paid as a lottery prize award to that person. 10653

(B) Whoever violates section 3770.08 of the Revised Code 10654  
is guilty of a misdemeanor of the third degree. 10655

(C) Whoever knowingly does any of the following commits a 10656  
misdemeanor of the first degree on the first offense and a 10657  
felony of the fifth degree on a subsequent offense: 10658

(1) Makes a false statement on an application submitted 10659  
under sections 3770.21 to 3770.22 of the Revised Code; 10660

(2) Permits an individual under twenty-one years of age to 10661  
participate in video lottery terminal gaming; 10662

(3) Participates in video lottery terminal gaming in 10663  
violation of division (D) of section 3770.214 of the Revised 10664  
Code, other than as part of operating video lottery terminal 10665  
gaming or as part of the employee's employment. 10666

(D) Whoever knowingly does any of the following commits a 10667  
felony of the fifth degree on a first offense and a felony of 10668  
the fourth degree on a subsequent offense. If the person is a 10669  
video lottery sales agent, the Ohio casino control commission 10670  
shall revoke the person's video lottery sales agent license 10671  
after the first offense. 10672

(1) Manufactures, sells, or distributes any device that is 10673  
intended by that person to be used to violate any provision of 10674  
sections 3770.21 to 3770.22 of the Revised Code; 10675

(2) Claims, collects, or takes anything of value from a 10676  
video lottery sales agent with intent to defraud or attempts to 10677  
do so without having legitimately won the amount; 10678

(3) Participates in video lottery terminal gaming using 10679  
counterfeit currency or other counterfeit form of credit 10680  
approved for video lottery terminal gaming; 10681

(4) Possesses any device intended to be used to violate 10682  
any provision of sections 3770.21 to 3770.22 or Chapter 3772. of 10683  
the Revised Code or any rule adopted under those sections, or 10684  
any materials used to manufacture such a device. This division 10685  
does not apply to a video lottery sales agent or to an agent or 10686  
employee of a video lottery sales agent who is acting in 10687  
furtherance of the video lottery sales agent's interest. 10688

(5) Operates video lottery terminal gaming in a manner 10689  
other than the manner required under sections 3770.21 to 3770.22 10690  
and Chapter 3772. of the Revised Code. Premises or any internet 10691  
web site used or occupied in violation of this division 10692  
constitute a nuisance subject to abatement under Chapter 3767. 10693  
of the Revised Code. 10694

(E) Whoever knowingly does any of the following commits a 10695  
felony of the third degree. If the person is a video lottery 10696  
sales agent, the commission shall revoke the person's video 10697  
lottery sales agent license after the first offense. If the 10698  
person is a public servant or political party official, the 10699  
person is forever disqualified from holding any public office, 10700  
employment, or position of trust in this state. 10701

(1) Offers, promises, or gives anything of value or 10702  
benefit to a person who is connected with a video lottery sales 10703  
agent, an agent or employee of a video lottery sales agent, or a 10704  
member, agent, or employee of the Ohio casino control commission 10705  
or the state lottery commission, under an agreement to 10706  
influence, or with the intent to influence, the actions of the 10707  
person to whom the offer, promise, or gift is made in order to 10708  
affect or attempt to affect the outcome of video lottery 10709  
terminal gaming or an official action of a member, agent, or 10710  
employee of the Ohio casino control commission or the state 10711  
lottery commission; 10712

(2) Solicits, accepts, or receives a promise of anything 10713  
of value or benefit while the person is connected with a video 10714  
lottery sales agent, an agent or employee of a video lottery 10715  
sales agent, or a member, agent, or employee of the Ohio casino 10716  
control commission or the state lottery commission, under an 10717  
agreement to influence, or with the intent to influence, the 10718  
actions of the person to affect or attempt to affect the outcome 10719  
of video lottery terminal gaming or an official action of a 10720  
member, agent, or employee of the Ohio casino control commission 10721  
or the state lottery commission. 10722

(F) Whoever knowingly does any of the following while 10723  
participating in video lottery terminal gaming or otherwise 10724  
transacting with a video lottery sales agent as permitted under 10725  
sections 3770.21 to 3770.22 and Chapter 3772. of the Revised 10726  
Code commits a felony of the fifth degree on a first offense and 10727  
a felony of the fourth degree on a subsequent offense: 10728

(1) Causes or attempts to cause the person to fail to file 10729  
a report required under 31 U.S.C. 5313(a) or 5325 or any 10730  
regulation prescribed thereunder or section 1315.53 of the 10731

Revised Code, or to fail to file a report or maintain a record 10732  
required by an order issued under section 21 of the "Federal 10733  
Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub. 10734  
L. No. 91-508; 10735

(2) Causes or attempts to cause the person to file a 10736  
report under 31 U.S.C. 5313(a) or 5325 or any regulation 10737  
prescribed thereunder or section 1315.53 of the Revised Code, to 10738  
file a report or to maintain a record required by any order 10739  
issued under 31 U.S.C. 3126, or to maintain a record required 10740  
under any regulation prescribed under section 21 of the "Federal 10741  
Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub. 10742  
L. No. 91-508 that contains a material omission or misstatement 10743  
of fact; 10744

(3) With one or more video lottery sales agents, 10745  
structures a transaction, is complicit in structuring a 10746  
transaction, attempts to structure a transaction, or is 10747  
complicit in an attempt to structure a transaction. As used in 10748  
this division: 10749

(a) To be "complicit" means to engage in any conduct of a 10750  
type described in divisions (A) (1) to (4) of section 2923.03 of 10751  
the Revised Code. 10752

(b) "Structure a transaction" has the same meaning as in 10753  
section 1315.51 of the Revised Code. 10754

**Sec. 3771.01. As used in this chapter:** 10755

(A) "Applicant" means a person that applies to the Ohio 10756  
casino control commission for a license under this chapter. 10757

(B) "Casino operator," "key gaming employee," "gaming 10758  
employee," and "Ohio voluntary exclusion program" have the same 10759  
meanings as in section 3772.01 of the Revised Code. 10760

<u>(C) "Commission" means the Ohio casino control commission.</u>	10761
<u>(D) "Internet gambling" means a form of gaming in which a</u>	10762
<u>wager on an internet gambling game is made and accepted through</u>	10763
<u>an internet gambling system. "Internet gambling" does not</u>	10764
<u>include any of the following:</u>	10765
<u>(1) Pari-mutuel wagering on horse racing authorized under</u>	10766
<u>Chapter 3769. of the Revised Code, including over the internet;</u>	10767
<u>(2) Lottery games authorized under Chapter 3770. of the</u>	10768
<u>Revised Code, including internet lottery gaming, video lottery</u>	10769
<u>terminals, and lottery sports gaming;</u>	10770
<u>(3) Casino gaming authorized under division (C) of Section</u>	10771
<u>6 of Article XV, Ohio Constitution and Chapter 3772. of the</u>	10772
<u>Revised Code;</u>	10773
<u>(4) Fantasy contests authorized under Chapter 3774. of the</u>	10774
<u>Revised Code;</u>	10775
<u>(5) Sports gaming authorized under Chapter 3775. of the</u>	10776
<u>Revised Code;</u>	10777
<u>(6) Sweepstakes terminal devices or skill-based amusement</u>	10778
<u>machines authorized under Chapter 3777. of the Revised Code.</u>	10779
<u>(E) "Internet gambling equipment" means any of the</u>	10780
<u>following that directly relate to or affect, or are used or</u>	10781
<u>consumed in, the operation of internet gambling:</u>	10782
<u>(1) Any mechanical, electronic, or other device,</u>	10783
<u>mechanism, or equipment;</u>	10784
<u>(2) Any software, application, components, or other goods;</u>	10785
<u>(3) Anything to be installed or used on a patron's</u>	10786
<u>personal computer or mobile device.</u>	10787

(F) "Internet gambling game" means a game, event, 10788  
happening, or other matter used to display the outcome of a 10789  
wager placed in the course of internet gambling, as authorized 10790  
by the commission by rule. "Internet gambling game" includes 10791  
both of the following: 10792

(1) A game involving a virtual representation of spinning 10793  
reels or wheels, with the outcome of the game being randomly 10794  
generated by a theoretical random-number-generating computer 10795  
program; 10796

(2) A game involving a virtual representation of cards, 10797  
dice, tiles, or other physical equipment that provides a random 10798  
outcome, with the outcome of the game being determined by that 10799  
equipment or determined by a theoretical random-number- 10800  
generating computer program. 10801

(G) "Internet gambling license" means an internet gambling 10802  
operator, internet gambling management company, or internet 10803  
gambling supplier license issued by the Ohio casino control 10804  
commission under this chapter and a key gaming employee or 10805  
gaming employee license issued by the commission under Chapter 10806  
3772. of the Revised Code to an individual whose duties relate 10807  
to the operation or facilitation of internet gambling under this 10808  
chapter. 10809

(H) "Internet gambling licensee" means a person who holds 10810  
a valid internet gambling license. 10811

(I) "Internet gambling operator" means a casino operator 10812  
or permit holder that holds a valid internet gambling operator 10813  
license. 10814

(J) "Internet gambling platform" means an online gaming 10815  
web site or mobile application that is operated by an internet 10816



gambling operator or internet gambling management company to 10817  
operate or conduct internet gambling in this state. 10818

(K) "Internet gambling receipts" has the same meaning as 10819  
in section 5753.01 of the Revised Code. 10820

(L) "Internet gambling supplier" means a person or entity 10821  
that provides internet gambling equipment or related services to 10822  
an internet gambling operator or internet gambling management 10823  
company. 10824

(M) "Internet gambling system" means all of the following: 10825

(1) The combination of internet gambling equipment an 10826  
internet gambling operator or internet gambling management 10827  
company uses to allow a patron to place, review, or modify a 10828  
wager, to pay out a winning wager, and to review, manage, and 10829  
report information related to user accounts, wager placement, or 10830  
wager outcomes; 10831

(2) Any other internet gambling equipment the commission 10832  
determines is related to the combination of internet gambling 10833  
equipment described in division (M) (1) of this section. 10834

(N) "Permit holder" has the same meaning as in section 10835  
3769.01 of the Revised Code. 10836

(O) "Promotional gaming credit" means a credit, discount, 10837  
or other similar item issued to a patron to enable the placement 10838  
of, or increase in, a wager on an internet gambling game. 10839

(P) "Wager" or "bet" means to risk a sum or money or thing 10840  
of value on an uncertain occurrence. 10841

**Sec. 3771.02.** (A) The Ohio casino control commission has 10842  
jurisdiction over all persons conducting or participating in the 10843  
conduct of internet gambling authorized by this chapter, 10844

including the authority to license, regulate, investigate, and 10845  
penalize those persons in a manner that is consistent with the 10846  
commission's authority with respect to casino gaming. In all 10847  
cases in which this chapter requires or allows the commission to 10848  
adopt rules concerning internet gambling, the commission shall 10849  
adopt those rules under Chapter 119. of the Revised Code. 10850

(B) The commission shall adopt rules that include the 10851  
following: 10852

(1) Procedures for internet gambling operators to accept 10853  
wagers on internet games; 10854

(2) The types of internet games to be offered by internet 10855  
gambling operators; 10856

(3) The manner in which internet gambling operators are to 10857  
offer approved internet gambling games; 10858

(4) The type of records internet gambling operators are to 10859  
keep; 10860

(5) The system to be used to place a wager with an 10861  
internet gambling operator; 10862

(6) The manner in which internet gambling operators must 10863  
verify that their patrons are at least twenty-one years of age; 10864

(7) Protections for a player placing a wager with an 10865  
internet gambling operator; 10866

(8) Measures to promote responsible internet gambling; 10867

(9) Penalties and fines for violating this section or 10868  
rules adopted under this section; 10869

(10) Restrictions to ensure that internet gambling 10870  
operators' advertisements for internet gambling meet the 10871

requirements of section 3772.41 of the Revised Code. 10872

(11) A requirement that each internet gambling operator 10873  
comply with the requirements of the Ohio voluntary exclusion 10874  
program. 10875

(12) Any other procedure or thing the commission 10876  
determines necessary to ensure the integrity of internet 10877  
gambling regulated by the commission. 10878

(C) The commission shall adopt rules establishing minimum 10879  
internal control standards for the administration of internet 10880  
gambling platforms, internet gambling systems, internet gambling 10881  
equipment, and other systems or items used by internet gambling 10882  
operators to conduct internet gambling, and the maintenance of 10883  
internet gambling operators' financial records and other 10884  
required records. The commission may approve minimum internal 10885  
control standards proposed by internet gambling operators. 10886

(D) The commission shall approve all internet gambling 10887  
equipment and each form, variation, or composite of internet 10888  
gambling to be used by internet gambling operators in accordance 10889  
with section 3772.312 of the Revised Code and shall license all 10890  
internet gambling suppliers. 10891

(E) (1) The commission shall determine a person's 10892  
eligibility to hold or renew an internet gambling license, shall 10893  
issue all internet gambling licenses, and shall maintain a 10894  
record of all internet gambling licenses issued. 10895

(2) The commission shall conduct a complete investigation 10896  
of each applicant for an internet gambling license to determine 10897  
whether the applicant meets the requirements of this chapter and 10898  
of the commission's rules each time the applicant applies for an 10899  
initial or renewed internet gambling license. The commission may 10900

initiate an additional licensing investigation or adjudication 10901  
or reopen an existing licensing investigation or adjudication at 10902  
any time. 10903

(F) (1) Except as otherwise provided in divisions (F) (2) 10904  
and (3) of this section, the commission shall levy and collect 10905  
all fees and surcharges imposed under this chapter and rules 10906  
adopted under this chapter and shall deposit all moneys 10907  
collected in the casino control commission fund created under 10908  
section 5753.03 of the Revised Code. 10909

(2) The commission shall deposit the license and contract 10910  
fees described in division (D) of section 3771.04 and division 10911  
(I) of section 3771.05 of the Revised Code in the general 10912  
revenue fund. 10913

(3) The commission shall levy and collect fines for 10914  
noncriminal violations of the provisions of this chapter and of 10915  
rules adopted under this chapter and shall deposit all such 10916  
fines in the general revenue fund. 10917

(G) (1) The commission, in an adjudication conducted under 10918  
Chapter 119. of the Revised Code and in accordance with section 10919  
3772.04 of the Revised Code, may do any of the following: 10920

(a) Penalize or fine any internet gambling licensee, 10921  
applicant for an internet gambling license, or other person who 10922  
is subject to the commission's jurisdiction under this chapter; 10923

(b) Limit, condition, restrict, suspend, revoke, deny, or 10924  
refuse to renew any internet gambling license. 10925

(2) The executive director of the commission may issue an 10926  
emergency order with respect to internet gambling under division 10927  
(G) of section 3772.04 of the Revised Code. 10928

(H) (1) The commission shall monitor all internet gambling 10929  
conducted in this state by internet gambling operators, or shall 10930  
contract with an independent integrity monitoring provider for 10931  
that purpose, in order to identify any unusual betting 10932  
activities or patterns that may indicate a need for further 10933  
investigation. The commission shall require each internet 10934  
gambling operator to participate in the monitoring system as 10935  
part of the minimum internal control standards described in 10936  
division (C) of this section. 10937

(2) The information in the monitoring system described in 10938  
division (H) (1) of this section is not a public record. The 10939  
commission may disclose the information in the monitoring system 10940  
only as necessary for investigative or law enforcement purposes 10941  
or pursuant to a court order. 10942

(I) (1) The executive director of the commission promptly 10943  
shall report to the commission any facts or circumstances 10944  
related to the operation of an internet gambling licensee that 10945  
constitute a violation of state or federal law and immediately 10946  
report any suspicious wagering to the appropriate state or 10947  
federal authorities. 10948

(2) The commission shall cooperate with any investigation 10949  
conducted by a law enforcement agency, including by providing, 10950  
or facilitating the provision of, wagering information and audio 10951  
or video files related to persons placing wagers. 10952

(3) A sheriff, chief of police, or prosecuting attorney 10953  
shall furnish to the commission, on forms prescribed by the 10954  
commission, any information obtained concerning any apparent 10955  
violation of this chapter or rules adopted under this chapter. 10956  
If the information is considered a confidential law enforcement 10957  
investigatory record under section 149.43 of the Revised Code, 10958

the commission shall not disclose the information to the public. 10959

(J) (1) The attorney general has a civil cause of action to 10960  
restrain any violation of this chapter or of rules adopted under 10961  
this chapter. Upon the request of the commission or its 10962  
executive director, the attorney general shall commence and 10963  
prosecute such an action to completion. The court shall give 10964  
priority to such an action over all other civil actions. 10965

(2) An action brought under division (J) (1) of this 10966  
section does not preclude an administrative or criminal 10967  
proceeding on the same facts. 10968

(3) The attorney general may enter into an agreement with 10969  
a state or local law enforcement agency to carry out the duties 10970  
described in division (J) (1) of this section. 10971

**Sec. 3771.03.** (A) No person shall operate, conduct, or 10972  
assist in operating or conducting internet gambling in this 10973  
state without first obtaining an appropriate internet gambling 10974  
license from the commission. An internet gambling license is not 10975  
transferable. 10976

(B) Each person applying for an initial or renewed 10977  
internet gambling license issued under this section and each 10978  
person who has control of the applicant, as described in 10979  
division (C) of this section, shall submit two complete sets of 10980  
fingerprints to the commission for the purpose of conducting a 10981  
criminal records check, including obtaining any available 10982  
information from the federal bureau of investigation. The person 10983  
shall provide the fingerprints using a method the superintendent 10984  
of the bureau of criminal identification and investigation 10985  
prescribes pursuant to division (C) (2) of section 109.572 of the 10986  
Revised Code and fill out the form the superintendent of the 10987

bureau of criminal identification and investigation prescribes 10988  
pursuant to division (C) (1) of section 109.572 of the Revised 10989  
Code. Upon receiving an application under this section, the 10990  
executive director of the commission shall request the 10991  
superintendent of the bureau of criminal identification and 10992  
investigation, or a vendor approved by the bureau, to conduct a 10993  
criminal records check based on the fingerprint impressions in 10994  
accordance with division (A) (20) of section 109.572 of the 10995  
Revised Code. Any fee required under division (C) (3) of section 10996  
109.572 of the Revised Code shall be paid by the applicant, or 10997  
in the case of an occupational license, by the applicant's 10998  
employer. Any applicant convicted of any disqualifying offense, 10999  
as defined in section 3772.07 of the Revised Code, shall not be 11000  
issued a license. 11001

(C) The commission shall not grant an internet gambling 11002  
operator, internet gambling management company, or internet 11003  
gambling supplier license until it has determined that each 11004  
person who has control of the applicant has met the 11005  
qualifications for licensure established in this chapter and in 11006  
rules adopted by the commission. All of the following persons 11007  
are considered to have control of an applicant: 11008

(1) Each person associated with a corporate applicant, 11009  
including any holding company, parent company, or subsidiary 11010  
company of the applicant, that has the ability to control the 11011  
activities of the corporate applicant or elect a majority of the 11012  
board of directors of that corporation, other than any bank or 11013  
other licensed lending institution that holds a mortgage or 11014  
other lien acquired in the ordinary course of business. As used 11015  
in this division, "holding company" means any corporation, firm, 11016  
partnership, limited partnership, limited liability company, 11017  
trust, or other form of business organization not a natural 11018

person which directly or indirectly does any of the following: 11019

(a) Has the power or right to control the applicant; 11020

(b) Holds an ownership interest of five per cent or more, 11021  
as determined by the commission, in the applicant; 11022

(c) Holds voting rights with the power to vote five per 11023  
cent or more of the outstanding voting rights of the applicant. 11024

(2) Each person associated with a noncorporate applicant 11025  
that directly or indirectly holds a beneficial or proprietary 11026  
interest in the applicant's business operation or that the 11027  
commission otherwise determines has the ability to control the 11028  
applicant; 11029

(3) Key personnel of an applicant, including any 11030  
executive, employee, or agency, having the power to exercise 11031  
significant influence over decisions concerning any part of the 11032  
applicant's business operation. 11033

(D) An internet gambling licensee shall display its 11034  
license conspicuously in its place of business or have the 11035  
license available for inspection by any agent of the commission 11036  
or any law enforcement agency. 11037

(E) An internet gambling licensee shall give the 11038  
commission written notice within ten days of any material change 11039  
to any information provided in the licensee's application for a 11040  
license or renewal, in accordance with section 3772.113 of the 11041  
Revised Code. 11042

**Sec. 3771.04.** (A) The commission may issue an internet 11043  
gambling operator license only to a casino operator or a permit 11044  
holder. Subject to division (A) of section 3771.05 of the 11045  
Revised Code, an internet gambling operator license authorizes 11046



the licensee to operate one internet gambling platform. 11047

(B) The commission shall adopt by rule a procedure 11048  
allowing the commission to revoke an internet gambling operator 11049  
license if the licensee does not offer internet gambling to 11050  
patrons under the license for a continuous period of one year or 11051  
more. 11052

(C) An applicant for an initial or renewed internet 11053  
gambling operator license shall do all of the following: 11054

(1) Submit a written application on a form furnished by 11055  
the commission; 11056

(2) Pay the fee required under division (C) (3) of section 11057  
109.572 of the Revised Code, along with a nonrefundable 11058  
application fee in an amount prescribed by the commission by 11059  
rule; 11060

(3) Submit an audit of the applicant's financial 11061  
transactions and the condition of the applicant's total 11062  
operations for the previous fiscal year prepared by a certified 11063  
public accountant in accordance with generally accepted 11064  
accounting principles and state and federal laws; 11065

(4) Submit sufficient documentation to demonstrate that 11066  
the applicant is capable of operating internet gambling in this 11067  
state in compliance with this chapter and the rules of the 11068  
commission; 11069

(5) Satisfy any other requirements for licensure under 11070  
this chapter, Chapter 3772. of the Revised Code, and rules 11071  
adopted thereunder. 11072

(D) An internet gambling operator shall pay the commission 11073  
a nonrefundable license fee of fifty million dollars upon 11074

issuance of an initial license and, subject to division (E) of 11075  
this section, shall pay a nonrefundable license fee of five 11076  
million dollars upon being issued a renewed license. 11077

(E) An internet gambling operator license is valid for a 11078  
term of five years, provided that when the commission issues an 11079  
initial internet gambling operator license to a person who also 11080  
holds a current and valid sports gaming proprietor license 11081  
issued under Chapter 3775. of the Revised Code, the term of the 11082  
initial internet gambling operator license shall be extended to 11083  
expire on the date that is five years after the person's sports 11084  
gaming proprietor license expires or, if the person holds more 11085  
than one sports gaming proprietor license, the date that is five 11086  
years after the latest expiration date of any of those licenses. 11087

(F) (1) Subject to division (F) (2) of this section, upon 11088  
the expiration of an internet gambling operator license, an 11089  
internet gambling operator may apply to renew the license in the 11090  
same manner as for an initial license, unless the license is 11091  
suspended or revoked or the commission determines that the 11092  
internet casino gaming operator is not in compliance with this 11093  
chapter and the rules adopted under this chapter. 11094

(2) An applicant for a renewed internet gambling operator 11095  
license who currently holds a sports gaming proprietor license 11096  
issued under Chapter 3775. of the Revised Code is not required 11097  
to take action to satisfy any additional requirement for the 11098  
renewed internet gambling operator license that is substantially 11099  
similar to any requirement the applicant previously has 11100  
satisfied in order to obtain or renew the applicant's sports 11101  
gaming proprietor license. 11102

**Sec. 3771.05.** (A) An internet gambling operator may 11103  
contract with not more than one internet gambling management 11104

company to offer internet gambling on the internet gambling 11105  
operator's behalf. If an internet gambling operator contracts 11106  
with an internet gambling management company under this section, 11107  
the internet gambling operator shall not operate any other 11108  
internet gambling platform. 11109

(B) The commission shall adopt by rule a procedure 11110  
allowing the commission to revoke an internet gambling 11111  
management company's license if the licensee does not actively 11112  
offer internet gambling under the license for a continuous 11113  
period of one year or more. 11114

(C) An internet gambling management company may offer 11115  
internet gambling only in accordance with this chapter and 11116  
Chapter 3772. of the Revised Code and with the rules adopted 11117  
thereunder. 11118

(D) In order to permit an internet gambling management 11119  
company to offer internet gambling on behalf of an internet 11120  
gambling operator, the internet gambling operator and internet 11121  
gambling management company shall enter into a written contract 11122  
that has been approved by the commission. If the internet 11123  
gambling operator and internet gambling management company wish 11124  
to make a material change to the contract, the internet gambling 11125  
operator shall first submit the change to the commission for its 11126  
approval or rejection. The internet gambling operator and 11127  
internet gambling management company shall not assign, delegate, 11128  
subcontract, or transfer the internet gambling management 11129  
company's duties and responsibilities under the contract to a 11130  
third party. 11131

(E) An internet gambling management company shall be 11132  
licensed under this section before entering into a contract with 11133  
an internet gambling operator. 11134

(F) (1) Subject to division (F) (2) of this section, the 11135  
provisions of this chapter and Chapter 3772. of the Revised Code 11136  
concerning an internet gambling operator apply to an internet 11137  
gambling management company that contracts with an internet 11138  
management operator with respect to all rights, duties, and 11139  
liabilities of the internet gambling operator assigned, 11140  
delegated, subcontracted, or transferred to the internet 11141  
gambling management company as though the internet gambling 11142  
management company were an internet gambling operator. Unless 11143  
the context requires otherwise, references in the Revised Code 11144  
to an internet gambling operator apply to an internet gambling 11145  
management company to the extent that the internet gambling 11146  
management company is acting on behalf of an internet gambling 11147  
operator pursuant to the contract. 11148

(2) Division (F) (1) of this section does not permit an 11149  
internet gambling management company to operate internet 11150  
gambling other than pursuant to a contract with an internet 11151  
gambling operator to operate internet gambling on behalf of the 11152  
internet gambling operator. 11153

(G) An applicant for an initial or renewed internet 11154  
gambling management company license shall meet all requirements 11155  
for licensure established by the commission by rule and shall 11156  
pay the fee required under division (C) (3) of section 109.572 of 11157  
the Revised Code, along with a nonrefundable application fee in 11158  
an amount determined by the commission by rule. The licensure 11159  
requirements shall require the applicant to submit sufficient 11160  
documentation to demonstrate that the applicant is capable of 11161  
operating internet gambling in this state in compliance with 11162  
this chapter and the rules of the commission. 11163

(H) The commission may accept another jurisdiction's 11164

license, if the commission determines it has similar licensing 11165  
requirements, as evidence that the applicant meets the 11166  
requirements for an internet gambling management company license 11167  
issued under this section. 11168

(I) (1) Except as otherwise provided in division (I) (2) of 11169  
this section, an internet gambling management company is not 11170  
required to pay the commission a license fee upon issuance of an 11171  
initial or renewed internet gambling management company license. 11172

(2) If the same person does not own or control at least 11173  
fifty per cent of both the internet gambling management company 11174  
and the internet gambling operator with which it contracts under 11175  
this section, then the internet gambling management company 11176  
shall pay the commission a nonrefundable license fee of fifty 11177  
million dollars upon being issued an initial internet gambling 11178  
management company license and a nonrefundable license fee of 11179  
five million dollars upon being issued a renewed internet 11180  
gambling management company license. 11181

(J) An internet gambling management company license is 11182  
valid for a term of five years, provided that when the 11183  
commission issues an initial internet gambling management 11184  
company license to a person who also holds a current and valid 11185  
mobile management services provider or management services 11186  
provider license issued under Chapter 3775. of the Revised Code, 11187  
the term of the initial internet gambling management company 11188  
license shall be extended to expire on the date that is five 11189  
years after the person's mobile management services provider or 11190  
management services provider license expires or, if the person 11191  
holds more than one such license under Chapter 3775. of the 11192  
Revised Code, the date that is five years after the latest 11193  
expiration date of any of those licenses. 11194

(K) (1) Subject to division (K) (2) of this section, in 11195  
order to renew an internet gambling management company license, 11196  
the licensee shall apply to the commission for a renewed license 11197  
in the same manner as for an initial license. 11198

(2) An applicant for a renewed internet gambling 11199  
management company license who currently holds a mobile 11200  
management services company or management services company 11201  
license issued under Chapter 3775. of the Revised Code is not 11202  
required to take action to satisfy any additional requirement 11203  
for the renewed internet gambling management company license 11204  
that is substantially similar to any requirement the applicant 11205  
previously has satisfied in order to obtain or renew the 11206  
applicant's mobile management services provider or management 11207  
services provider license. 11208

(L) The commission shall adopt a rule setting a maximum 11209  
number of internet gambling management company licenses a person 11210  
may hold at any one time. 11211

**Sec. 3771.06.** (A) An internet gambling supplier shall hold 11212  
an appropriate and valid internet gambling supplier license 11213  
issued by the Ohio casino control commission at all times. The 11214  
commission may accept another jurisdiction's license, if the 11215  
commission determines it has similar licensing requirements, as 11216  
evidence that the applicant meets the requirements for a license 11217  
issued under this section. The commission shall issue an 11218  
internet gambling supplier license to a person or entity that 11219  
meets the requirements of this chapter and Chapter 3772. of the 11220  
Revised Code and of the commission's rules. 11221

(B) An applicant for an initial or renewed internet 11222  
gambling supplier license shall apply for the license on a form 11223  
prescribed by the commission and shall pay the fee required 11224

under division (C) (3) of section 109.572 of the Revised Code, 11225  
along with a nonrefundable application fee of fifty thousand 11226  
dollars. 11227

(C) Upon receiving an initial or renewed internet gambling 11228  
supplier license, the applicant shall pay a nonrefundable 11229  
license fee of one hundred thousand dollars. 11230

(D) An internet gambling supplier license is valid for a 11231  
term of three years, provided that when the commission issues an 11232  
initial internet gambling supplier license to a person who also 11233  
holds a current and valid sports gaming supplier license issued 11234  
under Chapter 3775. of the Revised Code, the term of the initial 11235  
internet gambling supplier license shall be extended to expire 11236  
on the date that is three years after the person's sports gaming 11237  
supplier license expires. 11238

(E) (1) Subject to division (E) (2) of this section, in 11239  
order to renew an internet gambling supplier license, the 11240  
licensee shall apply to the commission for a renewed license in 11241  
the same manner as for an initial license. 11242

(2) An applicant for a renewed internet gambling supplier 11243  
license who currently holds a sports gaming supplier license 11244  
issued under Chapter 3775. of the Revised Code is not required 11245  
to take action to satisfy any additional requirement for the 11246  
renewed internet gambling supplier license that is substantially 11247  
similar to any requirement the applicant previously has 11248  
satisfied in order to obtain or renew the applicant's sports 11249  
gaming supplier license. 11250

**Sec. 3771.07.** An individual described in division (A) of 11251  
section 3772.13 of the Revised Code shall hold a valid key 11252  
gaming employee license issued by the commission under that 11253

section at all times. An individual whose duties with respect to 11254  
internet gambling are as described in division (A) of section 11255  
3772.131 of the Revised Code shall hold a valid gaming employee 11256  
license issued by the commission under that section at all 11257  
times. 11258

**Sec. 3771.08.** (A) An applicant for an internet gambling 11259  
operator, internet gambling management company, or internet 11260  
gambling supplier license shall establish the applicant's 11261  
suitability for the license by clear and convincing evidence. 11262

(B) In issuing initial and renewed internet gambling 11263  
operator, internet gambling management company, and internet 11264  
gambling supplier licenses, the commission shall consider all of 11265  
the following factors, in addition to all other requirements for 11266  
licensure specified under this chapter and in the rules of the 11267  
commission: 11268

(1) The reputation, experience, and financial integrity of 11269  
the applicant and any person that controls the applicant; 11270

(2) The financial ability of the applicant to purchase and 11271  
maintain adequate liability and casualty insurance and to 11272  
provide an adequate surety bond; 11273

(3) The past and present compliance of the applicant and 11274  
its affiliates or affiliated companies with gambling-related 11275  
licensing requirements in this state or any other jurisdiction, 11276  
including whether the applicant has a history of noncompliance 11277  
with those requirements; 11278

(4) Whether the applicant has been charged with, indicted 11279  
for, or convicted of any felony or misdemeanor criminal offense 11280  
under the laws of any jurisdiction, not including any traffic 11281  
violation; 11282



<u>(5) Whether the applicant has filed, or had filed against</u>	11283
<u>it, a proceeding for bankruptcy, or has ever been involved in</u>	11284
<u>any formal process to adjust, defer, suspend, or otherwise work</u>	11285
<u>out the payment of any debt;</u>	11286
<u>(6) Whether the applicant has been served with a complaint</u>	11287
<u>or other notice filed with any public body regarding a payment</u>	11288
<u>of any tax required under federal, state, or local law that has</u>	11289
<u>been delinquent for one or more years;</u>	11290
<u>(7) Whether the applicant is or has been a defendant in</u>	11291
<u>litigation involving its business practices;</u>	11292
<u>(8) Whether awarding a license would undermine the</u>	11293
<u>public's confidence in the gaming industry in this state.</u>	11294
<u>(C) The commission shall not grant an internet gambling</u>	11295
<u>operator, internet gambling management company, or internet</u>	11296
<u>gambling supplier license to an applicant if evidence</u>	11297
<u>satisfactory to the commission exists that the applicant has</u>	11298
<u>done any of the following:</u>	11299
<u>(1) Knowingly made a false statement to the commission;</u>	11300
<u>(2) Been suspended from operating a gambling game, gaming</u>	11301
<u>device, or gaming operation, or had a license revoked by any</u>	11302
<u>governmental unit of a national, state, or local body exercising</u>	11303
<u>governmental functions;</u>	11304
<u>(3) Been convicted of a disqualifying offense, as defined</u>	11305
<u>in section 3772.07 of the Revised Code;</u>	11306
<u>(4) Been directly involved in or employed by any offshore</u>	11307
<u>wagering market that illegally serviced the United States or</u>	11308
<u>otherwise accepted illegal wagers from individuals located in</u>	11309
<u>the United States on or after April 16, 2015.</u>	11310

(D) The commission may deny an internet gambling operator 11311  
or internet gambling management company license to any 11312  
applicant, reprimand any internet gambling operator or internet 11313  
gambling management company, or suspend or revoke an internet 11314  
gambling operator or internet gambling management company 11315  
license if any of the following are true: 11316

(1) The applicant or licensee has not demonstrated to the 11317  
commission's satisfaction financial responsibility sufficient to 11318  
adequately meet the requirements of the enterprise. 11319

(2) The applicant or licensee is not the true owner of the 11320  
business or is not the sole owner and has not disclosed the 11321  
existence or identity of other persons who have an ownership 11322  
interest in the business. 11323

(3) The applicant or licensee is a corporation that sells 11324  
more than five per cent of the corporation's voting stock, or 11325  
more than five per cent of the voting stock of a corporation 11326  
that controls the corporation, or sells the corporation's 11327  
assets, other than those bought and sold in the ordinary course 11328  
of business, or any interest in the assets, to any person who, 11329  
under division (C) of section 3771.03 of the Revised Code, must 11330  
meet the qualifications of an internet gambling operator or 11331  
internet gambling management company, as applicable, and who has 11332  
not already been determined by the commission to have met the 11333  
applicable qualifications. 11334

(E) The commission shall revoke an internet gambling 11335  
operator license that was issued to a permit holder if the 11336  
licensee ceases to qualify as a permit holder. The commission 11337  
shall revoke an internet gambling operator license that was 11338  
issued to a casino operator if the licensee ceases to qualify as 11339  
a casino operator. 11340

(F) The commission shall not grant an internet gambling 11341  
license to any of the following persons: 11342

(1) A nonprofit corporation or organization; 11343

(2) An individual who is under twenty-one years of age; 11344

(3) An employee of the commission. 11345

(G) In determining whether a person has control over an 11346  
applicant for purposes of this section, the standard described 11347  
in division (C) of section 3771.03 of the Revised Code applies. 11348

(H) In reviewing an application for a license under this 11349  
chapter, the commission may rely on or consider the last 11350  
investigation it conducted concerning the applicant, or the last 11351  
license it issued to the applicant, under this chapter or 11352  
Chapter 3770., 3772., or 3775. of the Revised Code. 11353

**Sec. 3771.09.** (A) An internet gambling operator shall do 11354  
all of the following: 11355

(1) Conduct all internet gambling activities and functions 11356  
in a manner that do not pose a threat to the public health, 11357  
safety, or welfare of the citizens of this state; 11358

(2) Keep current in all payments and obligations to the 11359  
commission; 11360

(3) Provide a secure location for the placement, 11361  
operation, and use of internet gambling equipment; 11362

(4) Prevent any person from tampering with or interfering 11363  
with the operation of internet gambling; 11364

(5) Employ commercially reasonable methods to prevent the 11365  
internet gambling operator and its agents and employees from 11366  
disclosing any confidential information in the possession of the 11367

internet gambling operator that could affect the conduct of 11368  
internet gambling; 11369

(6) Ensure that internet gambling occurs only in the 11370  
manner approved by the commission; 11371

(7) Ensure that all internet gambling is monitored in 11372  
accordance with division (H) of section 3771.02 of the Revised 11373  
Code; 11374

(8) Maintain sufficient funds and other supplies to 11375  
conduct internet gambling at all times; 11376

(9) Maintain daily records showing the internet gambling 11377  
operator's internet gambling receipts and timely file with the 11378  
commission any additional reports required by rule or other 11379  
provisions of the Revised Code; 11380

(10) Comply with all applicable requirements of Chapter 11381  
3772. of the Revised Code. 11382

(B) An internet gambling operator is not liable under the 11383  
laws of this state to any party, including a patron, for 11384  
disclosing information as required under this chapter or for 11385  
refusing to disclose information that is not required by law to 11386  
be disclosed. 11387

**Sec. 3771.10.** (A) An internet gambling operator may 11388  
operate one internet gambling platform through which the 11389  
internet gambling operator accepts wagers from individuals who 11390  
are at least twenty-one years of age and who are physically 11391  
located in this state. The internet gambling platform shall use 11392  
geoblocking technology that meets the requirements of section 11393  
3772.313 of the Revised Code and that is obtained from an 11394  
internet gambling supplier to prohibit individuals who are not 11395  
physically present in this state from participating in internet 11396

gambling through the platform. 11397

(B) The server responsible for accepting wagers through an 11398  
internet gambling platform shall be located in a secure facility 11399  
in this state. 11400

**Sec. 3771.11.** (A) No individual who is on the commission's 11401  
internet gambling exclusion list created under section 3772.031 11402  
of the Revised Code shall participate in the play or operation 11403  
of internet gambling in this state. 11404

(B) (1) An internet gambling operator may exclude any 11405  
individual from participating in the play or operation of 11406  
internet gambling conducted by the internet gambling operator. 11407  
The internet gambling operator shall keep a list of all excluded 11408  
individuals. No individual who is on an internet gambling 11409  
operator's exclusion list shall participate in the play or 11410  
operation of internet gambling conducted by the internet 11411  
gambling operator under this chapter. 11412

(2) If an internet gambling operator excludes an 11413  
individual because the internet gambling operator determines 11414  
that the individual engaged or attempted to engage in any 11415  
internet gambling related activity that is prohibited under this 11416  
chapter or under the commission's rules, the internet gambling 11417  
operator shall report that fact to the commission. 11418

(C) (1) An internet gambling operator shall employ 11419  
commercially reasonable methods to prevent any person who is 11420  
participating in the Ohio voluntary exclusion program from 11421  
engaging in internet gambling conducted by the internet casino 11422  
gaming operator. 11423

(2) Absent gross negligence, all of the following persons 11424  
are immune from any type of civil liability on the basis that a 11425

person who is participating in the Ohio voluntary exclusion 11426  
program participates in internet gambling conducted under this 11427  
chapter: 11428

(a) The commission or any other agency of this state and 11429  
its agents or employees; 11430

(b) An internet gambling licensee and its agents or 11431  
employees. 11432

(D) No internet gambling operator, no director, officer, 11433  
agent, or employee of an internet gambling operator, no other 11434  
person who has a financial interest in an internet gambling 11435  
operator, and no person living in the same household as any of 11436  
those persons, shall engage in any internet gambling conducted 11437  
by the internet gambling operator, other than as part of 11438  
operating internet gambling or as part of the employee's 11439  
employment. An internet gambling operator shall employ 11440  
commercially reasonable methods to prevent those persons, and 11441  
any other person who has access to confidential information held 11442  
by the internet gambling operator, from engaging in internet 11443  
gambling conducted by the internet gambling operator. 11444

(E) No member or employee of the Ohio casino control 11445  
commission or the state lottery commission shall knowingly 11446  
participate in internet gambling conducted by an internet 11447  
gambling operator in this state or participate in internet 11448  
gambling with any person or entity located outside this state 11449  
that is directly or indirectly owned or operated by an internet 11450  
gambling operator. An internet gambling operator shall employ 11451  
commercially reasonable methods to prevent such a person from 11452  
engaging in internet gambling conducted by the internet gambling 11453  
operator. 11454

Sec. 3771.12. (A) Notwithstanding any contrary provision 11455  
of section 149.43 of the Revised Code, the commission shall not 11456  
disclose to the public any of the following: 11457

(1) Any of the following information or documents 11458  
concerning a person who has applied for or been issued a license 11459  
under this chapter or the person's spouse, dependent, or 11460  
employee, unless the person authorizes the commission to 11461  
disclose the information: 11462

(a) A social security number, passport number, or federal 11463  
tax identification number; 11464

(b) A home address, telephone number, or electronic mail 11465  
address; 11466

(c) A birth certificate; 11467

(d) A driver's license or state identification card 11468  
number; 11469

(e) The name or address of a previous spouse; 11470

(f) A date or place of birth; 11471

(g) Any personal financial information or records, 11472  
including personal tax returns and information and records of 11473  
criminal proceedings; 11474

(h) Any information concerning a minor child; 11475

(i) Any information concerning a person the commission has 11476  
reason to know is a victim of domestic violence, sexual assault, 11477  
or stalking; 11478

(j) Any trade secret, medical records, or patents or 11479  
exclusive licenses; 11480

(k) Security information, including risk prevention plans, 11481

detection and countermeasures, location of money storage areas, 11482  
emergency management plans, security and surveillance plans, 11483  
equipment and usage protocols, and theft and fraud prevention 11484  
plans and countermeasures; 11485

(1) Any other information that the commission receives 11486  
from another jurisdiction relating to a person who holds, held, 11487  
or has applied for a license under this chapter. 11488

(B) Except as otherwise provided in division (A) of this 11489  
section, all of the following information is subject to 11490  
disclosure as a public record under section 149.43 of the 11491  
Revised Code: 11492

(1) The information an internet gambling operator or an 11493  
applicant for an internet gambling operator or internet gambling 11494  
management company license has submitted to the commission as 11495  
part of applying for or renewing an internet gambling operator 11496  
or internet gambling management company license; 11497

(2) The name, place of employment, job title, and gaming 11498  
experience of a person who has applied for or been issued a 11499  
license under this chapter; 11500

(3) The commission's reasons for denying or revoking a 11501  
license under this chapter or for taking other disciplinary 11502  
action under this chapter. 11503

(C) Division (A) of this section does not prohibit the 11504  
commission from disclosing information and documents described 11505  
in that division to the state lottery commission or to the 11506  
inspector general, a prosecuting authority, a law enforcement 11507  
agency, or any other appropriate governmental entity or 11508  
licensing agency, provided that the recipient shall not disclose 11509  
the information and documents to the public. 11510



Sec. 3771.13. (A) All shipments of gambling devices, 11511  
including any internet gambling equipment, to internet gambling 11512  
operators or internet gambling management companies are legal 11513  
shipments of gambling devices into this state, as long as the 11514  
supplier has completed the registering, recording, and labeling 11515  
of the equipment in accordance with the "Gambling Devices Act of 11516  
1962," 15 U.S.C. 1171 to 1178. 11517

(B) This state is exempt from section 2 of the "Gambling 11518  
Devices Act of 1962," 15 U.S.C. 1172. 11519

Sec. 3771.99. (A) Whoever knowingly does any of the 11520  
following commits a misdemeanor of the first degree on the first 11521  
offense and a felony of the fifth degree on a subsequent 11522  
offense: 11523

(1) Makes a false statement on an application submitted 11524  
under this chapter; 11525

(2) Permits an individual under twenty-one years of age to 11526  
engage in internet gambling; 11527

(3) Participates in internet gambling in violation of 11528  
division (D) of section 3771.11 of the Revised Code, other than 11529  
as part of operating internet gambling or as part of the 11530  
employee's employment. 11531

(B) Whoever knowingly does any of the following commits a 11532  
felony of the fifth degree on a first offense and a felony of 11533  
the fourth degree on a subsequent offense. If the person is an 11534  
internet gambling licensee, the commission shall revoke the 11535  
person's license after the first offense. 11536

(1) Offers, promises, or gives anything of value to anyone 11537  
for the purpose of influencing the outcome of an internet 11538  
gambling game or attempts to do so; 11539

(2) Places, increases, or decreases a wager after 11540  
acquiring knowledge not available to the general public that 11541  
anyone has been offered, promised, or given anything of value 11542  
for the purpose of influencing the outcome of an internet 11543  
gambling game upon which the wager is placed, increased, or 11544  
decreased, or attempts to do so; 11545

(3) Manufactures, sells, or distributes any device that is 11546  
intended by that person to be used to violate any provision of 11547  
this chapter or Chapter 3772. of the Revised Code or the 11548  
internet gambling laws of any other state; 11549

(4) Places a bet or aids any other person in placing a bet 11550  
on an internet gambling game after unlawfully acquiring 11551  
knowledge of the outcome on which winnings from that bet are 11552  
contingent; 11553

(5) Claims, collects, or takes anything of value from an 11554  
internet gambling operator with intent to defraud or attempts to 11555  
do so without having made a wager in which the amount or value 11556  
is legitimately won or owed; 11557

(6) Places a wager using counterfeit currency or other 11558  
counterfeit form of credit approved for wagering; 11559

(7) Possesses any device intended to be used to violate 11560  
this chapter or Chapter 3772. of the Revised Code or any rule 11561  
adopted thereunder, or any materials used to manufacture such a 11562  
device. This division does not apply to an internet gambling 11563  
operator or to an agent or employee of an internet gambling 11564  
operator who is acting in furtherance of the internet gambling 11565  
operator's interest. 11566

(8) Changes or alters the normal outcome of any internet 11567  
gambling game conducted through an internet gambling platform, 11568

including any system used to monitor the internet gambling 11569  
platform, or the way in which the outcome is reported to any 11570  
patron; 11571

(9) Operates internet gambling in a manner other than the 11572  
manner required under this chapter and Chapter 3772. of the 11573  
Revised Code. Premises or any internet web site used or occupied 11574  
in violation of this division constitute a nuisance subject to 11575  
abatement under Chapter 3767. of the Revised Code. 11576

(C) Whoever knowingly does any of the following commits a 11577  
felony of the third degree. If the person is an internet 11578  
gambling licensee, the commission shall revoke the person's 11579  
license after the first offense. If the person is a public 11580  
servant or political party official, the person is forever 11581  
disqualified from holding any public office, employment, or 11582  
position of trust in this state. 11583

(1) Offers, promises, or gives anything of value or 11584  
benefit to a person who is connected with an internet gambling 11585  
operator, an agent or employee of an internet gambling operator, 11586  
or a member, agent, or employee of the Ohio casino control 11587  
commission, under an agreement to influence, or with the intent 11588  
to influence, the actions of the person to whom the offer, 11589  
promise, or gift is made in order to affect or attempt to affect 11590  
the outcome of internet gambling or an official action of a 11591  
member, agent, or employee of the commission; 11592

(2) Solicits, accepts, or receives a promise of anything 11593  
of value or benefit while the person is connected with an 11594  
internet gambling operator, an agent or employee of an internet 11595  
gambling operator, or a member, agent, or employee of the 11596  
commission, under an agreement to influence, or with the intent 11597  
to influence, the actions of the person to affect or attempt to 11598

affect the outcome of internet gambling or an official action of 11599  
a member, agent, or employee of the commission. 11600

(D) Whoever knowingly does any of the following while 11601  
participating in internet gambling or otherwise transacting with 11602  
an internet gambling operator as permitted under this chapter 11603  
and Chapter 3772. of the Revised Code commits a felony of the 11604  
fifth degree on a first offense and a felony of the fourth 11605  
degree on a subsequent offense: 11606

(1) Causes or attempts to cause the person to fail to file 11607  
a report required under 31 U.S.C. 5313(a) or 5325 or any 11608  
regulation prescribed thereunder or section 1315.53 of the 11609  
Revised Code, or to fail to file a report or maintain a record 11610  
required by an order issued under section 21 of the "Federal 11611  
Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub. 11612  
L. No. 91-508; 11613

(2) Causes or attempts to cause the person to file a 11614  
report under 31 U.S.C. 5313(a) or 5325 or any regulation 11615  
prescribed thereunder or section 1315.53 of the Revised Code, to 11616  
file a report or to maintain a record required by any order 11617  
issued under 31 U.S.C. 3126, or to maintain a record required 11618  
under any regulation prescribed under section 21 of the "Federal 11619  
Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub. 11620  
L. No. 91-508 that contains a material omission or misstatement 11621  
of fact; 11622

(3) With one or more internet gambling operators, 11623  
structures a transaction, is complicit in structuring a 11624  
transaction, attempts to structure a transaction, or is 11625  
complicit in an attempt to structure a transaction. As used in 11626  
this division: 11627

(a) To be "complicit" means to engage in any conduct of a 11628  
type described in divisions (A) (1) to (4) of section 2923.03 of 11629  
the Revised Code. 11630

(b) "Structure a transaction" has the same meaning as in 11631  
section 1315.51 of the Revised Code. 11632

**Sec. 3772.01.** As used in this chapter: 11633

(A) "Applicant" means any person who applies to the 11634  
commission for a license under this chapter. 11635

(B) "Casino control commission fund" means the casino 11636  
control commission fund described in Section 6(C) (3) (d) of 11637  
Article XV, Ohio Constitution, the money in which shall be used 11638  
to fund the commission and its related affairs. 11639

(C) "Casino facility" means a casino facility as defined 11640  
in Section 6(C) (9) of Article XV, Ohio Constitution. 11641

(D) "Casino game" means any slot machine or table game as 11642  
defined in this chapter. 11643

(E) "Casino gaming" means any type of slot machine or 11644  
table game wagering, using money, casino credit, or any 11645  
representative of value, authorized in any of the states of 11646  
Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering 11647  
subsequently authorized by, but shall not be limited by, 11648  
subsequent restrictions placed on such wagering in such states. 11649  
"Casino gaming" does not include bingo, as authorized in Section 11650  
6 of Article XV, Ohio Constitution and conducted as of January 1, 2009; horse racing where the pari-mutuel system of wagering 11651  
is conducted, as authorized under the laws of this state as of 11652  
January 1, 2009; ~~or~~ sports gaming; or internet gambling. 11653  
11654  
11655

(F) ~~"Casino gaming Gaming employee" means any employee of~~ 11656  
~~a casino operator or management company~~ a person who holds a 11657  
valid gaming employee license issued under section 3772.131 of 11658  
the Revised Code, but does not include a key gaming employee, 11659  
~~and as further defined in section 3772.131 of the Revised Code.~~ 11660

(G) "Casino operator" means any person, trust, 11661  
corporation, partnership, limited partnership, association, 11662  
limited liability company, or other business enterprise that 11663  
directly or indirectly holds an ownership or leasehold interest 11664  
in a casino facility. "Casino operator" does not include an 11665  
agency of the state, any political subdivision of the state, any 11666  
person, trust, corporation, partnership, limited partnership, 11667  
association, limited liability company, or other business 11668  
enterprise that may have an interest in a casino facility, but 11669  
who is legally or contractually restricted from conducting 11670  
casino gaming. 11671

(H) "Central system" means a computer system that provides 11672  
the following functions related to casino gaming equipment used 11673  
in connection with casino gaming authorized under this chapter: 11674  
security, auditing, data and information retrieval, and other 11675  
purposes deemed necessary and authorized by the commission. 11676

(I) "Cheat" means to alter the result of a casino game, 11677  
the element of chance, the operation of a machine used in a 11678  
casino game, or the method of selection of criteria that 11679  
determines (a) the result of the casino game, (b) the amount or 11680  
frequency of payment in a casino game, (c) the value of a 11681  
wagering instrument, or (d) the value of a wagering credit. 11682  
"Cheat" does not include an individual who, without the 11683  
assistance of another individual or without the use of a 11684  
physical aid or device of any kind, uses the individual's own 11685

ability to keep track of the value of cards played and uses 11686  
predictions formed as a result of the tracking information in 11687  
the individual's playing and betting strategy. 11688

(J) "Commission" means the Ohio casino control commission. 11689

(K) "Gaming agent" means a peace officer employed by the 11690  
commission that is vested with duties to enforce this chapter 11691  
and conduct other investigations into the conduct of the casino 11692  
gaming and the maintenance of the equipment that the commission 11693  
considers necessary and proper and is in compliance with section 11694  
109.77 of the Revised Code. 11695

(L) "Gaming-related vendor" means any individual, 11696  
partnership, corporation, association, trust, or any other group 11697  
of individuals, however organized, who supplies gaming-related 11698  
equipment, goods, or services to a casino operator or management 11699  
company, that are directly related to or affect casino gaming 11700  
authorized under this chapter, including, but not limited to, 11701  
the manufacture, sale, distribution, or repair of slot machines 11702  
and table game equipment. 11703

(M) "Holding company" means any corporation, firm, 11704  
partnership, limited partnership, limited liability company, 11705  
trust, or other form of business organization not a natural 11706  
person which directly or indirectly does any of the following: 11707

(1) Has the power or right to control a casino operator, 11708  
management company, or gaming-related vendor license applicant 11709  
or licensee; 11710

(2) Holds an ownership interest of five per cent or more, 11711  
as determined by the commission, in a casino operator, 11712  
management company, or gaming-related vendor license applicant 11713  
or licensee; 11714

(3) Holds voting rights with the power to vote five per 11715  
cent or more of the outstanding voting rights of a casino 11716  
operator, management company, or gaming-related vendor applicant 11717  
or licensee. 11718

(N) "Initial investment" includes costs related to 11719  
demolition, engineering, architecture, design, site preparation, 11720  
construction, infrastructure improvements, land acquisition, 11721  
fixtures and equipment, insurance related to construction, and 11722  
leasehold improvements. 11723

(O) "Institutional investor" means any of the following 11724  
entities owning five per cent or more, but less than twenty-five 11725  
per cent, of an ownership interest in a casino facility, casino 11726  
operator, management company, or holding company: a corporation, 11727  
bank, insurance company, pension fund or pension fund trust, 11728  
retirement fund, including funds administered by a public 11729  
agency, employees' profit-sharing fund or employees' profit- 11730  
sharing trust, any association engaged, as a substantial part of 11731  
its business or operations, in purchasing or holding securities, 11732  
including a hedge fund, mutual fund, or private equity fund, or 11733  
any trust in respect of which a bank is trustee or cotrustee, 11734  
investment company registered under the "Investment Company Act 11735  
of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust 11736  
organized by banks under Part Nine of the Rules of the 11737  
Comptroller of the Currency, closed-end investment trust, 11738  
chartered or licensed life insurance company or property and 11739  
casualty insurance company, investment advisor registered under 11740  
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 11741  
and such other persons as the commission may reasonably 11742  
determine to qualify as an institutional investor for reasons 11743  
consistent with this chapter, and that does not exercise control 11744  
over the affairs of a licensee and its ownership interest in a 11745



licensee is for investment purposes only, as set forth in 11746  
division (F) of section 3772.10 of the Revised Code. 11747

(P) "Key gaming employee" means ~~any executive, employee,~~ 11748  
~~agent, or other individual who has the power to exercise~~ 11749  
~~significant influence over decisions concerning any part of the~~ 11750  
~~operation of a person that has applied for or holds a casino~~ 11751  
~~operator, management company, or gaming-related vendor license~~ 11752  
~~or the operation of a holding company of a person that has~~ 11753  
~~applied for or holds a casino operator, management company, or~~ 11754  
~~gaming-related vendor license, including:-~~ 11755

~~(1) An officer, director, trustee, partner, or an~~ 11756  
~~equivalent fiduciary;-~~ 11757

~~(2) An individual who holds a direct or indirect ownership~~ 11758  
~~interest of five per cent or more;-~~ 11759

~~(3) An individual who performs the function of a principal~~ 11760  
~~executive officer, principal operating officer, principal~~ 11761  
~~accounting officer, or an equivalent officer;-~~ 11762

~~(4) Any other individual the commission determines to have~~ 11763  
~~the power to exercise significant influence over decisions~~ 11764  
~~concerning any part of the operation~~ a person who holds a valid 11765  
key gaming employee license issued under section 3772.13 of the 11766  
Revised Code. 11767

(Q) "Licensed casino operator" means a casino operator 11768  
that has been issued a license by the commission and that has 11769  
been certified annually by the commission to have paid all 11770  
applicable fees, taxes, and debts to the state. 11771

(R) "Majority ownership interest" in a license or in a 11772  
casino facility, as the case may be, means ownership of more 11773  
than fifty per cent of such license or casino facility, as the 11774

case may be. For purposes of the foregoing, whether a majority 11775  
ownership interest is held in a license or in a casino facility, 11776  
as the case may be, shall be determined under the rules for 11777  
constructive ownership of stock provided in Treas. Reg. 1.409A- 11778  
3(i)(5)(iii) as in effect on January 1, 2009. 11779

(S) "Management company" means an organization retained by 11780  
a casino operator to manage a casino facility and provide 11781  
services such as accounting, general administration, 11782  
maintenance, recruitment, and other operational services. 11783

(T) "Ohio law enforcement training fund" means the state 11784  
law enforcement training fund described in Section 6(C)(3)(f) of 11785  
Article XV, Ohio Constitution, the money in which shall be used 11786  
to enhance public safety by providing training opportunities to 11787  
the law enforcement community. 11788

(U) "Person" includes, but is not limited to, an 11789  
individual or a combination of individuals; a sole 11790  
proprietorship, a firm, a company, a joint venture, a 11791  
partnership of any type, a joint-stock company, a corporation of 11792  
any type, a corporate subsidiary of any type, a limited 11793  
liability company, a business trust, or any other business 11794  
entity or organization; an assignee; a receiver; a trustee in 11795  
bankruptcy; an unincorporated association, club, society, or 11796  
other unincorporated entity or organization; entities that are 11797  
disregarded for federal income tax purposes; and any other 11798  
nongovernmental, artificial, legal entity that is capable of 11799  
engaging in business. 11800

(V) "Problem casino gambling and addictions fund" means 11801  
the state problem gambling and addictions fund described in 11802  
Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money 11803  
in which shall be used for treatment of problem gambling and 11804

substance abuse, and for related research. 11805

(W) "Promotional gaming credit" means a slot machine or 11806  
table game credit, discount, or other similar item issued to a 11807  
patron to enable the placement of, or increase in, a wager at a 11808  
slot machine or table game. 11809

(X) "Slot machine" means any mechanical, electrical, or 11810  
other device or machine which, upon insertion of a coin, token, 11811  
ticket, or similar object, or upon payment of any consideration, 11812  
is available to play or operate, the play or operation of which, 11813  
whether by reason of the skill of the operator or application of 11814  
the element of chance, or both, makes individual prize 11815  
determinations for individual participants in cash, premiums, 11816  
merchandise, tokens, or any thing of value, whether the payoff 11817  
is made automatically from the machine or in any other manner, 11818  
but does not include any device that is a skill-based amusement 11819  
machine, or an electronic instant bingo system, as defined in 11820  
section ~~2915.01~~3768.01 of the Revised Code. 11821

(Y) "Table game" means any game played with cards, dice, 11822  
or any mechanical, electromechanical, or electronic device or 11823  
machine for money, casino credit, or any representative of 11824  
value. "Table game" does not include slot machines. 11825

(Z) "Upfront license" means the first plenary license 11826  
issued to a casino operator. 11827

(AA) "~~Voluntary~~Ohio voluntary exclusion program" means a 11828  
~~the voluntary exclusion program provided by the commission that~~ 11829  
~~allows persons to voluntarily exclude themselves from the gaming~~ 11830  
~~areas of facilities under the jurisdiction of the commission by~~ 11831  
~~placing their name on a voluntary exclusion list and following~~ 11832  
~~the procedures set forth by the commission~~ under section 3772.39 11833

of the Revised Code. 11834

(BB) "Sports gaming," "sports gaming proprietor," "sports gaming equipment," "sports gaming facility," "sporting event," 11835  
"mobile management services provider," ~~and~~ "management services provider," 11836  
and "type C sports gaming proprietor" have the same 11837  
meanings as in section 3775.01 of the Revised Code. A person is 11838  
considered to be involved in a sporting event if division (F) (3) 11839  
of section 3775.13 of the Revised Code applies to the person 11840  
with respect to that sporting event. 11841  
11842

(CC) "Charitable gaming" and "electronic instant bingo system" 11843  
have the same meanings as in section 3768.01 of the 11844  
Revised Code. 11845

(DD) "Permit holder" and "satellite facility" have the 11846  
same meanings as in section 3769.01 of the Revised Code. "Track" 11847  
has the same meaning as in that section, but also includes a 11848  
satellite facility. 11849

(EE) "Video lottery sales agent" and "video lottery terminal" 11850  
have the same meanings as in section 3770.01 of the 11851  
Revised Code. 11852

(FF) "Internet gambling," "internet gambling equipment," 11853  
"internet gambling operator," and "internet gambling management 11854  
company" have the same meanings as in section 3771.01 of the 11855  
Revised Code. 11856

(GG) "Skill-based amusement machine," "sweepstakes," 11857  
"sweepstakes terminal device," and "sweepstakes terminal device 11858  
facility" have the same meanings as in section 3777.01 of the 11859  
Revised Code. 11860

**Sec. 3772.02.** (A) There is hereby created the Ohio casino 11861  
control commission described in Section 6(C) (4) of Article XV, 11862

Ohio Constitution. 11863

(B) The commission shall consist of seven members 11864  
appointed within one month of September 10, 2010, by the 11865  
governor with the advice and consent of the senate. The governor 11866  
shall forward all appointments to the senate within twenty-four 11867  
hours. 11868

(1) Each commission member is eligible for reappointment 11869  
at the discretion of the governor. No commission member shall be 11870  
appointed for more than three terms in total. 11871

(2) Each commission member shall be a resident of Ohio. 11872

(3) At least one commission member shall be experienced in 11873  
law enforcement and criminal investigation. 11874

(4) At least one commission member shall be a certified 11875  
public accountant experienced in accounting and auditing. 11876

(5) At least one commission member shall be an attorney 11877  
admitted to the practice of law in Ohio. 11878

(6) At least one commission member shall be a resident of 11879  
a county where one of the casino facilities is located. 11880

(7) Not more than four commission members shall be of the 11881  
same political party. 11882

(8) No commission member shall have any affiliation with 11883  
an Ohio casino operator or facility~~or~~, with a permit holder or 11884  
management services company that offers pari-mutuel wagering on 11885  
horse racing under Chapter 3769. of the Revised Code, with a 11886  
video lottery sales agent, with an internet gambling operator or 11887  
internet gambling management company, or with a sports gaming 11888  
proprietor, mobile management services provider, or management 11889  
services provider licensed under Chapter 3775. of the Revised 11890

Code. 11891

(C) Commission members shall serve four-year terms, except 11892  
that when the governor makes initial appointments to the 11893  
commission under this chapter, the governor shall appoint three 11894  
members to serve four-year terms with not more than two such 11895  
members from the same political party, two members to serve 11896  
three-year terms with such members not being from the same 11897  
political party, and two members to serve two-year terms with 11898  
such members not being from the same political party. 11899

(D) Each commission member shall hold office from the date 11900  
of appointment until the end of the term for which the member 11901  
was appointed. Any member appointed to fill a vacancy occurring 11902  
before the expiration of the term for which the member's 11903  
predecessor was appointed shall hold office for the remainder of 11904  
the unexpired term. Any member shall continue in office after 11905  
the expiration date of the member's term until the member's 11906  
successor takes office, or until a period of sixty days has 11907  
elapsed, whichever occurs first. A vacancy in the commission 11908  
membership shall be filled in the same manner as the original 11909  
appointment. 11910

(E) The governor shall select one member to serve as 11911  
chairperson and the commission members shall select one member 11912  
from a different party than the chairperson to serve as vice- 11913  
chairperson. The governor may remove and replace the chairperson 11914  
at any time. No such member shall serve as chairperson for more 11915  
than six successive years. The vice-chairperson shall assume the 11916  
duties of the chairperson in the absence of the chairperson. The 11917  
chairperson and vice-chairperson shall perform but shall not be 11918  
limited to additional duties as are prescribed by commission 11919  
rule. 11920

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

(G) The governor shall not appoint an individual to the commission, and an individual shall not serve on the commission, if the individual is ineligible to be appointed or retained under section 3772.07 of the Revised Code. A member who comes under indictment or bill of information of an offense that, if the member were convicted of the offense, would make the member ineligible to be appointed or retained under that section shall resign from the commission immediately upon indictment.

(H) At least five commission members shall be present for the commission to meet. The concurrence of four members is necessary for the commission to take any action. All members shall vote on the adoption of rules, and the approval of, and the suspension or revocation of, the licenses of casino operators or management companies, unless a member has a written leave of absence filed with and approved by the chairperson.

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

(J) Each commission member, before entering upon the discharge of the member's official duties, shall make an oath to uphold the Ohio Constitution and laws of the state of Ohio and

shall give a bond, payable by the commission, to the treasurer 11951  
of state, in the sum of ten thousand dollars with sufficient 11952  
sureties to be approved by the treasurer of state, which bond 11953  
shall be filed with the secretary of state. 11954

(K) The commission shall hold one regular meeting each 11955  
month and shall convene other meetings at the request of the 11956  
chairperson or a majority of the members. A member who fails to 11957  
attend at least three-fifths of the regular and special meetings 11958  
of the commission during any two-year period forfeits membership 11959  
on the commission. All meetings of the commission shall be open 11960  
meetings under section 121.22 of the Revised Code except as 11961  
otherwise allowed by law. 11962

(L) Pursuant to divisions (A) (3) and (9) of section 101.82 11963  
of the Revised Code, the commission is exempt from the 11964  
requirements of sections 101.82 to 101.87 of the Revised Code. 11965

**Sec. 3772.03.** (A) To ensure the integrity of ~~casino~~ gaming 11966  
in this state, the commission shall have has jurisdiction and 11967  
authority to over all of the following: 11968

(1) Casino gaming, pursuant to this chapter. The 11969  
commission has authority to complete the functions of licensing, 11970  
regulating, investigating, and penalizing casino operators, 11971  
management companies, holding companies, key gaming employees, 11972  
~~casino~~-gaming employees, and gaming-related vendors. The 11973  
commission also ~~shall have~~ has jurisdiction over all persons 11974  
participating in casino gaming authorized by Section 6(C) of 11975  
Article XV, Ohio Constitution, and this chapter. 11976

(2) Charitable gaming, pursuant to Chapter 3768. of the 11977  
Revised Code; 11978

(3) Horse racing and pari-mutuel wagering on horse racing, 11979



<u>pursuant to Chapter 3769. of the Revised Code;</u>	11980
<u>(4) Video lottery terminal gaming, pursuant to sections</u>	11981
<u>3770.21 to 3770.22 of the Revised Code;</u>	11982
<u>(5) Internet gambling, pursuant to Chapter 3771. of the</u>	11983
<u>Revised Code;</u>	11984
<u>(6) Fantasy contests, pursuant to Chapter 3774. of the</u>	11985
<u>Revised Code. The commission has jurisdiction over all persons</u>	11986
<u>conducting or participating in the conduct of a fantasy contest</u>	11987
<u>authorized by Chapter 3774. of the Revised Code, including the</u>	11988
<u>authority to license, regulate, investigate, and penalize those</u>	11989
<u>persons in a manner that is consistent with the commission's</u>	11990
<u>authority to do the same with respect to skill-based amusement</u>	11991
<u>machines. To carry out this division, the commission may adopt</u>	11992
<u>rules under Chapter 119. of the Revised Code, including rules</u>	11993
<u>establishing fees and penalties related to the operation of</u>	11994
<u>fantasy contests. All fees imposed pursuant to those rules shall</u>	11995
<u>be deposited into the casino control commission fund.</u>	11996
<u>(7) Sports gaming, pursuant to Chapter 3775. of the</u>	11997
<u>Revised Code;</u>	11998
<u>(8) Skill-based amusement machine operations and</u>	11999
<u>sweepstakes terminal devices, pursuant to Chapter 3777. of the</u>	12000
<u>Revised Code. The commission has jurisdiction over all persons</u>	12001
<u>conducting or participating in the conduct of skill-based</u>	12002
<u>amusement machine operations and sweepstakes terminal devices</u>	12003
<u>authorized by this chapter and Chapter 3777. of the Revised</u>	12004
<u>Code, including the authority to complete the functions of</u>	12005
<u>licensing, regulating, investigating, and penalizing those</u>	12006
<u>persons in a manner that is consistent with the commission's</u>	12007
<u>authority to do the same with respect to casino gaming. To carry</u>	12008

out this division, the commission may adopt rules under Chapter 12009  
119. of the Revised Code, including rules establishing fees and 12010  
penalties related to the operation of skill-based amusement 12011  
machines and sweepstakes terminal devices. All fees imposed 12012  
pursuant to those rules shall be deposited into the casino 12013  
control commission fund. 12014

(B) All rules adopted by the commission under this chapter 12015  
shall be adopted under procedures established in Chapter 119. of 12016  
the Revised Code. The commission may contract for the services 12017  
of experts and consultants to assist the commission in carrying 12018  
out its duties under this section. 12019

~~(C)~~ (C) (1) The commission shall adopt rules as are 12020  
necessary for completing the functions stated in division (A) of 12021  
this section and for addressing the subjects enumerated in 12022  
division (D) of this section. 12023

(2) Notwithstanding any provision of section 121.95 of the 12024  
Revised Code to the contrary, a regulatory restriction contained 12025  
in a rule adopted by the commission in accordance with this 12026  
chapter or Chapter 3768., 3769., 3770., 3771., 3775., or 3777. 12027  
of the Revised Code during the period beginning on the effective 12028  
date of this amendment and ending twelve months after that date 12029  
is not subject to sections 121.95 to 121.953 of the Revised 12030  
Code. 12031

(D) The commission shall adopt, and as advisable and 12032  
necessary shall amend or repeal, rules that include all of the 12033  
following: 12034

(1) The prevention of practices detrimental to the public 12035  
interest; 12036

(2) Prescribing the method of applying, and the form of 12037

application, that an applicant for a license under this chapter 12038  
must follow as otherwise described in this chapter; 12039

(3) Prescribing the information to be furnished by an 12040  
applicant or licensee as described in section 3772.11 of the 12041  
Revised Code; 12042

~~(4) Describing the certification standards and duties of~~ 12043  
~~an independent testing laboratory certified under section~~ 12044  
~~3772.31 of the Revised Code and the relationship between the~~ 12045  
~~commission, the laboratory, the gaming-related vendor, and the~~ 12046  
~~casino operator;~~ 12047

~~(5)~~ The minimum amount of insurance that must be 12048  
maintained by a casino operator, management company, holding 12049  
company, or gaming-related vendor; 12050

~~(6)~~ (5) The approval process for a significant change in 12051  
ownership or transfer of control of a licensee as provided in 12052  
section 3772.091 of the Revised Code; 12053

~~(7)~~ (6) The design of gaming supplies, devices, and 12054  
equipment to be distributed by gaming-related vendors; 12055

~~(8)~~ (7) Identifying the casino gaming that is permitted, 12056  
identifying the gaming supplies, devices, and equipment, that 12057  
are permitted, defining the area in which the permitted casino 12058  
gaming may be conducted, and specifying the method of operation 12059  
according to which the permitted casino gaming is to be 12060  
conducted as provided in section 3772.20 of the Revised Code, 12061  
and requiring gaming devices and equipment to meet the standards 12062  
of this state; 12063

~~(9)~~ (8) Tournament play in any casino facility; 12064

~~(10)~~ ~~Establishing and implementing a~~ (9) Implementing the 12065

~~Ohio voluntary exclusion program that provides all of the~~ 12066  
~~following:—~~ 12067

~~(a) Except as provided by commission rule, a person who~~ 12068  
~~participates in the program shall agree to refrain from entering~~ 12069  
~~a casino facility.—~~ 12070

~~(b) The name of a person participating in the program~~ 12071  
~~shall be included on a list of persons excluded from all casino~~ 12072  
~~facilities.—~~ 12073

~~(c) Except as provided by commission rule, no person who~~ 12074  
~~participates in the program shall petition the commission for~~ 12075  
~~admittance into a casino facility.—~~ 12076

~~(d) The list of persons participating in the program and~~ 12077  
~~the personal information of those persons shall be confidential~~ 12078  
~~and shall only be disseminated by the commission to the state~~ 12079  
~~lottery commission, casino operators, sports gaming proprietors,~~ 12080  
~~and their agents and employees for purposes of enforcement and~~ 12081  
~~to other entities, upon request of the participant and agreement~~ 12082  
~~by the commission.—~~ 12083

~~(e) A casino operator shall make all reasonable attempts~~ 12084  
~~as determined by the commission to cease all direct marketing~~ 12085  
~~efforts to a person participating in the program.—~~ 12086

~~(f) A casino operator shall not cash the check of a person~~ 12087  
~~participating in the program or extend credit to the person in~~ 12088  
~~any manner. However, the program shall not exclude a casino~~ 12089  
~~operator from seeking the payment of a debt accrued by a person~~ 12090  
~~before participating in the program.—~~ 12091

~~(g) Any and all locations at which a person may register~~ 12092  
~~as a participant in the program shall be published.~~ 12093

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

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

~~(13)~~ (10) Permitting a licensed casino operator, management company, key gaming employee, or ~~casino~~ gaming employee to question a person suspected of violating this chapter;

~~(14)~~ (11) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;

~~(15)~~ (12) Establishing standards for provisional key gaming employee licenses for a person who is required to be licensed as a key gaming employee and is in exigent circumstances and standards for provisional licenses for ~~casino~~ gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using

electronic fingerprint reading devices.	12124
<del>(16)</del> <u>(13)</u> Establishing approval procedures for third-party	12125
engineering or accounting firms, as described in section 3772.09	12126
of the Revised Code;	12127
<del>(17)</del> <u>(14)</u> Prescribing the manner in which winnings,	12128
compensation from casino gaming, and gross revenue must be	12129
computed and reported by a licensee as described in Chapter	12130
5753. of the Revised Code;	12131
<del>(18)</del> <u>(15)</u> Prescribing conditions under which a licensee's	12132
license may be suspended or revoked as described in section	12133
3772.04 of the Revised Code;	12134
<del>(19)</del> <u>(16)</u> Prescribing the manner and procedure of all	12135
hearings to be conducted by the commission or by any hearing	12136
examiner;	12137
<del>(20)</del> <u>(17)</u> Prescribing technical standards and requirements	12138
that are to be met by security and surveillance equipment that	12139
is used at and standards and requirements to be met by personnel	12140
who are employed at casino facilities, and standards and	12141
requirements for the provision of security at and surveillance	12142
of casino facilities;	12143
<del>(21)</del> <u>(18)</u> Prescribing requirements for a casino operator	12144
to provide unarmed security services at a casino facility by	12145
licensed casino employees, and the training that shall be	12146
completed by these employees;	12147
<del>(22)</del> <u>(19)</u> Prescribing standards according to which casino	12148
operators shall keep accounts and standards according to which	12149
casino accounts shall be audited, and establish means of	12150
assisting the tax commissioner in levying and collecting the	12151
gross casino revenue tax levied under section 5753.02 of the	12152

Revised Code; 12153

~~(23)~~ (20) Defining penalties for violation of commission 12154  
rules and a process for imposing such penalties; 12155

~~(24)~~ (21) Establishing standards for decertifying 12156  
contractors that violate statutes or rules of this state or the 12157  
federal government; 12158

~~(25)~~ (22) Establishing standards for the repair of casino 12159  
gaming equipment; 12160

~~(26)~~ (23) Establishing procedures to ensure that casino 12161  
operators, management companies, and holding companies are 12162  
compliant with the compulsive and problem gambling plan 12163  
submitted under section 3772.18 of the Revised Code; 12164

~~(27)~~ (24) Prescribing, for institutional investors in or 12165  
holding companies of a casino operator, management company, 12166  
holding company, or gaming-related vendor that fall below the 12167  
threshold needed to be considered an institutional investor or a 12168  
holding company, standards regarding what any employees, 12169  
members, or owners of those investors or holding companies may 12170  
do and shall not do in relation to casino facilities and casino 12171  
gaming in this state, which standards shall rationally relate to 12172  
the need to proscribe conduct that is inconsistent with passive 12173  
institutional investment status; 12174

~~(28)~~ (25) Providing for any other thing necessary and 12175  
proper for successful and efficient regulation of casino gaming 12176  
under this chapter. 12177

(E) The commission shall employ and assign gaming agents 12178  
as necessary to assist the commission in carrying out the duties 12179  
of the commission under this chapter and Chapters 2915. and, 12180  
3768., 3769., 3770., 3771., 3775., and 3777. of the Revised 12181

Code. In order to maintain employment as a gaming agent, the 12182  
gaming agent shall successfully complete all continuing training 12183  
programs required by the commission and shall not have been 12184  
convicted of or pleaded guilty or no contest to an offense that 12185  
makes the gaming agent ineligible for appointment or retention 12186  
under section 3772.07 of the Revised Code. 12187

(F) The commission, as a law enforcement agency, and its 12188  
gaming agents, as law enforcement officers as defined in section 12189  
2901.01 of the Revised Code, shall have authority with regard to 12190  
the detection and investigation of, the seizure of evidence 12191  
allegedly relating to, and the apprehension and arrest of 12192  
persons allegedly committing violations of this chapter or 12193  
gambling offenses as defined in section 2915.01 of the Revised 12194  
Code or violations of any other law of this state that may 12195  
affect the integrity or operation of casino ~~any form of gaming,~~ 12196  
~~the operation of skill-based amusement machines, or the~~ 12197  
~~operation of sports gaming~~ described in division (A) of this 12198  
section, and shall have access to ~~casino~~ all facilities, ~~skill-~~ 12199  
~~based amusement machine facilities, and sports gaming facilities~~ 12200  
used to operate or facilitate any form of gaming described in 12201  
division (A) of this section to carry out the requirements of 12202  
this chapter and ~~Chapter~~ Chapters 2915., 3768., 3769., 3770., 12203  
3771., 3775., and 3777. of the Revised Code. 12204

(G) The commission may eject or exclude or authorize the 12205  
ejection or exclusion of and a gaming agent may eject a person 12206  
from a casino facility for any of the following reasons: 12207

(1) The person's name is on the list of persons 12208  
voluntarily excluding themselves from all casinos in a program 12209  
established according to rules adopted by the commission; 12210

(2) The person violates or conspires to violate this 12211



chapter or a rule adopted thereunder; or 12212

(3) The commission determines that the person's conduct or 12213  
reputation is such that the person's presence within a casino 12214  
facility may call into question the honesty and integrity of the 12215  
casino gaming operations or interfere with the orderly conduct 12216  
of the casino gaming operations. 12217

(H) A person, other than a person participating in a the 12218  
Ohio voluntary exclusion program, may petition the commission 12219  
for a public hearing on the person's ejection or exclusion under 12220  
this chapter. 12221

(I) A casino operator or management company shall have the 12222  
same authority to eject or exclude a person from the management 12223  
company's casino facilities as authorized in division (G) of 12224  
this section. The licensee shall immediately notify the 12225  
commission of an ejection or exclusion. 12226

(J) The commission shall submit a written annual report 12227  
with the governor, president and minority leader of the senate, 12228  
and the speaker and minority leader of the house of 12229  
representatives before the first day of September each year. The 12230  
annual report shall cover the previous fiscal year and shall 12231  
include all of the following: 12232

(1) A statement describing the receipts and disbursements 12233  
of the commission; 12234

(2) Relevant financial data regarding casino gaming, 12235  
including gross revenues and disbursements made under this 12236  
chapter; 12237

(3) Actions taken by the commission; 12238

(4) An update on casino operators', management companies', 12239

and holding companies' compulsive and problem gambling plans and 12240  
the voluntary exclusion program and list; 12241

(5) Information regarding prosecutions for conduct 12242  
described in division (H) of section 3772.99 of the Revised 12243  
Code, including, but not limited to, the total number of 12244  
prosecutions commenced and the name of each person prosecuted; 12245

(6) Any additional information that the commission 12246  
considers useful or that the governor, president or minority 12247  
leader of the senate, or speaker or minority leader of the house 12248  
of representatives requests. 12249

~~(K) To ensure the integrity of skill-based amusement 12250  
machine operations, the commission shall have jurisdiction over 12251  
all persons conducting or participating in the conduct of skill- 12252  
based amusement machine operations authorized by this chapter 12253  
and Chapter 2915. of the Revised Code, including the authority 12254  
to complete the functions of licensing, regulating, 12255  
investigating, and penalizing those persons in a manner that is 12256  
consistent with the commission's authority to do the same with 12257  
respect to casino gaming. To carry out this division, the 12258  
commission may adopt rules under Chapter 119. of the Revised 12259  
Code, including rules establishing fees and penalties related to 12260  
the operation of skill-based amusement machines. 12261~~

~~(I) To ensure the integrity of fantasy contests, the 12262  
commission shall have jurisdiction over all persons conducting 12263  
or participating in the conduct of a fantasy contest authorized 12264  
by Chapter 3774. of the Revised Code, including the authority to 12265  
license, regulate, investigate, and penalize those persons in a 12266  
manner that is consistent with the commission's authority to do 12267  
the same with respect to skill-based amusement machines. To 12268  
carry out this division, the commission may adopt rules under 12269~~

~~Chapter 119. of the Revised Code, including rules establishing~~ 12270  
~~fees and penalties related to the operation of fantasy contests.~~ 12271

~~(M) All fees imposed pursuant to the rules adopted under~~ 12272  
~~divisions (K) and (L) of this section shall be deposited into~~ 12273  
~~the casino control commission fund.~~ 12274

**Sec. 3772.031.** (A) (1) The general assembly finds that the 12275  
exclusion or ejection of certain persons from ~~casino facilities~~ 12276  
~~and from sports gaming~~ is necessary to effectuate the intents 12277  
and purposes of this chapter and ~~Chapter~~ Chapters 3769., 3770., 12278  
3771., and 3775. of the Revised Code and to maintain strict and 12279  
effective regulation of ~~casino gaming and sports gaming~~. The 12280  
general assembly specifically finds that the exclusion from 12281  
sports gaming of persons who threaten violence or harm against 12282  
persons who are involved in sporting events, where the threat is 12283  
related to sports gaming, is necessary to effectuate the intent 12284  
of Chapter 3775. of the Revised Code and to protect the 12285  
interests of this state. 12286

(2) The commission, by rule, shall provide for a ~~all~~ of 12287  
the following: 12288

(a) A list of persons who are to be excluded or ejected 12289  
from a casino facility ~~and a~~; 12290

(b) A list of persons who are to be excluded or ejected 12291  
from a sports gaming facility and from participating in the play 12292  
or operation of sports gaming in this state; 12293

(c) A list of persons who are to be excluded or ejected 12294  
from a track and from participating in the play or operation of 12295  
video lottery terminal gaming and pari-mutuel wagering on horse 12296  
racing in this state; 12297

(d) A list of persons who are to be excluded from 12298

participating in the play or operation of internet gambling in 12299  
this state. ~~Persons~~ 12300

(3) Persons included on an exclusion list shall be 12301  
identified by name and physical description. The commission 12302  
shall publish the exclusion lists on its web site, and shall 12303  
transmit a copy of the exclusion lists periodically to casino 12304  
operators~~and~~, sports gaming proprietors, video lottery sales 12305  
agents, permit holders, and internet gambling operators, as 12306  
applicable, as they are initially issued and thereafter as they 12307  
are revised from time to time. 12308

~~(3)~~ (4) A casino operator shall take steps necessary to 12309  
ensure that all its key gaming employees and ~~casino~~-gaming 12310  
employees are aware of and understand the casino exclusion list 12311  
and its function, and that all its key gaming employees and 12312  
~~casino~~-gaming employees are kept aware of the content of the 12313  
casino exclusion list as it is issued and thereafter revised 12314  
from time to time. 12315

~~(4)~~ (5) A sports gaming proprietor shall take steps 12316  
necessary to ensure that its appropriate agents and employees 12317  
are aware of and understand the sports gaming exclusion list and 12318  
its function, and that all its appropriate agents and employees 12319  
are kept aware of the content of the sports gaming exclusion 12320  
list as it is issued and thereafter revised from time to time. 12321

(6) A video lottery sales agent or other permit holder 12322  
shall take steps necessary to ensure that its appropriate agents 12323  
and employees are aware of and understand the track exclusion 12324  
list and its function, and that all its appropriate agents and 12325  
employees are kept aware of the content of the track exclusion 12326  
list as it is issued and thereafter revised from time to time. 12327  
This division does not apply to a permit holder who holds only a 12328

permit issued for a racing meeting at a fair. 12329

(7) An internet gambling operator shall take steps 12330  
necessary to ensure that its appropriate agents and employees 12331  
are aware of and understand the internet gambling exclusion list 12332  
and its function, and that all its appropriate agents and 12333  
employees are kept aware of the content of the internet gambling 12334  
exclusion list as it is issued and thereafter revised from time 12335  
to time. 12336

~~(B)~~ (B) (1) The casino exclusion list may include any 12337  
person whose presence in a casino facility is determined by the 12338  
commission to pose a threat to the interests of the state, to 12339  
achieving the intents and purposes of this chapter, or to the 12340  
strict and effective regulation of casino gaming. ~~The~~ 12341

(2) The sports gaming exclusion list may include any 12342  
person who, before, during, or after a sporting event, threatens 12343  
violence or harm against any person who is involved in the 12344  
sporting event, where the threat is related to sports gaming, or 12345  
whose presence in a sports gaming facility or whose 12346  
participation in the play or operation of sports gaming in this 12347  
state is determined by the commission to pose a threat to the 12348  
interests of the state, to achieving the intents and purposes of 12349  
Chapter 3775. of the Revised Code, or to the strict and 12350  
effective regulation of sports gaming. ~~In~~ 12351

(3) The track exclusion list may include any person whose 12352  
presence at a track is determined by the commission to pose a 12353  
threat to the interests of the state, to achieving the intents 12354  
and purposes of this chapter or Chapter 3769. or 3770. of the 12355  
Revised Code, or to the strict and effective regulation of video 12356  
lottery terminal gaming or pari-mutuel wagering on horse racing. 12357

(4) The internet gambling exclusion list may include any person whose participation in the play or operation of internet gambling in this state is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of this chapter or Chapter 3771. of the Revised Code, or to the strict and effective regulation of internet gambling.

(C) In determining whether to include a person on an exclusion list, the commission may consider:

(1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3769., 3770., 3771., or 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a ~~sports-gaming-related~~ person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that ~~casino-gaming- or sports-gaming~~ is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, from a track, or from participating in the play or operation of ~~sports-gaming~~ in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility sports gaming facility, or track or in the ~~sports~~-gaming industry in this state may call into question the honesty and integrity of the ~~casino gaming or sports~~-gaming operations or interfere with the orderly conduct of the ~~casino gaming or sports~~-gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility, sports gaming facility, or track or in the ~~sports~~-gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility, sports gaming facility, or track or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(7) If the commission has suspended the person's gaming privileges;

(8) If the commission has revoked the person's licenses related to this chapter or Chapter 3769., 3770., 3771., or 3775. of the Revised Code;

(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility ~~or~~, a sports gaming facility, or a track;

(10) If the person has threatened violence or harm against a person who is involved in the sporting event, where the threat

was related to sports gaming with respect to that sporting 12416  
event; 12417

(11) If the person has a history of conduct involving the 12418  
disruption of gaming operations ~~within a casino facility or in~~ 12419  
~~the sports gaming industry in~~ this state. 12420

Race, color, creed, national origin or ancestry, or sex 12421  
are not grounds for placing a person on an exclusion list. 12422

~~(C)~~ (D) The commission shall notify a person of the 12423  
commission's intent to include such person on one or ~~both~~ more 12424  
exclusion lists. The notice shall be provided by personal 12425  
service, by certified mail to the person's last known address, 12426  
by commercial carrier utilizing a method of delivery that 12427  
provides confirmation of delivery, or, if service cannot be 12428  
accomplished by personal service, certified mail, or commercial 12429  
carrier, by publication daily for two weeks in a newspaper of 12430  
general circulation within the county in which the person 12431  
resides and in a newspaper of general circulation within each 12432  
county in which a casino facility ~~or~~, sports gaming facility, 12433  
or track, as applicable, is located. 12434

~~(D)(1)~~ (E)(1) Except as otherwise provided in this 12435  
section, a person who receives notice of intent to include the 12436  
person on an exclusion list is entitled, upon the person's 12437  
request, to an adjudication hearing under Chapter 119. of the 12438  
Revised Code, in which the person may demonstrate why the person 12439  
should not be included on the exclusion list or lists. The 12440  
person shall request such an adjudication hearing not later than 12441  
thirty days after the person receives the notice by personal 12442  
service, certified mail, or commercial carrier, or not later 12443  
than thirty days after the last newspaper publication of the 12444  
notice. 12445



(2) If the person does not request a hearing in accordance 12446  
with division ~~(D)(1)~~ (E)(1) of this section, the commission may, 12447  
but is not required to, conduct an adjudication hearing under 12448  
Chapter 119. of the Revised Code. The commission may reopen an 12449  
adjudication under this section at any time. 12450

(3) If the adjudication hearing, order, or any appeal 12451  
thereof under Chapter 119. of the Revised Code results in an 12452  
order that the person should not be included on the exclusion 12453  
list or lists, the commission shall publish a revised exclusion 12454  
list that does not include the person. The commission also shall 12455  
notify ~~casino operators or sports gaming proprietors, as its~~ 12456  
applicable, licensees that the person has been removed from the 12457  
exclusion list or lists. A casino operator shall take all steps 12458  
necessary to ensure its key gaming employees and ~~casino~~ gaming 12459  
employees are made aware that the person has been removed from 12460  
the casino exclusion list. A sports gaming proprietor, internet 12461  
gambling operator, or video lottery sales agent or other permit 12462  
holder, other than a permit holder who holds only a permit 12463  
issued for a racing meeting at a fair, shall take all steps 12464  
necessary to ensure its appropriate agents and employees are 12465  
made aware that the person has been removed from the ~~sports-~~ 12466  
gaming applicable exclusion list. 12467

~~(E)(F)~~ This section does not apply to ~~any voluntary~~ 12468  
~~exclusion list created as part of a~~ the Ohio voluntary exclusion 12469  
~~program under this chapter or Chapter 3775. of the Revised Code.~~ 12470

**Sec. 3772.04.** (A) (1) If the commission concludes that an 12471  
applicant, licensee, or other person subject to the commission's 12472  
jurisdiction under this chapter should be fined or penalized, or 12473  
that a license required by this chapter ~~or,~~ Chapter 3769., 12474  
3771., 3775., or 3777., or sections 3770.21 to 3770.22 of the 12475

Revised Code should be limited, conditioned, restricted, 12476  
suspended, revoked, denied, or not renewed, the commission may, 12477  
and if so requested by the licensee, applicant, or other person, 12478  
shall, conduct a hearing in an adjudication under Chapter 119. 12479  
of the Revised Code. After notice and opportunity for a hearing, 12480  
the commission may fine or penalize the applicant, licensee, or 12481  
other person or limit, condition, restrict, suspend, revoke, 12482  
deny, or not renew a license under rules adopted by the 12483  
commission. The commission may reopen an adjudication under this 12484  
section at any time. 12485

(2) The commission shall appoint a hearing examiner to 12486  
conduct the hearing in the adjudication. A party to the 12487  
adjudication may file written objections to the hearing 12488  
examiner's report and recommendations not later than the 12489  
thirtieth day after they are served upon the party or the 12490  
party's attorney or other representative of record. The 12491  
commission shall not take up the hearing examiner's report and 12492  
recommendations earlier than the thirtieth day after the hearing 12493  
examiner's report and recommendations were submitted to the 12494  
commission. 12495

(3) If the commission finds that a person ~~fails or has~~ 12496  
~~failed to meet~~ has done any ~~requirement under this chapter or~~ 12497  
~~Chapter 3775. of the Revised Code or a rule adopted thereunder~~ 12498  
following, or violates or has violated this chapter or Chapter 12499  
~~3775. of the Revised Code or a rule adopted thereunder,~~ the 12500  
commission may issue an order under division (A) (4) of this 12501  
section: 12502

(a) Violated or failed to meet any applicable provision of 12503  
this chapter, Chapter 3769., 3771., 3775., or 3777., or sections 12504  
3771.21 to 3771.22 of the Revised Code or any rule adopted 12505

thereunder; 12506

(b) Engaged in any material or intentional 12507  
misrepresentation or material omission; 12508

(c) Engaged in any fraudulent act; 12509

(d) Failed to cooperate with the commission; 12510

(e) Failed to comply with all the terms and conditions of 12511  
a settlement agreement or agreed order with the commission and 12512  
any subsequent amendment or modification; 12513

(f) Failed to comply with the terms and conditions of a 12514  
commission order or resolution or any subsequent amendment or 12515  
modification; 12516

(g) Failed to allow the commission access to records as 12517  
required under this chapter, Chapter 3769., 3771., 3775., or 12518  
3777., or sections 3770.21 to 3770.22 of the Revised Code or any 12519  
rule adopted thereunder, to comply with the terms of a subpoena 12520  
issued by the commission, or to testify on matters about which 12521  
the person may be lawfully questioned; 12522

(h) Engaged in any conduct that undermines the integrity 12523  
of, or public's confidence in, gaming in this state. 12524

(4) Upon making a finding under division (A) (3) of this 12525  
section, the commission may issue an order doing any of the 12526  
following: 12527

(a) Limiting, conditioning, restricting, suspending, 12528  
revoking, denying, or not renewing, a license issued under this 12529  
chapter or Chapter 3769., 3771., 3775., or 3777. or sections 12530  
3770.21 to 3770.22 of the Revised Code; 12531

(b) Requiring a casino facility to exclude a licensee from 12532

the casino facility or requiring a casino facility not to pay to 12533  
the licensee any remuneration for services or any share of 12534  
profits, income, or accruals on the licensee's investment in the 12535  
casino facility; ~~or~~ 12536

(c) ~~Fining~~ Restricting the licensee's gaming operations; 12537

(d) Imposing a monetary fine or a monetary civil penalty 12538  
on a licensee or other person according to the penalties adopted 12539  
by the commission. If the violation or failure resulted in the 12540  
unlawful obtainment or retention of any money or property, the 12541  
commission may impose an additional civil penalty or fine in an 12542  
amount equal to the value of the money or property that was 12543  
unlawfully obtained or retained. 12544

(e) Imposing any other discipline on the person to which 12545  
the person agrees. 12546

~~(4)–~~ (5) A key gaming employee or gaming employee whose 12547  
employment has been terminated remains subject to this section. 12548

(6) The commission may find that multiple violations or 12549  
failures occurred within a single day if each violation or 12550  
failure was the result of a separate and distinct act. 12551

(7) The commission may hold applicants, licensees, or 12552  
other persons jointly and severally liable for a violation or 12553  
failure. 12554

(8) An order may be judicially reviewed under section 12555  
119.12 of the Revised Code. 12556

(B) Without in any manner limiting the authority of the 12557  
commission to impose the level and type of discipline the 12558  
commission considers appropriate, the commission may take into 12559  
consideration the following: 12560

(1) If the licensee knew or reasonably should have known 12561  
that the action complained of was a violation of any law, rule, 12562  
or condition on the licensee's license; 12563

(2) If the licensee has previously been disciplined by the 12564  
commission; 12565

(3) If the licensee has previously been subject to 12566  
discipline by the commission concerning the violation of any 12567  
law, rule, or condition of the licensee's license; 12568

(4) If the licensee reasonably relied upon professional 12569  
advice from a lawyer, doctor, accountant, or other recognized 12570  
professional that was relevant to the action resulting in the 12571  
violation; 12572

(5) If the licensee or the licensee's employer had a 12573  
reasonably constituted and functioning compliance program; 12574

(6) If the imposition of a condition requiring the 12575  
licensee to establish and implement a written self-enforcement 12576  
and compliance program would assist in ensuring the licensee's 12577  
future compliance with all statutes, rules, and conditions of 12578  
the license; 12579

(7) If the licensee realized a pecuniary gain from the 12580  
violation; 12581

(8) If the amount of any fine or other penalty imposed 12582  
would result in disgorgement of any gains unlawfully realized by 12583  
the licensee; 12584

(9) If the violation was caused by an officer or employee 12585  
of the licensee, the level of authority of the individual who 12586  
caused the violation; 12587

(10) If the individual who caused the violation acted 12588

within the scope of the individual's authority as granted by the licensee; 12589  
12590

(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation; 12591  
12592  
12593

(12) If the licensee's action substantially deviated from industry standards and customs; 12594  
12595

(13) The extent to which the licensee cooperated with the commission during the investigation of the violation; 12596  
12597

(14) If the licensee has initiated remedial measures to prevent similar violations; 12598  
12599

(15) The magnitude of penalties imposed on other licensees for similar violations; 12600  
12601

(16) The proportionality of the penalty in relation to the misconduct; 12602  
12603

(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations; 12604  
12605  
12606

(18) The risk to the public and to the integrity of gaming in this state; 12607  
12608

(19) Any mitigating factors offered by the licensee; and 12609

~~(19)~~ (20) Any other factors the commission considers relevant. 12610  
12611

(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The 12612  
12613  
12614  
12615

commission shall give notice of all public hearings in such 12616  
manner as will give actual notice to all interested parties. 12617

(D) (1) For the purpose of conducting the hearing in an 12618  
adjudication under division (A) of this section, or in the 12619  
discharge of any duties imposed by this chapter or Chapter 12620  
3769., 3770., 3771., 3775., or 3777. of the Revised Code, the 12621  
commission may require that testimony be given under oath and 12622  
administer such oath, issue subpoenas compelling the attendance 12623  
of witnesses and the production of any papers, books, and 12624  
accounts, directed to the sheriffs of the counties where such 12625  
witnesses or papers, books, and accounts are found and cause the 12626  
deposition of any witness. The subpoenas shall be served and 12627  
returned in the same manner as subpoenas in criminal cases are 12628  
served and returned. The fees of sheriffs shall be the same as 12629  
those allowed by the court of common pleas in criminal cases. 12630

(2) In the event of the refusal of any person without good 12631  
cause to comply with the terms of a subpoena issued by the 12632  
commission or refusal to testify on matters about which the 12633  
person may lawfully be questioned, the prosecuting attorney of 12634  
the county in which such person resides, upon the petition of 12635  
the commission, may bring a proceeding for contempt against such 12636  
person in the court of common pleas of that county. 12637

(3) Witnesses shall be paid the fees and mileage provided 12638  
for in section 119.094 of the Revised Code. 12639

(4) All fees and mileage expenses incurred at the request 12640  
of a party shall be paid in advance by the party. 12641

(E) When conducting a public hearing, the commission shall 12642  
not limit the number of speakers who may testify. However, the 12643  
commission may set reasonable time limits on the length of an 12644

individual's testimony or the total amount of time allotted to 12645  
proponents and opponents of an issue before the commission. 12646

(F) The commission may rely, in whole or in part, upon 12647  
investigations, conclusions, or findings of other ~~casino gaming~~ 12648  
~~or sports gaming~~ commissions, as applicable, or other government 12649  
regulatory bodies in connection with licensing, investigations, 12650  
or other matters relating to an applicant or licensee under this 12651  
chapter. 12652

(G) Notwithstanding anything to the contrary in this 12653  
chapter or Chapter 3769., 3770., 3771., 3775., or 3777. of the 12654  
Revised Code, and except with respect to a license issued under 12655  
this chapter to a casino operator, management company, or 12656  
holding company, the executive director may issue an emergency 12657  
order for the suspension, limitation, or conditioning of any 12658  
license, registration, approval, or certificate issued, 12659  
approved, granted, or otherwise authorized by the commission 12660  
under Chapter 3769., 3770., 3771., 3772. ~~or~~, 3775., or 3777. of 12661  
the Revised Code or the rules adopted thereunder, requiring the 12662  
inclusion of persons on ~~the casino an~~ exclusion list ~~or sports~~ 12663  
~~gaming exclusion list~~ provided for under section 3772.031 of the 12664  
Revised Code ~~or Chapter 3775. of the Revised Code~~ and the rules 12665  
adopted thereunder, and requiring a casino facility not to pay a 12666  
licensee, registrant, or approved or certified person any 12667  
remuneration for services or any share of profits, income, or 12668  
accruals on that person's investment in the casino facility. 12669

(1) An emergency order may be issued when the executive 12670  
director finds either of the following: 12671

(a) A licensee, registrant, or approved or certified 12672  
person has been charged with a violation of any of the criminal 12673  
laws of this state, another state, or the federal government; 12674



(b) Such an action is necessary to prevent a violation of 12675  
this chapter or Chapter 3769., 3770., 3771., 3775., or 3777. of 12676  
the Revised Code or a rule adopted thereunder. 12677

(2) An emergency order issued under division (G) of this 12678  
section shall state the reasons for the commission's action, 12679  
cite the law or rule directly involved, and state that the party 12680  
will be afforded a hearing if the party requests it within 12681  
thirty days after the time of mailing or personal delivery of 12682  
the order. 12683

(3) (a) Not later than the next business day after the 12684  
issuance of the emergency order, the order shall be sent by 12685  
registered or certified mail, return receipt requested, or by 12686  
commercial carrier utilizing any form of delivery requiring a 12687  
signed receipt, to the party at the party's last known mailing 12688  
address appearing in the commission's records or personally 12689  
delivered at any time to the party by an employee or agent of 12690  
the commission. 12691

(b) A copy of the order shall be mailed or an electronic 12692  
copy provided to the attorney or other representative of record 12693  
representing the party. 12694

(c) If the order sent by registered or certified mail or 12695  
by commercial carrier is returned because the party fails to 12696  
claim the order, the commission shall send the order by ordinary 12697  
mail to the party at the party's last known address and shall 12698  
obtain a certificate of mailing. Service by ordinary mail is 12699  
complete when the certificate of mailing is obtained unless the 12700  
order is returned showing failure of delivery. 12701

(d) If the order sent by commercial carrier or registered, 12702  
certified, or ordinary mail is returned for failure of delivery, 12703

the commission shall either make personal delivery of the order 12704  
by an employee or agent of the commission or cause a summary of 12705  
the substantive provisions of the order to be published once a 12706  
week for three consecutive weeks in a newspaper of general 12707  
circulation in the county where the last known address of the 12708  
party is located. 12709

(i) Failure of delivery occurs only when a mailed order is 12710  
returned by the postal authorities or commercial carrier marked 12711  
undeliverable, address or addressee unknown, or forwarding 12712  
address unknown or expired. 12713

(ii) When service is completed by publication, a proof of 12714  
publication affidavit, with the first publication of the summary 12715  
set forth in the affidavit, shall be mailed by ordinary mail to 12716  
the party at the party's last known address and the order shall 12717  
be deemed received as of the date of the last publication. 12718

(e) Refusal of delivery of the order sent by mail or 12719  
personally delivered to the party is not failure of delivery and 12720  
service is deemed to be complete. 12721

(4) The emergency order shall be effective immediately 12722  
upon service of the order on the party. The emergency order 12723  
shall remain effective until further order of the executive 12724  
director or the commission. 12725

(5) The commission may, and if so requested by the person 12726  
affected by the emergency order shall, promptly conduct a 12727  
hearing in an adjudication under Chapter 119. of the Revised 12728  
Code. 12729

(H) (1) A person whose license under this chapter, Chapter 12730  
3769., 3771., 3775., or 3777., or sections 3770.21 to 3770.22 of 12731  
the Revised Code is denied or revoked is ineligible to apply for 12732

a license under this chapter, Chapter 3769., 3771., 3775., or 12733  
3777., or sections 3770.21 to 3770.22 of the Revised Code for a 12734  
period of three years after the date of the denial or 12735  
revocation. 12736

(2) Division (H)(1) of this section does not apply to 12737  
either of the following: 12738

(a) A person who withdraws the person's license 12739  
application with the approval of the executive director of the 12740  
commission before the license is denied; 12741

(b) A person who is not issued a license solely due to a 12742  
limit on the number of available licenses. 12743

**Sec. 3772.062.** (A) (1) The executive director of the 12744  
commission shall enter into an agreement with the department of 12745  
mental health and addiction services under which the department 12746  
provides a program of problem gambling and addiction services, 12747  
~~including services to alleviate problem sports gaming,~~ on behalf 12748  
of the commission. 12749

(2) The commission shall use the moneys in the problem 12750  
~~sports gaming gambling~~ fund established under section 5753.031 12751  
of the Revised Code for the purpose of paying the costs of 12752  
program services to alleviate problem ~~sports gaming gambling~~ in 12753  
this state. 12754

(B) The executive director of the commission, in 12755  
conjunction with the department of mental health and addiction 12756  
services and the state lottery commission, shall establish, 12757  
operate, and publicize an in-state, toll-free telephone number 12758  
Ohio residents may call to obtain basic information about 12759  
problem gambling, the gambling addiction services available to 12760  
problem gamblers, and how a problem gambler may obtain help. The 12761

telephone number shall be staffed twenty-four hours per day, 12762  
seven days a week, to respond to inquiries and provide that 12763  
information. The costs of establishing, operating, and 12764  
publicizing the telephone number shall be paid for with money in 12765  
the problem casino gambling and addictions fund. 12766

**Sec. 3772.07.** The following appointing or licensing 12767  
authorities shall obtain a criminal records check of the person 12768  
who is to be appointed or licensed: 12769

(A) The governor, before appointing an individual as a 12770  
member of the commission; 12771

(B) The commission, before appointing an individual as 12772  
executive director or a gaming agent; 12773

(C) The commission, before issuing a license for a key 12774  
gaming employee or ~~casino~~-gaming employee, and before issuing a 12775  
license for each investor, except an institutional investor, for 12776  
a casino operator, management company, holding company, or 12777  
gaming-related vendor; 12778

(D) The executive director, before appointing an 12779  
individual as a professional, technical, or clerical employee of 12780  
the commission. 12781

Thereafter, such an appointing or licensing authority 12782  
shall obtain a criminal records check of the same individual at 12783  
three-year intervals. 12784

The appointing or licensing authority shall make available 12785  
to each person of whom a criminal records check is required a 12786  
copy of the form and the standard fingerprint impression sheet 12787  
prescribed under divisions (C) (1) and (2) of section 109.572 of 12788  
the Revised Code. The person shall complete the form and 12789  
impression sheet and return them as directed by the appointing 12790

or licensing authority. If a person fails to complete and return 12791  
the form and impression sheet within a reasonable time, the 12792  
person is ineligible to be appointed or licensed or to continue 12793  
in the appointment or licensure. 12794

The appointing or licensing authority shall cause the 12795  
completed form and impression sheet to be forwarded to the 12796  
superintendent of the bureau of criminal identification and 12797  
investigation. The appointing or licensing authority shall 12798  
request the superintendent also to obtain information from the 12799  
federal bureau of investigation, including fingerprint-based 12800  
checks of the national crime information databases, and from 12801  
other states and the federal government under the national crime 12802  
prevention and privacy compact as part of the criminal records 12803  
check. 12804

For all criminal records checks conducted under this 12805  
section, the applicant for a casino operator, management 12806  
company, holding company, or gaming-related vendor, ~~key~~ 12807  
~~employee, or casino gaming employee~~ license shall pay the fee 12808  
charged by the bureau of criminal identification and 12809  
investigation or by a vendor approved by the bureau to conduct a 12810  
criminal records check based on the applicant's fingerprints in 12811  
accordance with division (A) (15) of section 109.572 of the 12812  
Revised Code. ~~If the applicant for a key employee or casino~~ 12813  
~~gaming employee license is applying at the request of a casino~~ 12814  
~~operator, management company, holding company, or gaming-related~~ 12815  
~~vendor, the casino operator, management company, holding~~ 12816  
~~company, or gaming-related vendor shall pay the fee charged for~~ 12817  
~~all criminal records checks conducted under this section.~~ 12818

The appointing or licensing authority shall review the 12819  
results of a criminal records check. An appointee for a 12820

commission member shall forward the results of the criminal 12821  
records check to the president of the senate before the senate 12822  
advises and consents to the appointment of the commission 12823  
member. The appointing authority shall not appoint or retain the 12824  
appointment of a person a criminal records check discloses has 12825  
been convicted of or has pleaded guilty or no contest to any 12826  
gambling offense, any theft offense, any offense having an 12827  
element of fraud or misrepresentation, any offense having an 12828  
element of moral turpitude, and any felony not otherwise 12829  
included in the foregoing list, except as otherwise provided in 12830  
section 3772.10 of the Revised Code. The licensing authority 12831  
shall not license a person if a criminal records check discloses 12832  
that the person has been convicted of a disqualifying offense. 12833  
As used in this section, "disqualifying offense" means a 12834  
disqualifying offense as determined by the licensing authority 12835  
under section 9.79 of the Revised Code. 12836

The report of a criminal records check is not a public 12837  
record that is open to public inspection and copying. The 12838  
commission shall not make the report available to any person 12839  
other than the person who was the subject of the criminal 12840  
records check; an appointing or licensing authority; a member, 12841  
the executive director, or an employee of the commission; or any 12842  
court or agency, including a hearing examiner, in a judicial or 12843  
administrative proceeding relating to the person's employment or 12844  
application for a license under this chapter. 12845

**Sec. 3772.09.** (A) No casino operator, management company, 12846  
holding company, gaming-related vendor, key gaming employee, or 12847  
~~casino~~-gaming employee shall conduct or participate in 12848  
conducting casino gaming without first obtaining a license from 12849  
the commission. 12850

(B) Before a licensed casino operator may conduct casino gaming at a casino facility, a licensed casino operator shall engage a third-party engineering or accounting firm to certify expenses of its initial investment, as required by section 3772.27 of the Revised Code, and provide documentation to the commission. The third-party engineering or accounting firm shall be approved by the commission and shall certify expenses in accordance with rules adopted by the commission under section 3772.03 of the Revised Code. The commission may request the department of administrative services to assist the commission in carrying out its duties under this section.

**Sec. 3772.091.** (A) No license issued under this chapter is transferable. Except as provided in division (B) of this section, new majority ownership interest or control of a licensee shall require a new license. The commission may reopen a licensing investigation at any time. A significant change in or transfer of control, as determined by the commission, shall require the filing of an application for a new license and submission of a license fee with the commission before any such change or transfer of control is approved. A change in or transfer of control to an immediate family member is not considered a significant change under this section.

(B) An initial license shall not be considered transferred, and a new license shall not be required, when an initial licensee that is licensed before June 1, 2013, does or has done both of the following:

(1) Obtains a majority ownership interest in, or a change in or transfer of control of, another initial licensee for the same casino facility; and

(2) Was investigated under this chapter as a parent,

affiliate, subsidiary, key gaming employee, or partner, or joint 12881  
venturer with another initial licensee that has held for the 12882  
same casino facility a majority ownership interest in or control 12883  
of the initial license when the initial license was issued and 12884  
when such an initial licensee obtains a majority ownership 12885  
interest in or a change in or transfer of control. 12886

(C) As used in this section: 12887

(1) "Control" means either of the following: 12888

(a) Either: 12889

(i) Holding fifty per cent or more of the outstanding 12890  
voting securities of a licensee; or 12891

(ii) For an unincorporated licensee, having the right to 12892  
fifty per cent or more of the profits of the licensee, or having 12893  
the right in the event of dissolution to fifty per cent or more 12894  
of the assets of the licensee. 12895

(b) Having the contractual power presently to designate 12896  
fifty per cent or more of the directors of a for-profit or not- 12897  
for-profit corporation, or in the case of trusts described in 12898  
paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of 12899  
such a trust. 12900

(2) "Initial license" means the first plenary license 12901  
issued to an initial licensee. 12902

(3) "Initial licensee" means any of the persons issued an 12903  
initial license to conduct or participate in conducting casino 12904  
gaming at each casino facility as either a casino operator, a 12905  
management company, or a holding company of a casino operator or 12906  
management company. 12907

**Sec. 3772.10.** (A) In determining whether to grant or 12908



maintain the privilege of a casino operator, management company, 12909  
holding company, ~~key employee, casino gaming employee, or~~ 12910  
gaming-related vendor license, the Ohio casino control 12911  
commission shall, except as provided in division (D) of this 12912  
section, consider all of the following, as applicable: 12913

(1) The reputation, experience, and financial integrity of 12914  
the applicant, its holding company, if applicable, and any other 12915  
person that directly or indirectly controls the applicant; 12916

(2) The financial ability of the applicant to purchase and 12917  
maintain adequate liability and casualty insurance and to 12918  
provide an adequate surety bond; 12919

(3) The past and present compliance of the applicant and 12920  
its affiliates or affiliated companies with casino-related 12921  
licensing requirements in this state or any other jurisdiction, 12922  
including whether the applicant has a history of noncompliance 12923  
with the casino licensing requirements of any jurisdiction; 12924

(4) If the applicant has been indicted, convicted, pleaded 12925  
guilty or no contest, or forfeited bail concerning any criminal 12926  
offense under the laws of any jurisdiction, either felony or 12927  
misdemeanor, not including traffic violations; 12928

(5) If the applicant has filed, or had filed against it a 12929  
proceeding for bankruptcy or has ever been involved in any 12930  
formal process to adjust, defer, suspend, or otherwise work out 12931  
the payment of any debt; 12932

(6) If the applicant has been served with a complaint or 12933  
other notice filed with any public body regarding a payment of 12934  
any tax required under federal, state, or local law that has 12935  
been delinquent for one or more years; 12936

(7) If the applicant is or has been a defendant in 12937

litigation involving its business practices; 12938

(8) If awarding a license would undermine the public's 12939  
confidence in the casino gaming industry in this state; 12940

(9) If the applicant meets other standards for the 12941  
issuance of a license that the commission adopts by rule, which 12942  
shall not be arbitrary, capricious, or contradictory to the 12943  
expressed provisions of this chapter. 12944

(B) All applicants for a license under this chapter shall 12945  
establish their suitability for a license by clear and 12946  
convincing evidence. If the commission determines that a person 12947  
is eligible under this chapter to be issued a license as a 12948  
casino operator, management company, holding company, ~~key-~~ 12949  
~~employee, casino gaming employee,~~ or gaming-related vendor, the 12950  
commission shall issue such license for not more than three 12951  
years, as determined by commission rule, if all other 12952  
requirements of this chapter have been satisfied. 12953

(C) The commission shall not, except as provided in 12954  
division (D) of this section, issue a casino operator, 12955  
management company, holding company, ~~key employee, casino gaming~~ 12956  
~~employee,~~ or gaming-related vendor license under this chapter to 12957  
an applicant if: 12958

(1) The applicant has been convicted of a disqualifying 12959  
offense, as defined in section 3772.07 of the Revised Code. 12960

(2) The applicant has submitted an application for license 12961  
under this chapter that contains false information. 12962

(3) The applicant is a commission member. 12963

(4) The applicant owns an ownership interest that is 12964  
unlawful under this chapter, unless waived by the commission. 12965

(5) The applicant violates specific rules adopted by the 12966  
commission related to denial of licensure. 12967

(6) The applicant is a member of or employed by a gaming 12968  
regulatory body of a governmental unit in this state, another 12969  
state, or the federal government, or is an employee of a 12970  
governmental unit of this state and in that capacity has 12971  
significant influence or control, as determined by the 12972  
commission, over the ability of a casino operator, management 12973  
company, holding company, institutional investor, or gaming- 12974  
related vendor to conduct business in this state. This division 12975  
does not prohibit a casino operator or management company from 12976  
hiring special duty law enforcement officers if the officers are 12977  
not specifically involved in gaming-related regulatory 12978  
functions. 12979

(7) The commission otherwise determines the applicant is 12980  
ineligible for the license. 12981

(D) The commission shall not refuse to issue a license to 12982  
an applicant because the applicant was convicted of or pleaded 12983  
guilty to an offense unless the refusal is in accordance with 12984  
section 9.79 of the Revised Code. 12985

(E) (1) The commission shall investigate the qualifications 12986  
of each applicant under this chapter before any license is 12987  
issued and before any finding with regard to acts or 12988  
transactions for which commission approval is required is made. 12989  
The commission shall continue to observe the conduct of all 12990  
licensees and all other persons having a material involvement 12991  
directly or indirectly with a casino operator, management 12992  
company, or holding company to ensure that licenses are not 12993  
issued to or held by, or that there is not any material 12994  
involvement with a casino operator, management company, or 12995

holding company by, an unqualified, disqualified, or unsuitable 12996  
person or a person whose operations are conducted in an 12997  
unsuitable manner or in unsuitable or prohibited places or 12998  
locations. 12999

(2) The executive director may recommend to the commission 13000  
that it deny any application, or limit, condition, or restrict, 13001  
or suspend or revoke, any license or finding, or impose any fine 13002  
upon any licensee or other person according to this chapter and 13003  
the rules adopted thereunder. 13004

(3) A license issued under this chapter is a revocable 13005  
privilege. No licensee has a vested right in or under any 13006  
license issued under this chapter. The initial determination of 13007  
the commission to deny, or to limit, condition, or restrict, a 13008  
license may be appealed under section 2505.03 of the Revised 13009  
Code. 13010

(4) In reviewing an application for a license under this 13011  
chapter, the commission may rely on or consider the last 13012  
investigation it conducted concerning the applicant, or the last 13013  
license it issued to the applicant, under this chapter or 13014  
Chapter 3770., 3771., or 3775. of the Revised Code. 13015

(F) (1) An institutional investor may be found to be 13016  
suitable or qualified by the commission under this chapter and 13017  
the rules adopted under this chapter. An institutional investor 13018  
shall be presumed suitable or qualified upon submitting 13019  
documentation sufficient to establish qualifications as an 13020  
institutional investor and upon certifying all of the following: 13021

(a) The institutional investor owns, holds, or controls 13022  
securities issued by a licensee or holding, intermediate, or 13023  
parent company of a licensee or in the ordinary course of 13024

business for investment purposes only. 13025

(b) The institutional investor does not exercise influence 13026  
over the affairs of the issuer of such securities nor over any 13027  
licensed subsidiary of the issuer of such securities. 13028

(c) The institutional investor does not intend to exercise 13029  
influence over the affairs of the issuer of such securities, nor 13030  
over any licensed subsidiary of the issuer of such securities, 13031  
in the future, and that it agrees to notify the commission in 13032  
writing within thirty days if such intent changes. 13033

(2) The exercise of voting privileges with regard to 13034  
securities shall not be deemed to constitute the exercise of 13035  
influence over the affairs of a licensee. 13036

(3) The commission shall rescind the presumption of 13037  
suitability for an institutional investor at any time if the 13038  
institutional investor exercises or intends to exercise 13039  
influence or control over the affairs of the licensee. 13040

(4) This division shall not be construed to preclude the 13041  
commission from requesting information from or investigating the 13042  
suitability or qualifications of an institutional investor if: 13043

(a) The commission becomes aware of facts or information 13044  
that may result in the institutional investor being found 13045  
unsuitable or disqualified; or 13046

(b) The commission has any other reason to seek 13047  
information from the investor to determine whether it qualifies 13048  
as an institutional investor. 13049

(5) If the commission finds an institutional investor to 13050  
be unsuitable or unqualified, the commission shall so notify the 13051  
investor and the casino operator, holding company, management 13052

company, or gaming-related vendor licensee in which the investor 13053  
invested. The commission shall allow the investor and the 13054  
licensee a reasonable amount of time, as specified by the 13055  
commission on a case-by-case basis, to cure the conditions that 13056  
caused the commission to find the investor unsuitable or 13057  
unqualified. If during the specified period of time the investor 13058  
or the licensee does not or cannot cure the conditions that 13059  
caused the commission to find the investor unsuitable or 13060  
unqualified, the commission may allow the investor or licensee 13061  
more time to cure the conditions or the commission may begin 13062  
proceedings to deny, suspend, or revoke the license of the 13063  
casino operator, holding company, management company, or gaming- 13064  
related vendor in which the investor invested or to deny any of 13065  
the same the renewal of any such license. 13066

(6) A private licensee or holding company shall provide 13067  
the same information to the commission as a public company would 13068  
provide in a form 13d or form 13g filing to the securities and 13069  
exchange commission. 13070

(G) Information provided on the application shall be used 13071  
as a basis for a thorough background investigation of each 13072  
applicant. A false or incomplete application is cause for denial 13073  
of a license by the commission. All applicants and licensees 13074  
shall consent to inspections, searches, and seizures and to the 13075  
disclosure to the commission and its agents of confidential 13076  
records, including tax records, held by any federal, state, or 13077  
local agency, credit bureau, or financial institution and to 13078  
provide handwriting exemplars, photographs, fingerprints, and 13079  
information as authorized in this chapter and in rules adopted 13080  
by the commission. 13081

(H) The commission shall provide a written statement to 13082

each applicant for a license under this chapter who is denied 13083  
the license that describes the reason or reasons for which the 13084  
applicant was denied the license. 13085

(I) Not later than January 31 in each calendar year, the 13086  
commission shall provide to the general assembly and the 13087  
governor a report that, for each type of license issued under 13088  
this chapter, specifies the number of applications made in the 13089  
preceding calendar year for each type of such license, the 13090  
number of applications denied in the preceding calendar year for 13091  
each type of such license, and the reasons for those denials. 13092  
The information regarding the reasons for the denials shall 13093  
specify each reason that resulted in, or that was a factor 13094  
resulting in, denial for each type of license issued under this 13095  
chapter and, for each of those reasons, the total number of 13096  
denials for each such type that involved that reason. 13097

Sec. 3772.113. (A) An applicant or licensee under this 13098  
chapter or Chapter 3769., 3771., or 3775. or sections 3770.21 to 13099  
3770.22 of the Revised Code shall notify the commission in 13100  
writing within ten days of any material change to any 13101  
information the person provided in an application for an initial 13102  
or renewed license, including all of the following: 13103

- (1) Any change of name; 13104
- (2) Any change of home or business address; 13105
- (3) Any change of primary telephone number or electronic 13106  
mail address; 13107
- (4) Any change to the person's state of incorporation or 13108  
principal place of business; 13109
- (5) Any change in the ownership or control of the person; 13110

<u>(6) Any bankruptcy filed, discharged, or dismissed;</u>	13111
<u>(7) Any arrest, charge, plea, or conviction for any crime</u>	13112
<u>or offense occurring in any jurisdiction, excluding minor</u>	13113
<u>misdemeanor traffic offenses;</u>	13114
<u>(8) Any investigation commenced by or action filed by a</u>	13115
<u>gaming regulatory agency or government gaming authority, except</u>	13116
<u>for routine renewal application reviews;</u>	13117
<u>(9) Any rejection, suspension, revocation, or denial of</u>	13118
<u>any gaming-related application or license, and any fine,</u>	13119
<u>penalty, or settled amount related to any gaming-related license</u>	13120
<u>imposed upon or agreed to in any jurisdiction;</u>	13121
<u>(10) Any other changes designated on an applicable update</u>	13122
<u>form prescribed by the commission;</u>	13123
<u>(11) Any other information affecting the person's</u>	13124
<u>suitability for the license;</u>	13125
<u>(12) Any other information required by the commission by</u>	13126
<u>rule.</u>	13127
<u>(B) (1) A licensee that is not an individual shall display</u>	13128
<u>its license conspicuously in its place of business or shall make</u>	13129
<u>the license available for inspection by the commission or any</u>	13130
<u>law enforcement agency upon request.</u>	13131
<u>(2) A key gaming employee or gaming employee who is</u>	13132
<u>present at a track, casino facility, or sports gaming facility</u>	13133
<u>shall prominently display evidence of the person's license, in a</u>	13134
<u>manner determined by the commission, while actively performing</u>	13135
<u>the person's duties.</u>	13136
<b>Sec. 3772.13.</b> <del>(A) No person may be employed as a key</del>	13137
<del>employee of a casino operator, management company, or holding</del>	13138



~~company unless the person is the holder of a valid key employee~~ 13139  
~~license issued by the commission. Any executive, employee,~~ 13140  
~~agent, or other individual who, as determined by the commission,~~ 13141  
~~has the power to exercise significant influence over decisions~~ 13142  
~~concerning any part of the operation of a person that is~~ 13143  
~~licensed as any of the following shall hold a valid key gaming~~ 13144  
~~employee license issued by the commission:~~ 13145

(1) A permit holder, management services company, or 13146  
totalizator company, for purposes of operating under Chapter 13147  
3769. of the Revised Code; 13148

(2) A video lottery sales agent, for purposes of operating 13149  
under sections 3770.21 to 3770.22 of the Revised Code; 13150

(3) An internet gambling operator, internet gambling 13151  
management company, or internet gambling supplier, for purposes 13152  
of operating under Chapter 3771. of the Revised Code; 13153

(4) A casino operator, management company, or gaming- 13154  
related vendor or a holding company of a casino operator, 13155  
management company, or gaming-related vendor, for purposes of 13156  
operating under this chapter; 13157

(5) A sports gaming proprietor other than a professional 13158  
sports organization, a mobile management services provider, a 13159  
management services provider, or a sports gaming supplier, for 13160  
purposes of operating under Chapter 3775. of the Revised Code. 13161

(B) No person may be employed as a key employee of a 13162  
gaming-related vendor unless that person is either the holder of 13163  
a valid key gaming employee license issued by the commission, or 13164  
the person, at least five business days prior to the first day 13165  
of employment as a key employee, has filed a notification of 13166  
employment with the commission and subsequently files a 13167

completed application for a key gaming employee license within 13168  
the first thirty days of employment as a key employee. 13169

(C) Each applicant for a key gaming employee license 13170  
~~shall, before the issuance of any key employee license,~~ produce 13171  
the information, documentation, and assurances as are required 13172  
by this chapter and rules adopted thereunder. In addition, each 13173  
applicant shall, in writing, authorize the examination of all 13174  
bank accounts and records as may be deemed necessary by the 13175  
commission. 13176

(D) To be eligible for a key gaming employee license, the 13177  
applicant shall be at least twenty-one years of age and shall 13178  
meet the criteria set forth by rule by the commission. 13179

(E) Each application for a key gaming employee license 13180  
shall be on a form prescribed by the commission and shall 13181  
contain all information required by the commission. The 13182  
applicant shall set forth in the application if the applicant 13183  
has been issued prior gambling-related licenses; if the 13184  
applicant has been licensed in any other state under any other 13185  
name, and, if so, the name under which the license was issued 13186  
and the applicant's age at the time the license was issued; any 13187  
criminal conviction the applicant has had; and if a permit or 13188  
license issued to the applicant in any other state has been 13189  
suspended, restricted, or revoked, and, if so, the cause and the 13190  
duration of each action. The applicant also shall complete a 13191  
cover sheet for the application on which the applicant shall 13192  
disclose the applicant's name, the business address and 13193  
telephone number of the ~~casino operator, management company,~~ 13194  
~~holding company, or gaming-related vendor person~~ employing the 13195  
applicant, ~~the business address and telephone number of such~~ 13196  
~~employer,~~ and the county, state, and country in which the 13197

applicant's residence is located. 13198

(F) Each applicant shall submit with each application, on 13199  
a form provided by the commission, two sets of fingerprints. The 13200  
commission shall charge ~~each applicant an~~ the applicant's 13201  
employer the fee required under division (C) (3) of section 13202  
109.572 of the Revised Code, along with a nonrefundable 13203  
application fee of ~~not more than one thousand seven hundred~~ 13204  
~~fifty dollars, as set by the commission, to cover the actual~~ 13205  
~~costs generated by each licensee and the background checks under~~ 13206  
~~this section and section 3772.07 of the Revised Code. Upon~~ 13207  
issuing the license, the commission shall charge the applicant's 13208  
employer a nonrefundable license fee of fifty dollars. 13209

(G) (1) ~~The casino operator, management company, or holding~~ 13210  
~~company person~~ by whom a person is employed as a key gaming 13211  
employee shall terminate the person's employment in any capacity 13212  
requiring a key gaming employee license ~~under this chapter and~~ 13213  
shall not in any manner permit the person to exercise a 13214  
significant influence over the ~~operation of a casino facility~~ 13215  
person's operations if: 13216

(a) The person does not apply for and receive a key gaming 13217  
employee license within three months of being issued a 13218  
provisional license, as established under commission rule. 13219

(b) The person's application for a key gaming employee 13220  
license is denied by the commission. 13221

(c) The person's key gaming employee license is revoked by 13222  
the commission. 13223

The commission shall notify the ~~casino operator,~~ 13224  
~~management company, or holding company who employs such a person~~ 13225  
employer by certified mail, personal service, common carrier 13226

service utilizing any form of delivery requiring a signed 13227  
receipt or by an electronic means that provides evidence of 13228  
delivery, of any such finding, denial, or revocation. 13229

(2) ~~A casino operator, management company, or holding~~ 13230  
~~company~~ An employer shall not pay to a person whose employment 13231  
is terminated under division (G) (1) of this section, any 13232  
remuneration for any services performed in any capacity in which 13233  
the person is required to be licensed as a key gaming employee, 13234  
except for amounts due for services rendered before notice was 13235  
received under that division. A contract or other agreement for 13236  
personal services or for the conduct of any ~~casino gaming at a~~ 13237  
~~casino facility between a casino operator, management company,~~ 13238  
~~or holding company~~ an employer and a person whose employment is 13239  
terminated under division (G) (1) of this section may be 13240  
terminated by the ~~casino operator, management company, or~~ 13241  
~~holding company~~ employer without further liability on the part 13242  
of the ~~casino operator, management company, or holding company~~ 13243  
employer. Any such contract or other agreement is deemed to 13244  
include a term authorizing its termination without further 13245  
liability on the part of the ~~casino operator, management~~ 13246  
~~company, or holding company~~ employer upon receiving notice under 13247  
division (G) (1) of this section. That a contract or other 13248  
agreement does not expressly include such a term is not a 13249  
defense in any action brought to terminate the contract or other 13250  
agreement, and is not grounds for relief in any action brought 13251  
questioning termination of the contract or other agreement. 13252

(3) ~~A casino operator, management company, or holding~~ 13253  
~~company~~ person described in divisions (A) (1) to (5) of this 13254  
section, without having obtained the prior approval of the 13255  
commission, shall not enter into any contract or other agreement 13256  
with a person who has been found unsuitable, who has been denied 13257

a key gaming employee license, or whose license has been revoked 13258  
under division (G)(1) of this section, or with any business 13259  
enterprise under the control of such a person, after the date on 13260  
which the ~~casino operator, management company, or holding~~ 13261  
~~company~~ person described in divisions (A)(1) to (5) of this 13262  
section receives notice under that division. 13263

(H) Notwithstanding the requirements for a license under 13264  
this section, the commission shall issue a key gaming employee 13265  
license in accordance with Chapter 4796. of the Revised Code to 13266  
an applicant if either of the following applies: 13267

(1) The applicant holds a license in another state. 13268

(2) The applicant has satisfactory work experience, a 13269  
government certification, or a private certification as 13270  
described in that chapter as a key gaming employee ~~of a casino~~ 13271  
~~operator, management company, or holding company~~ in a state that 13272  
does not issue that license. 13273

(I) A key gaming employee license is valid for a term of 13274  
three years. In order to renew a key gaming employee license, 13275  
the licensee shall apply to the commission for a renewed license 13276  
in the same manner as for an initial license, except as 13277  
otherwise provided by the commission by rule. 13278

(J) An individual who is required under this section to 13279  
hold a key gaming employee license by reason of the individual's 13280  
role with respect to more than one type of gaming is required to 13281  
hold only one key gaming employee license. 13282

**Sec. 3772.131.** (A) ~~All casino gaming employees are~~ 13283  
~~required to have~~ An individual whose duties are such that the 13284  
individual has the ability to alter material aspects of pari- 13285  
mutuel wagering on horse racing, video lottery terminal gaming, 13286

internet gambling, casino gaming, or sports gaming, including 13287  
any of the following duties, shall hold a ~~casino~~ valid gaming 13288  
employee license. ~~"Casino gaming employee" means the following~~ 13289  
and their supervisors issued by the commission at all times: 13290

(1) ~~Individuals involved in operating~~ Operating a casino 13291  
gaming pit or casino games, including dealers, shills, clerks, 13292  
hosts, and junket representatives; 13293

(2) ~~Individuals involved in handling~~ Accepting wagers of 13294  
any kind; 13295

(3) Handling money as part of a gaming operation, 13296  
including cashiers, change persons, count teams, and coin 13297  
wrappers; 13298

(3) ~~Individuals involved in operating casino games;~~ 13299

~~(4) Individuals involved in operating~~ Operating and 13300  
maintaining slot machines, including mechanics, floor persons, 13301  
and change and payoff persons, or operating and maintaining a 13302  
totalizator, video lottery terminal, internet gambling 13303  
equipment, or sports gaming equipment; 13304

~~(5) Individuals involved in~~ (4) Providing security for any 13305  
gaming operation, including guards and game observers, other 13306  
than providing general security at a type C sports gaming host's 13307  
facility; 13308

~~(6) Individuals with~~ (5) Performing duties similar to 13309  
those described in divisions (A) (1) to ~~(5)~~ (4) of this section- 13310  
or other persons; 13311

(6) Performing other duties, as the commission determines. 13312  
~~"Casino gaming employee" does not include an-~~ 13313

(B) (1) An individual ~~whose~~ is not required to have a 13314

gaming employee license if the individual has a key gaming 13315  
employee license. 13316

(2) An individual is not required to have a gaming 13317  
employee license if the individual's duties are related solely 13318  
to nongaming activities such as entertainment, hotel operation, 13319  
maintenance, or preparing or serving food and beverages, 13320  
including an individual who is, or is employed by, a type C 13321  
sports gaming host. 13322

~~(B)~~ (C) The commission may issue a ~~casino~~-gaming employee 13323  
license to an applicant after it has determined that the 13324  
applicant is eligible for a license under rules adopted by the 13325  
commission and paid any applicable fee set by the commission by 13326  
rule in the amount necessary to cover the commission's costs 13327  
associated with the review of the application. The applicant's 13328  
employer shall pay all application and license fees on behalf of 13329  
the applicant. All applications shall be certified as true. 13330

~~(C)~~ (D) To be eligible for a ~~casino~~-gaming employee 13331  
license, an applicant shall be at least twenty-one years of age. 13332

~~(D)~~ (E) Each application for a ~~casino~~-gaming employee 13333  
license shall be on a form prescribed by the commission and 13334  
shall contain all information required by the commission. The 13335  
applicant shall set forth in the application if the applicant 13336  
has been issued prior gambling-related licenses; if the 13337  
applicant has been licensed in any other state under any other 13338  
name, and, if so, the name under which the license was issued 13339  
and the applicant's age at the time the license was issued; any 13340  
criminal conviction the applicant has had; and if a permit or 13341  
license issued to the applicant in any other state has been 13342  
suspended, restricted, or revoked, and, if so, the cause and the 13343  
duration of each action. 13344

~~(E)~~ (F) Each applicant shall submit with each application, 13345  
on a form provided by the commission, two sets of the 13346  
applicant's fingerprints. The commission shall charge ~~each~~ 13347  
~~applicant an application the applicant's employer the fee to~~ 13348  
~~cover all actual costs generated by each licensee and all~~ 13349  
~~background checks~~ required under division (C) (3) of section 13350  
109.572 of the Revised Code, along with a nonrefundable 13351  
application fee of one hundred dollars. Upon issuing the 13352  
license, the commission shall charge the applicant's employer a 13353  
nonrefundable license fee of fifty dollars. 13354

~~(F)~~ (G) Notwithstanding the requirements for a license 13355  
under this section, the commission shall issue a ~~casino~~-gaming 13356  
employee license in accordance with Chapter 4796. of the Revised 13357  
Code to an applicant if either of the following applies: 13358

(1) The applicant holds a license in another state. 13359

(2) The applicant has satisfactory work experience, a 13360  
government certification, or a private certification as 13361  
described in that chapter as a casino gaming employee in a state 13362  
that does not issue that license. 13363

(H) A gaming employee license is valid for a term of three 13364  
years. In order to renew a gaming employee license, the licensee 13365  
shall apply to the commission for a renewed license in the same 13366  
manner as for an initial license, except as otherwise provided 13367  
by the commission by rule. 13368

(I) An individual who is required under this section to 13369  
hold a gaming employee license by reason of the individual's 13370  
duties with respect to more than one type of gaming is required 13371  
to hold only one gaming employee license. 13372

**Sec. 3772.132.** (A) An applicant for a key gaming employee 13373



or gaming employee license shall establish the applicant's 13374  
suitability for the license by clear and convincing evidence. 13375

(B) The commission shall not grant a key gaming employee 13376  
or gaming employee license to an applicant if evidence 13377  
satisfactory to the commission exists that the applicant has 13378  
done any of the following: 13379

(1) Knowingly made a false statement to the commission; 13380

(2) Been suspended from operating a gambling game, gaming 13381  
device, or gaming operation, or had a license revoked by any 13382  
governmental unit of a national, state, or local body exercising 13383  
governmental functions; 13384

(3) Been convicted of a disqualifying offense, as defined 13385  
in section 3772.07 of the Revised Code; 13386

(4) Been directly involved in or employed by any offshore 13387  
wagering market that illegally serviced the United States or 13388  
otherwise accepted illegal wagers from individuals located in 13389  
the United States on or after April 16, 2015. 13390

(C) The commission shall not grant a key gaming employee 13391  
or gaming employee license to an individual to whom any of the 13392  
following apply: 13393

(1) The individual is under twenty-one years of age; 13394

(2) The individual is a member or employee of the 13395  
commission or of the state lottery commission; 13396

(3) The individual is a member or employee of a gaming 13397  
regulatory body of another state or the federal government; 13398

(4) The individual is an employee of a governmental unit 13399  
of this state who, in that capacity, has significant influence 13400

or control, as determined by the commission, over the ability of 13401  
a person described in divisions (A) (1) to (5) of section 3772.13 13402  
of the Revised Code to conduct business in this state. This 13403  
division does not prohibit a special duty law enforcement 13404  
officer from receiving a gaming employee license if the officer 13405  
is not specifically involved in gaming-related regulatory 13406  
functions. 13407

(5) The commission otherwise determines the individual is 13408  
ineligible for the license. 13409

(D) In determining whether to grant, maintain, or renew a 13410  
key gaming employee or gaming employee license, the commission 13411  
shall evaluate and consider all of the following factors: 13412

(1) Whether the individual possesses good character, 13413  
honesty, and integrity; 13414

(2) Whether the individual possesses financial stability, 13415  
integrity, and responsibility; 13416

(3) The criminal history of the individual in any 13417  
jurisdiction; 13418

(4) Whether the individual has filed or had filed against 13419  
the individual a proceeding for bankruptcy or has ever been 13420  
involved in any formal process to adjust, defer, suspend, or 13421  
otherwise resolve the payment of any debt in the last ten years; 13422

(5) Whether the individual has been served with a 13423  
complaint or other notice filed with any public body regarding 13424  
any payment of tax required under federal, state, or local law 13425  
that has been delinquent for one or more years in the last ten 13426  
years; 13427

(6) Whether the individual is a party to any currently 13428

pending litigation or has been a defendant in litigation during 13429  
the last ten years; 13430

(7) The extent to which the individual has cooperated with 13431  
the commission in connection with the background investigation; 13432

(8) The extent to which the individual has provided 13433  
accurate and complete information as required by the commission; 13434

(9) Whether the individual has been issued a comparable 13435  
license in another jurisdiction with similar licensing 13436  
requirements, as determined by the commission, including the 13437  
individual's related compliance history; 13438

(10) The extent to which the individual has complied with 13439  
the requirements of the Revised Code with respect to gaming and 13440  
the rules adopted thereunder. 13441

(E) In reviewing an application for a license, the 13442  
commission may rely on or consider the last investigation it 13443  
conducted concerning the applicant, or the last license it 13444  
issued to the applicant, under this chapter or Chapter 3770., 13445  
3771., or 3775. of the Revised Code. 13446

**Sec. 3772.15.** (A) Unless a license issued under this 13447  
chapter is suspended, expires, or is revoked, the license shall 13448  
be renewed for three years, as determined by commission rule, 13449  
after a determination by the commission that the licensee is in 13450  
compliance with this chapter and rules authorized by this 13451  
chapter and after the licensee pays a fee. The commission may 13452  
assess the license renewal applicant a reasonable fee in the 13453  
amount necessary to cover the commission's costs associated with 13454  
the review of the license renewal application. 13455

(B) A licensee shall undergo a complete investigation at 13456  
least every three years, as determined by commission rule, to 13457

determine that the licensee remains in compliance with this 13458  
chapter. 13459

(C) Notwithstanding division (B) of this section, the 13460  
commission may investigate a licensee at any time the commission 13461  
determines it is necessary to ensure that the licensee remains 13462  
in compliance with this section. 13463

(D) The holder of a license shall bear the cost of an 13464  
investigation, except that the employer shall pay the 13465  
investigation cost for key gaming employees and ~~casino-gaming~~ 13466  
~~employees who are employed by a casino operator, in which case~~ 13467  
~~the casino operator shall pay the investigation cost.~~ 13468

**Sec. 3772.16.** (A) Any information concerning the following 13469  
submitted, collected, or gathered as part of an application to 13470  
the commission for a license under this chapter is confidential 13471  
and not subject to disclosure by any state agency or political 13472  
subdivision as a record under section 149.43 of the Revised 13473  
Code: 13474

(1) A minor child of an applicant; 13475

(2) The social security number, passport number, or 13476  
federal tax identification number of an applicant or the spouse 13477  
of an applicant; 13478

(3) The home address and telephone number of an applicant 13479  
or the spouse or dependent of an applicant; 13480

(4) An applicant's birth certificate; 13481

(5) The driver's license number of an applicant or the 13482  
applicant's spouse; 13483

(6) The name or address of a previous spouse of the 13484  
applicant; 13485

(7) The date of birth of the applicant and the spouse of	13486
an applicant;	13487
(8) The place of birth of the applicant and the spouse of	13488
an applicant;	13489
(9) The personal financial information and records of an	13490
applicant or of an employee or the spouse or dependent of an	13491
applicant, including tax returns and information, and records of	13492
criminal proceedings;	13493
(10) Any information concerning a victim of domestic	13494
violence, sexual assault, or stalking;	13495
(11) The electronic mail address of the spouse or family	13496
member of the applicant;	13497
(12) Any trade secret, medical records, and patents or	13498
exclusive licenses;	13499
(13) Security information, including risk prevention	13500
plans, detection and countermeasures, location of count rooms or	13501
other money storage areas, emergency management plans, security	13502
and surveillance plans, equipment and usage protocols, and theft	13503
and fraud prevention plans and countermeasures;	13504
(14) Information provided in a multijurisdictional	13505
personal history disclosure form, including the Ohio supplement,	13506
exhibits, attachments, and updates.	13507
(B) Notwithstanding any other law, upon written request	13508
from a person, the commission shall provide the following	13509
information to the person except as provided in this chapter:	13510
(1) The information provided under this chapter concerning	13511
a licensee or an applicant;	13512

(2) The amount of the wagering tax and admission tax paid 13513  
daily to the state by a licensed applicant or an operating 13514  
agent; and 13515

(3) A copy of a letter providing the reasons for the 13516  
denial of an applicant's license or an operating agent's 13517  
contract and a copy of a letter providing the reasons for the 13518  
commission's refusal to allow an applicant to withdraw the 13519  
applicant's application, but with confidential information 13520  
redacted if that information is the reason for the denial or 13521  
refusal to withdraw. 13522

(C) The individual's name, the individual's place of 13523  
employment, the individual's job title, and the individual's 13524  
gaming experience that is provided for an individual who holds, 13525  
held, or has applied for a license under this chapter is not 13526  
confidential. The reason for denial or revocation of a license 13527  
or for disciplinary action against the individual and 13528  
information submitted by the individual for a felony waiver 13529  
request is not confidential. The cover sheet completed by an 13530  
applicant for a key gaming employee license under section 13531  
3772.13 of the Revised Code is not confidential. 13532

(D) An individual who holds, held, or has applied for a 13533  
license under this chapter may waive the confidentiality 13534  
requirements of division (A) of this section. 13535

(E) Confidential information received by the commission 13536  
from another jurisdiction relating to a person who holds, held, 13537  
or has applied for a license under this chapter is confidential 13538  
and not subject to disclosure as a public record under section 13539  
149.43 of the Revised Code. The commission may share the 13540  
information referenced in this division with, or disclose the 13541  
information to, the inspector general, any appropriate 13542

prosecuting authority, any law enforcement agency, or any other 13543  
appropriate governmental or licensing agency, if the agency that 13544  
receives the information complies with the same requirements 13545  
regarding confidentiality as those with which the commission 13546  
must comply. 13547

**Sec. 3772.17.** (A) The upfront license fee to obtain a 13548  
license as a casino operator shall be fifty million dollars per 13549  
casino facility and shall be paid upon each casino operator's 13550  
filing of its casino operator license application with the 13551  
commission. The upfront license fee, once paid to the 13552  
commission, shall be deposited into the economic development 13553  
programs fund, which is created in the state treasury. 13554

(B) New casino operator, management company, and holding 13555  
company license and renewal license fees shall be set by rule. 13556  
If an applicant for a license as a management company or holding 13557  
company is related through a joint venture or controlled by or 13558  
under common control with another applicant for a license as a 13559  
casino operator, management company, or holding company for the 13560  
same casino facility and the applicant for a license as a 13561  
management company or holding company was reviewed for 13562  
suitability as part of the investigation of the casino operator, 13563  
only one license fee shall be assessed against both applicants 13564  
for that casino facility. 13565

(C) The fee to obtain an application for a casino 13566  
operator, management company, or holding company license shall 13567  
be one million five hundred thousand dollars per application. 13568  
The application fee for a casino operator, management company, 13569  
or holding company license may be increased to the extent that 13570  
the actual review and investigation costs relating to an 13571  
applicant exceed the application fee set forth in this division. 13572

If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility, with the exception of actual costs of the review and investigation of the additional applicant, only one application fee shall be required of such applicants for that casino facility. The application fee shall be deposited into the casino control commission fund. The application fee is nonrefundable.

(D) The license fees for a gaming-related vendor shall be set by rule. Additionally, the commission may assess an applicant a reasonable fee in the amount necessary to process a gaming-related vendor license application.

~~(E) The license fees for a key employee shall be set by rule. Additionally, the commission may assess an applicant a reasonable fee in the amount necessary to process a key employee license application. If the license is being sought at the request of a casino operator, such fees shall be paid by the casino operator.~~

~~(F) The license fees for a casino gaming employee shall be set by rule. If the license is being sought at the request of a casino operator, the fee shall be paid by the casino operator.~~

**Sec. 3772.18.** (A) Each casino operator, management company, and holding company involved in the application and ownership or management of a casino facility shall provide to the commission as applicable:

- (1) An annual balance sheet;
- (2) An annual income statement;



- (3) An annual audited financial statement; 13602
- (4) A list of the stockholders or other persons having at 13603  
least a five per cent ownership interest in the casino operator, 13604  
management company, or holding company and any other information 13605  
the commission considers necessary for the effective 13606  
administration of this chapter; 13607
- (5) Notification of any material changes to the 13608  
applicant's or licensee's stockholders must be provided to the 13609  
commission within sixty days of the change. Notification of any 13610  
refinancing and debt issuance shall be in accordance with rules 13611  
adopted by the commission under Chapter 119. of the Revised 13612  
Code; ~~and~~ 13613
- ~~(6) An applicant's compulsive and problem gambling plan. A 13614  
casino operator shall submit an annual summary of its compulsive 13615  
and problem gambling plan to the commission. The plan at a 13616  
minimum shall contain the following elements: 13617~~
- ~~(a) The goals of the plan and procedures and timetables to 13618  
implement the plan; 13619~~
- ~~(b) The identification of the individual who will be 13620  
responsible for the implementation and maintenance of the plan; 13621~~
- ~~(c) Policies and procedures including the following: 13622~~
- ~~(i) The commitment of the casino operator to train 13623  
appropriate employees; 13624~~
- ~~(ii) The duties and responsibilities of the employees 13625  
designated to implement or participate in the plan; 13626~~
- ~~(iii) The responsibility of patrons with respect to 13627  
responsible gambling; 13628~~

~~(iv) Procedures for providing information to individuals~~ 13629  
~~regarding community, public and private treatment services,~~ 13630  
~~gamblers anonymous programs, and similar treatment or addiction~~ 13631  
~~therapy programs designed to prevent, treat, or monitor~~ 13632  
~~compulsive and problem gamblers and to counsel family members;~~ 13633

~~(v) The provision of printed material to educate patrons~~ 13634  
~~about compulsive and problem gambling and to inform them about~~ 13635  
~~treatment services available to compulsive and problem gamblers~~ 13636  
~~and their families;~~ 13637

~~(vi) The employee training program;~~ 13638

~~(vii) Procedures to prevent underage gambling;~~ 13639

~~(viii) Procedures to prevent intoxicated patrons from~~ 13640  
~~gambling;~~ 13641

~~(ix) The plan for posting signs within the casino facility~~ 13642  
~~containing gambling treatment information.~~ 13643

~~(B) Each casino operator shall submit quarterly updates~~ 13644  
~~and an annual report to the commission of its adherence to the~~ 13645  
~~plans and goals submitted under division (A) of this section.~~ 13646

~~(C) Preference shall be given to each of the following to~~ 13647  
~~train employees for casino-related employment opportunities:~~ 13648

~~(1) State institutions of higher education as defined in~~ 13649  
~~section 3345.011 of the Revised Code;~~ 13650

~~(2) Private career schools holding program authorizations~~ 13651  
~~issued by the state board of career colleges and schools under~~ 13652  
~~division (C) of section 3332.05 of the Revised Code;~~ 13653

~~(3) Private institutions exempt from regulation under~~ 13654  
~~Chapter 3332. of the Revised Code as prescribed in section~~ 13655

3333.046 of the Revised Code. 13656

Sec. 3772.221. (A) Before a patron places a wager with any 13657  
of the following persons over the internet, the person shall 13658  
require the patron to establish a wagering account with the 13659  
person and place all wagers with the person through that 13660  
account: 13661

(1) A permit holder; 13662

(2) 13663

An internet gambling operator; 13664

(3) A sports gaming proprietor. 13665

(B) A wagering account shall include all of the following 13666  
information, which the person described in division (A) of this 13667  
section shall update whenever the person becomes aware of a 13668  
change: 13669

(1) The patron's full legal name; 13670

(2) The patron's date of birth; 13671

(3) The patron's primary address; 13672

(4) The patron's wagering account number or user name; 13673

(5) If the person examined the patron's government-issued 13674  
identification under division (C)(1) of this section, the type 13675  
of identification examined, the identification number, and a 13676  
digital copy of the identification; 13677

(6) The method and any other information used to verify 13678  
the patron's identity; 13679

(7) The date of identity verification; 13680

(8) A history of the patron's transactions with the 13681

person. 13682

(C) Before creating a wagering account, a person described 13683  
in division (A) of this section shall verify and document the 13684  
patron's identity by doing one of the following: 13685

(1) Examining the patron's government-issued 13686  
identification, including the use of verification software 13687  
designed to confirm the authenticity of the identification; 13688

(2) Conducting multi-source authentication, which may 13689  
include third party and governmental databases, as approved by 13690  
the executive director. 13691

(D) The person described in division (A) of this section 13692  
shall require the patron, upon creating a wagering account, to 13693  
do both of the following: 13694

(1) Certify that the information provided to the person is 13695  
accurate and that the patron is not excluded from or otherwise 13696  
prohibited from wagering with the person. The person shall 13697  
document the certification. 13698

(2) Acknowledge the applicable minimum age to participate 13699  
in wagering with the person and that the patron is prohibited 13700  
from allowing any other person to access or use the patron's 13701  
wagering account. The person shall document the acknowledgment. 13702

(E) A person described in division (A) of this section 13703  
shall implement procedures to ensure that wagering accounts 13704  
comply with this section and with other applicable laws and 13705  
rules, including ensuring, through commercially reasonable 13706  
means, that all of the following are true: 13707

(1) An individual who is prohibited from placing a wager 13708  
with the person is not permitted to create a wagering account. 13709

(2) An individual who becomes prohibited from placing a 13710  
wager with the person is not permitted to continue to place 13711  
wagers with the person while the individual is prohibited from 13712  
doing so. 13713

(3) A patron's identity is re-verified whenever reasonable 13714  
suspicion exists that the patron's identification or wagering 13715  
account has been compromised. 13716

(4) The person complies with applicable state and federal 13717  
requirements and industry standards for protecting the privacy 13718  
and security of the person's patrons and their wagering 13719  
accounts. 13720

(F) A wagering account described in this section may allow 13721  
the patron to place wagers with the person described in division 13722  
(A) of this section by funding the wagering account through 13723  
advance deposits. If the account does so, the person shall do 13724  
all of the following: 13725

(1) Allow the patron to fund the account only by the 13726  
following means, in accordance with the person's house rules: 13727

(a) Cash or vouchers deposited at an approved cashiering 13728  
or kiosk location; 13729

(b) Credit or debit card; 13730

(c) Promotional credit; 13731

(d) Winnings; 13732

(e) Corrections made by the person with documented 13733  
notification to the patron; 13734

(f) Automated clearing house transfer; 13735

(g) Wire transfer; 13736

- (h) Any other means approved by the executive director. 13737
- (2) Notify the patron of the establishment of a wagering 13738  
account via electronic mail or regular mail; 13739
- (3) Apply a default deposit and wager limit on the account 13740  
of five hundred dollars per week, subject to adjustment by the 13741  
patron; 13742
- (4) Apply a default time limit of five hours per week 13743  
spent using the person's web site or application through the 13744  
account, subject to adjustment by the patron; 13745
- (5) Allow the patron, through an easy and obvious method, 13746  
to impose additional limitations on the patron's wagering. The 13747  
person shall comply with all of the following: 13748
- (a) Upon receiving any self-imposed limitation request, 13749  
the person shall ensure that all specified limits are correctly 13750  
implemented immediately or at the point in time that was clearly 13751  
indicated by the patron. 13752
- (b) The patron's self-imposed limitations shall not 13753  
override any more restrictive limitation imposed by the person. 13754
- (c) Once established by a patron and implemented by the 13755  
person, it shall be possible to reduce the severity of a self- 13756  
imposed limitation only upon the expiration of the self-imposed 13757  
period. 13758
- (d) The person shall provide the patron with an option to 13759  
set automatically renewing self-imposed limits. 13760
- (6) Require the patron to provide all of the following 13761  
additional information, which the person shall update each time 13762  
the person becomes aware of changes: 13763

- (a) The patron's telephone number; 13764
- (b) The patron's electronic mail address; 13765
- (c) The patron's social security number, the last four 13766  
digits of the patron's social security number, or an equivalent 13767  
identification number for a noncitizen patron, such as a 13768  
passport or taxpayer identification number. 13769
- (7) Require the patron to protect access to the account 13770  
using multi-factor authentication or a similar authentication 13771  
method, as approved by the executive director; 13772
- (8) Prohibit a patron from transferring funds from one 13773  
wagering account to another; 13774
- (9) Process a patron's request to withdraw the funds in 13775  
the account within five business days, regardless of whether the 13776  
account is open or closed, provided that if the person believes 13777  
in good faith that the patron engaged in fraudulent conduct or 13778  
other conduct that would cause the person to violate the law, 13779  
the person may delay the withdrawal of funds to investigate or 13780  
otherwise comply with the law. In such a case, the person shall 13781  
provide notice to the patron of the general nature of the 13782  
investigation of the account and conduct the investigation in a 13783  
reasonable and expedient fashion, providing the patron with 13784  
additional written notice of the status of the investigation at 13785  
least every tenth business day starting from the day the 13786  
original notice is provided to the patron. 13787
- (10) Refund any balance remaining in a wagering account 13788  
closed by a patron in accordance with division (F)(9) of this 13789  
section; 13790
- (11) Require that any manual addition or subtraction to or 13791  
from the account of five hundred dollars or less be reviewed by 13792

supervisory personnel and that any other manual addition or 13793  
subtraction to or from the account be authorized in advance by 13794  
supervisory personnel. 13795

(G) A person described in division (A) of this section 13796  
shall provide each patron with all of the following: 13797

(1) Notice of available responsible gaming resources; 13798

(2) A readily accessible method for closing an account 13799  
through the person's web site or application or upon contact 13800  
with the person's customer service team; 13801

(3) On-demand access to a summary statement of all of the 13802  
patron's wagering activity with the person during the past year, 13803  
accessible through the person's web site or application; 13804

(4) Access, upon request, to a summary statement of all of 13805  
the patron's wagering activity with the person during the past 13806  
five years, accessible through the person's web site or 13807  
application; 13808

(5) A copy of the person's privacy policy governing the 13809  
person's use and storage of patrons' confidential information. 13810

**Sec. 3772.23.** (A) All tokens, chips, or electronic cards 13811  
that are used to make wagers shall be purchased from the casino 13812  
operator or management company while at a casino facility that 13813  
has been approved by the commission. Chips, tokens, tickets, 13814  
electronic cards, or similar objects may be used while at the 13815  
casino facility only for the purpose of making wagers on casino 13816  
games. 13817

(B) Casino operators and management companies may provide 13818  
promotional gaming credits or bonuses to their patrons in 13819  
accordance with section 3775.231 of the Revised Code and the 13820



rules of the commission. Promotional gaming credits shall be 13821  
subject to oversight by the commission. 13822

(C) Casino operators and management companies shall not do 13823  
any of the following: 13824

(1) Obtain a license to operate a check-cashing business 13825  
under sections 1315.01 to 1315.30 of the Revised Code; 13826

(2) Obtain a license to provide loans under sections 13827  
1321.01 to 1321.19 of the Revised Code; 13828

(3) Obtain a license to provide loans under sections 13829  
1321.35 to 1321.48 of the Revised Code. 13830

Sec. 3772.231. (A) The requirements of this section apply 13831  
to promotional gaming credits or bonuses issued by any of the 13832  
following persons: 13833

(1) A permit holder; 13834

(2) A video lottery sales agent; 13835

(3) An internet gambling operator; 13836

(4) A casino operator or management company; 13837

(5) A sports gaming proprietor. 13838

(B) A person described in division (A) of this section may 13839  
issue promotional gaming credits or bonuses to patrons only in 13840  
accordance with this section and with the rules of the 13841  
commission. 13842

(C) A person described in division (A) of this section 13843  
shall adopt procedures for issuing, accepting, and tracking all 13844  
promotional gaming credits and bonuses and shall adopt rules 13845  
governing them. The person shall make the rules available to its 13846  
patrons and to the commission. The rules shall be clear and 13847

unambiguous and shall include all of the following: 13848

(1) The date and time the promotion or bonus is active and 13849  
    expires; 13850

(2) The rules of play; 13851

(3) The nature and value of prizes or awards; 13852

(4) All eligibility restrictions or limitations; 13853

(5) All wagering and redemption requirements, including 13854  
    any limitations; 13855

(6) All eligible events or wagers; 13856

(7) All cancellation requirements; 13857

(8) Terms and conditions that are full, accurate, concise, 13858  
    transparent, and do not contain misleading information. 13859

(D) (1) Any promotional gaming credit or bonus that a 13860  
    person described in division (A) of this section describes as 13861  
    free or risk-free shall not require the patron to incur any loss 13862  
    or risk the patron's own money to use or withdraw winnings from 13863  
    the free wager. 13864

(2) A promotional gaming credit or bonus may require the 13865  
    patron to play the credit or bonus through in order to withdraw 13866  
    it. 13867

(3) A promotional gaming credit or bonus shall not 13868  
    restrict the patron from withdrawing the patron's own funds or 13869  
    withdrawing winnings from wagers placed using the patron's own 13870  
    funds. 13871

(E) (1) A person described in division (A) of this section 13872  
    may offer a promotional gaming credit or bonus in connection 13873  
    with, or as a result of, a nongaming consumer transaction only 13874

if all of the following apply: 13875

(a) The promotion or bonus does not target individuals 13876  
under the minimum age to participate in the applicable form of 13877  
gaming, other individuals who are ineligible to participate in 13878  
that gaming, individuals with gambling problems, or other 13879  
vulnerable individuals. 13880

(b) The promotion or bonus is offered only to individuals 13881  
who have been verified as having attained the minimum age to 13882  
participate in the applicable form of gaming and as not being 13883  
participants in the Ohio voluntary exclusion program. 13884

(c) The promotion or bonus includes an opt out method that 13885  
meets the requirements of division (D) of section 3772.41 of the 13886  
Revised Code. 13887

(2) Division (E)(1) of this section does not prohibit a 13888  
person described in division (A) of this section from operating 13889  
or participating in a consumer loyalty program approved by the 13890  
executive director. 13891

(F) Upon the occurrence of either of the following, a 13892  
person described in division (A) of this section immediately 13893  
shall stop offering a promotional gaming credit or bonus: 13894

(1) The person becomes aware that the promotion or bonus 13895  
is in violation of this section or of other applicable 13896  
provisions of the Revised Code regarding gaming or the rules of 13897  
the commission. 13898

(2) The executive director of the commission orders the 13899  
person to stop offering the promotion or bonus because it fails 13900  
to comply with this section or with other applicable provisions 13901  
of the Revised Code or the rules of the commission, or because 13902  
it otherwise undermines the integrity of gaming. 13903

<u>Sec. 3772.28. (A) All of the following persons shall adopt</u>	13904
<u>and implement house rules in accordance with this section:</u>	13905
<u>(1) A permit holder;</u>	13906
<u>(2) A video lottery sales agent;</u>	13907
<u>(3) An internet gambling operator;</u>	13908
<u>(4) A casino operator or management company;</u>	13909
<u>(5) A sports gaming proprietor.</u>	13910
<u>(B) House rules adopted under division (A) of this section</u>	13911
<u>shall address all of the following:</u>	13912
<u>(1) The types of wagers accepted;</u>	13913
<u>(2) The method for calculating and paying winning wagers;</u>	13914
<u>(3) The effect of scheduling changes or cancellations of</u>	13915
<u>horse races, sporting events, or other events, as applicable;</u>	13916
<u>(4) The process for handling incorrectly posted horse</u>	13917
<u>racing or sporting events, odds, or results, if applicable;</u>	13918
<u>(5) The method of notifying patrons of odds or proposition</u>	13919
<u>changes, if applicable;</u>	13920
<u>(6) The methods by which a wager or wagering account may</u>	13921
<u>be funded;</u>	13922
<u>(7) The methods for redeeming a winning wager;</u>	13923
<u>(8) A policy regarding lost or damaged betting slips or</u>	13924
<u>tickets, if applicable;</u>	13925
<u>(9) A requirement that any winning betting slip or ticket</u>	13926
<u>expire one year after the date the ticket outcome is determined,</u>	13927
<u>if applicable;</u>	13928

- (10) Any process for accepting wagers at other than the 13929  
posted terms; 13930
- (11) A process for canceling wagers for obvious errors, 13931  
including notification of the patron; 13932
- (12) A process for patrons to contact the person to submit 13933  
questions or complaints; 13934
- (13) An explanation of the process to resolve any dispute 13935  
with a patron in accordance with division (E) of this section; 13936
- (14) A notification to patrons regarding the Ohio 13937  
voluntary exclusion program; 13938
- (15) Any other matter required by the executive director 13939  
of the commission. 13940
- (C) (1) A person described in division (A) of this section 13941  
shall submit its house rules and any proposed change to its 13942  
house rules to the commission in the manner and form required by 13943  
the executive director for approval before implementing them. 13944
- (2) In the case of a proposed change, if the person does 13945  
not receive a response from the executive director regarding the 13946  
change within five days after submitting it, the change is 13947  
considered to be approved. 13948
- (3) The executive director may, at any time, require a 13949  
change to a person's house rules to ensure compliance with 13950  
applicable laws or rules. 13951
- (D) A person described in division (A) of this section 13952  
shall do all of the following: 13953
- (1) Make its current house rules available to the 13954  
commission in a manner prescribed by the executive director; 13955

(2) Display its current house rules, together with any 13956  
other information the commission considers appropriate, 13957  
conspicuously in each track, casino facility, or sports gaming 13958  
facility and in any other place or manner prescribed by the 13959  
commission; 13960

(3) Make copies of its current house rules readily 13961  
available to patrons. 13962

(E) (1) Whenever a person described in division (A) of this 13963  
section refuses payment of alleged winnings to a patron or there 13964  
is otherwise a dispute with a patron regarding the patron's 13965  
wagering account, wagers, wins, or losses, and the person and 13966  
the patron are unable to resolve the dispute to the satisfaction 13967  
of the patron, the person shall notify the patron of the 13968  
patron's right to file a written complaint, the procedure for 13969  
filing a written complaint, and the person's complaint 13970  
resolution process. The notice requirement of this division is 13971  
satisfied if the person directs the patron to information 13972  
available on the person's web site or mobile application. 13973

(2) Upon receiving a written complaint under division (E) 13974  
(1) of this section, the person shall investigate and provide a 13975  
written response to the patron within ten business days. If the 13976  
person needs additional time to investigate or resolve the 13977  
complaint beyond the ten business days, the person shall notify 13978  
the patron of the need for additional time and give the patron 13979  
an expected time frame in which the complaint may be resolved. 13980  
The person's ultimate response may include a statement that if 13981  
the dispute is not resolved to the satisfaction of the patron, 13982  
the patron may submit the patron's complaint in writing to the 13983  
commission. 13984

**Sec. 3772.281.** (A) All of the following persons shall 13985

adopt procedures designed to protect the integrity of each form 13986  
of gaming the person conducts, in accordance with this section: 13987

(1) A permit holder; 13988

(2) A video lottery sales agent; 13989

(3) An internet gambling operator; 13990

(4) A casino operator or management company; 13991

(5) A sports gaming proprietor. 13992

(B) (1) A person described in division (A) of this section 13993  
shall submit its integrity procedures and any proposed change to 13994  
its integrity procedures to the commission in the manner and 13995  
form required by the executive director for approval before 13996  
implementing them. 13997

(2) In the case of a proposed change, if the person does 13998  
not receive a response from the executive director regarding the 13999  
change within five days after submitting it, the change is 14000  
considered to be approved. 14001

(3) The executive director may, at any time, require a 14002  
change to a person's integrity procedures to ensure compliance 14003  
with applicable laws or rules. 14004

(C) A person described in division (A) of this section 14005  
shall make its current integrity procedures available to the 14006  
commission at all times. 14007

**Sec. 3772.31.** ~~(A)~~—The commission, by and through the 14008  
executive director of the commission and as required under 14009  
section 125.05 of the Revised Code, may enter into contracts 14010  
necessary to ensure the proper operation and reporting of all 14011  
casino gaming authorized under this chapter. The commission 14012

shall not require use of a central system by a casino operator 14013  
if the casino operator is in compliance with this chapter. If 14014  
the commission determines, after written notice to the casino 14015  
operator and a hearing under section 3772.04 of the Revised 14016  
Code, that a casino operator is not in compliance with this 14017  
chapter, the commission may determine it is necessary to require 14018  
the casino operator to install and implement a central system 14019  
under such conditions as the commission may require. Before any 14020  
such hearing, the commission shall provide the casino operator 14021  
with written notice that the casino operator is not in 14022  
compliance with a specific requirement of this chapter, describe 14023  
the requirement, and provide the casino operator at least thirty 14024  
days to cure the noncompliance or, if the cure cannot be 14025  
reasonably rectified within thirty days, require the casino 14026  
operator to demonstrate to the commission's satisfaction that 14027  
the casino operator is diligently pursuing the required cure. 14028  
The system shall be operated by or under the commission's 14029  
control. If the commission determines that a central system is 14030  
necessary and adopts rules authorizing a central system, casino 14031  
operators shall be responsible for the costs of the central 14032  
system as it relates to casino facilities. 14033

~~(B) The commission shall certify independent testing 14034~~  
~~laboratories to scientifically test and technically evaluate all 14035~~  
~~slot machines, mechanical, electromechanical, or electronic 14036~~  
~~table games, slot accounting systems, and other electronic 14037~~  
~~gaming equipment for compliance with this chapter. The certified 14038~~  
~~independent testing laboratories shall be accredited by a 14039~~  
~~national accreditation body. The commission shall certify an 14040~~  
~~independent testing laboratory if it is competent and qualified 14041~~  
~~to scientifically test and evaluate electronic gaming equipment 14042~~  
~~for compliance with this chapter and to otherwise perform the 14043~~



~~functions assigned to an independent testing laboratory under  
this chapter. An independent testing laboratory shall not be  
owned or controlled by, or have any interest in, a gaming-  
related vendor of electronic gaming equipment. The commission  
shall prepare a list of certified independent testing  
laboratories from which independent testing laboratories shall  
be chosen for all purposes under this chapter.~~

Sec. 3772.311. (A) The commission shall certify  
independent testing laboratories to scientifically test and  
technically evaluate all of the following for compliance with  
applicable laws and the rules of the commission:

(1) All electronic instant bingo systems, pursuant to  
section 3768.12 of the Revised Code;

(2) All totalizator equipment and other equipment used in  
the operation of pari-mutuel wagering on horse racing under  
Chapter 3769. of the Revised Code;

(3) All video lottery terminals;

(4) All internet gambling equipment and all forms,  
variations, or composites of internet gambling;

(5) All slot machines, mechanical, electromechanical, or  
electronic table games, slot accounting systems, and other  
electronic gaming equipment;

(6) All sports gaming equipment and all forms, variations,  
or composites of sports gaming.

(B) (1) An independent testing laboratory shall apply to  
the commission, on a form prescribed by the commission, for  
certification with respect to the testing and evaluation of each  
type of equipment described in division (A) of this section that

the laboratory wishes to be certified to test. The laboratory 14072  
shall pay the commission a nonrefundable certification fee in an 14073  
amount determined by the commission by rule, sufficient to pay 14074  
the cost of processing the application. 14075

(2) A certification issued under this section is valid for 14076  
a term of five years. The laboratory may apply to renew its 14077  
certification in the same manner as for initial certification 14078  
not later than ninety days before the certification expires. If 14079  
the commission has investigated the laboratory for compliance 14080  
under this section within the past year, the executive director 14081  
of the commission may apply the results of the previous 14082  
compliance investigation to the renewal application. 14083

(3) The laboratory shall pay all costs of its compliance 14084  
investigation for purposes of an initial or renewed 14085  
certification under this section. The investigation may include 14086  
a review of all of the following: 14087

(a) The laboratory's business structure, including its 14088  
ownership and controlling interests; 14089

(b) The laboratory's policies and procedures, to determine 14090  
whether they prevent conflicts of interest, provide for 14091  
segregation of duties, detect and prevent fraud, and ensure 14092  
impartiality; 14093

(c) The laboratory's staff's experience and expertise; 14094

(d) The sufficiency of the laboratory's staff, equipment, 14095  
and test scripts; 14096

(e) The laboratory's financial viability; 14097

(f) The laboratory's compliance with division (C) of this 14098  
section and the rules of the commission. 14099

<u>(C) In order to be certified, an independent testing</u>	14100
<u>laboratory shall meet all of the following requirements:</u>	14101
<u>(1) It shall be competent and qualified to scientifically</u>	14102
<u>test and evaluate the applicable equipment for compliance with</u>	14103
<u>applicable laws and rules and to otherwise perform the functions</u>	14104
<u>assigned to an independent testing laboratory under this</u>	14105
<u>chapter.</u>	14106
<u>(2) It shall be accredited by a national accreditation</u>	14107
<u>body to international organization for standardization (ISO)</u>	14108
<u>standards 17020 and 17025 and any other standards as required by</u>	14109
<u>the executive director.</u>	14110
<u>(3) It shall be independent of any entity or product for</u>	14111
<u>which it provides testing services.</u>	14112
<u>(4) It shall maintain professional liability (errors and</u>	14113
<u>omissions) insurance of not less than one million dollars.</u>	14114
<u>(5) It shall employ a full-time quality manager who is</u>	14115
<u>responsible for ensuring compliance with national accreditation</u>	14116
<u>standards and applicable laws and rules.</u>	14117
<u>(6) It shall maintain physical security at each laboratory</u>	14118
<u>facility, including surveillance systems and alarms, to minimize</u>	14119
<u>the risk that confidential information is misappropriated.</u>	14120
<u>(7) It shall maintain the information technology security</u>	14121
<u>necessary to minimize the risk that confidential information is</u>	14122
<u>misappropriated.</u>	14123
<u>(8) It shall utilize the verification methodologies</u>	14124
<u>required by the executive director. The laboratory shall request</u>	14125
<u>approval from the executive director to use alternative</u>	14126
<u>verification methodologies. If approved, the laboratory shall</u>	14127

provide the verification tool utilizing the alternative 14128  
verification methodologies to the commission. 14129

(9) It shall ensure that testing and support procedures 14130  
are performed consistently at all laboratory locations. 14131

(10) It shall make available to the commission, upon 14132  
request, all its policies, procedures, and records. 14133

(11) It shall make available to the commission, upon 14134  
request, a master list of all test methods, standards, forms, 14135  
and other relevant documents it uses. 14136

(12) It shall not subcontract any testing without the 14137  
prior written approval of the executive director. 14138

(13) It shall maintain all records for a minimum of five 14139  
years unless otherwise specified, as follows: 14140

(a) It shall maintain, for a minimum of five years after 14141  
an associated commission approval is no longer in effect, an 14142  
electronic database containing testing data, reports, and 14143  
related materials and provide access to the commission. Data, 14144  
reports, and related materials shall be provided in a format and 14145  
through a mechanism required by the commission. 14146

(b) If not available from the manufacturer, it shall 14147  
maintain an inventory of gaming equipment and versions of 14148  
software tested by the laboratory and approved by the commission 14149  
for a minimum of five years after an associated commission 14150  
approval is no longer in effect. 14151

(c) It shall maintain, for a minimum of five years after 14152  
the end of the laboratory's certification period in which the 14153  
submission occurred, all software and associated documentation 14154  
and source code submitted for testing but not subsequently 14155

approved by the commission. The information shall be stored in a 14156  
manner that is secure and readily accessible to appropriately 14157  
approved laboratory personnel. 14158

(14) It shall assist the commission in investigations when 14159  
requested, at the expense of the laboratory. The laboratory may 14160  
seek reimbursement from the owner of the devices subject to 14161  
investigation. 14162

(15) When requested, it shall assist or train commission 14163  
agents in accounting, auditing, compliance, security, 14164  
technology, and verification practices for any submission to 14165  
that laboratory seeking approval from the commission. 14166

(16) It shall meet any additional condition imposed by the 14167  
commission at a meeting held under section 3772.02 of the 14168  
Revised Code. 14169

(D) A certified independent testing laboratory shall do 14170  
all of the following: 14171

(1) Provide a recommendation as to whether any equipment 14172  
submitted to it for testing complies with the applicable laws 14173  
and rules; 14174

(2) Provide a report to the commission, in a format 14175  
approved by the commission, of its test results for each 14176  
submission to be considered for approval by the commission; 14177

(3) Testify at any administrative hearing or court 14178  
proceeding as requested by the commission; 14179

(4) Annually review each of its employees, including 14180  
conducting a criminal background check and an assessment of the 14181  
employee's training, experience, performance, and competence; 14182

(5) Take corrective action whenever any nonconforming work 14183

is discovered, laboratory procedures are not followed, 14184  
procedures are required to be changed, or other unsatisfactory 14185  
conditions exist. The quality manager shall file an internal 14186  
report with the laboratory, describing why the problem occurred, 14187  
what was done to resolve the problem, and how the problem will 14188  
be prevented in the future. The laboratory shall make the report 14189  
available to the commission upon request. 14190

(6) Establish and maintain a training program for its 14191  
employees to ensure the employees maintain the experience and 14192  
expertise to conduct all testing required by the commission. The 14193  
laboratory shall maintain training records for all employees and 14194  
make them available to the commission upon request. 14195

(7) Test and verify that all testing equipment and 14196  
software used internally is suitable for use. The laboratory 14197  
shall have internal policies to verify that the equipment and 14198  
software will perform as needed. The laboratory shall maintain 14199  
records of test cases involving the validation of equipment, 14200  
software, and methods. All testing performed by the laboratory 14201  
shall be traceable to a test method that has been suitably 14202  
validated. 14203

(8) Notify the executive director immediately if it fails 14204  
to maintain compliance with any requirement of division (C) of 14205  
this section. 14206

(E) The commission shall maintain a list of certified 14207  
independent testing laboratories from which independent testing 14208  
laboratories shall be chosen for all purposes under this 14209  
chapter. 14210

**Sec. 3772.312.** (A) (1) A licensee that seeks the approval 14211  
of a piece of equipment or a game described in division (A) of 14212

section 3772.311 of the Revised Code shall do all of the 14213  
following: 14214

(a) Submit a written request to a certified independent 14215  
testing laboratory that identifies the equipment or game and, at 14216  
a minimum, specifically references the scientific testing and 14217  
technical evaluation necessary to determine compliance with the 14218  
applicable laws and rules; 14219

(b) Submit all necessary items and information to the 14220  
laboratory and, if requested by the commission, to the 14221  
commission; 14222

(c) Pay all costs associated with the testing and 14223  
evaluation. 14224

(2) A licensee shall engage not more than one certified 14225  
independent testing laboratory to test and evaluate any 14226  
particular version of a piece of equipment or any particular 14227  
version of a game, unless the executive director of the 14228  
commission gives prior written authorization for testing and 14229  
evaluation by an additional laboratory. 14230

(B) Except as otherwise approved by the executive director 14231  
of the commission, no equipment or game described in division 14232  
(A) of section 3772.311 of the Revised Code shall be used in 14233  
this state unless it has been tested by a certified independent 14234  
testing laboratory and the executive director has certified the 14235  
test results. The commission shall publish a catalog of all 14236  
approved equipment and games. 14237

(C) Any equipment or game described in division (A) of 14238  
section 3772.311 of the Revised Code, or any component of any 14239  
such equipment or game, that the commission deems to be critical 14240  
shall be capable of verification using a verification method 14241

approved by the executive director. 14242

(D) The executive director may require that a previously 14243  
approved piece of equipment or game be retested under this 14244  
section if the executive director determines that the equipment 14245  
or game fails to meet any applicable requirement of law or rule 14246  
or jeopardizes the integrity of gaming in any way. 14247

Sec. 3772.313. (A) Both of the following systems shall 14248  
meet the requirements of this section: 14249

(1) 14250

An internet gambling system; 14251

(2) Sports gaming equipment used to accept wagers on 14252  
sporting events. 14253

(B) A system described in division (A) of this section 14254  
shall meet all of the following requirements: 14255

(1) It shall monitor and record all gaming-related data in 14256  
real time, including any changes made to the data or system. 14257

(2) It shall provide accurate reporting using a method and 14258  
format approved by the executive director. 14259

(3) It shall be capable of automatically preparing a 14260  
report summarizing the results of all wagering transactions 14261  
conducted in this state by the permit holder, internet gambling 14262  
operator, or sports gaming proprietor. The reporting function 14263  
shall be tested by a certified independent testing laboratory 14264  
under section 3772.312 of the Revised Code to confirm that it 14265  
accurately calculates and displays the results of wagering. 14266

(4) The executive director of the commission shall 14267  
determine the format and required periods of the report. 14268



- (5) The servers or other equipment responsible for 14269  
accepting wagers shall meet all of the following requirements: 14270
- (a) They shall be located in this state, provided that 14271  
data may be stored or accessed elsewhere, including in a cloud 14272  
based environment. 14273
- (b) They shall be managed by a person that holds an 14274  
appropriate license issued by the commission for that purpose. 14275
- (c) The data center where they are housed shall be secure 14276  
and shall have controls in place to prevent unauthorized access. 14277
- (6) The system shall utilize disk redundancy, and the data 14278  
shall be backed up to prevent the loss of data and to minimize 14279  
down time. 14280
- (7) All communication with the system shall be secured 14281  
utilizing an encryption methodology that ensures data integrity 14282  
and prevents data theft. 14283
- (8) The system shall perform an authentication check on 14284  
any gaming equipment that connects to it and shall not accept 14285  
any wagers or player account requests from gaming equipment that 14286  
fails the authentication check. The authentication check shall 14287  
meet all of the following requirements: 14288
- (a) It shall occur at least once every twenty-four hours. 14289
- (b) It shall determine, with a high degree of accuracy, 14290  
whether the gaming equipment has been altered in a way that may 14291  
threaten the integrity of the system or its data. 14292
- (c) It shall log all of the following information: 14293
- (i) The date and time; 14294
- (ii) A device identifier; 14295

<u>(iii) The device type;</u>	14296
<u>(iv) The device's location;</u>	14297
<u>(v) The disposition of the authentication check.</u>	14298
<u>(9) It shall be designed to prevent and detect all of the following:</u>	14299
<u>(a) Unauthorized use of an account by someone other than the account holder;</u>	14300
<u>(b) Unauthorized withdrawals from patron accounts;</u>	14301
<u>(c) Wagering by any person who is prohibited from making a wager, including any person who is underage, a participant in the Ohio voluntary exclusion program, or a person who is on an involuntary exclusion list.</u>	14302
<u>(C) A permit holder, internet gambling operator, or sports gaming proprietor shall do all of the following:</u>	14303
<u>(1) Provide read-only remote access to its systems, and any hardware or software required to facilitate that access, to the commission in a manner prescribed by the executive director;</u>	14304
<u>(2) Pay all costs associated with providing access to the commission under division (C)(1) of this section;</u>	14305
<u>(3) Test the system's recovery procedures on a sample basis at least annually, document the results, and make them available to the commission upon request;</u>	14306
<u>(4) Implement change management policies and procedures for tracking and controlling changes made to the system, including all of the following:</u>	14307
<u>(a) Procedures for testing proposed changes in a non-production environment. The non-production environment shall be</u>	14308
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segregated from the production environment and shall not have 14323  
the capability to alter data in the production environment. 14324

(b) Procedures for classifying changes as follows: 14325

(i) High impact, meaning any change to, or addition of, 14326  
components that impact the operational integrity of the system. 14327  
As used in this division, "components" includes any component 14328  
deemed to be critical by the certified independent testing 14329  
laboratory. 14330

(ii) Low impact, meaning any other change to the system. 14331

(c) Procedures for the installation of changes into the 14332  
production environment; 14333

(d) Procedures for the rollback of changes; 14334

(e) Procedures for documenting each phase of the change 14335  
management process; 14336

(f) Procedures for logging all changes to the system; 14337

(g) Policies to ensure appropriate segregation of duties 14338  
to prevent unintended changes from occurring. 14339

(5) (a) Subject to division (C) (5) (b) of this section, 14340  
notify the commission at least five business days before 14341  
installing any change designated as high impact. The executive 14342  
director may deny or delay the installation. 14343

(b) A change that is necessary to remediate an immediate 14344  
threat or liability may be installed immediately. The commission 14345  
shall be notified of the change within forty-eight hours of 14346  
implementation. 14347

(D) The executive director may require that any change be 14348  
tested by a certified independent testing laboratory, with 14349

testing completed and a testing laboratory letter provided to 14350  
the commission within ninety days. 14351

**Sec. 3772.314.** (A) The requirements of this section apply 14352  
to any geoblocking technology that is used for the purpose of 14353  
preventing individuals who are not physically present in this 14354  
state from participating in internet gambling or sports gaming, 14355  
as required under sections 3771.10 and 3775.11 of the Revised 14356  
Code. 14357

(B) The geoblocking technology shall be provided by a 14358  
licensed internet gambling supplier or sports gaming supplier, 14359  
as applicable, and shall be approved by the commission under 14360  
section 3772.312 of the Revised Code. The internet gambling 14361  
operator or sports gaming proprietor shall report to the 14362  
commission the name of the supplier of its geoblocking 14363  
technology. 14364

(C) The geoblocking technology shall do all of the 14365  
following: 14366

(1) Determine a patron's location within a margin of error 14367  
determined by the executive director and dynamically monitor the 14368  
patron's location throughout the patron's placement of wagers 14369  
with the internet gambling operator or sports gaming proprietor; 14370

(2) Provide reporting and analytics to allow for effective 14371  
monitoring of patrons' locations; 14372

(3) Prevent a patron who is not physically present in this 14373  
state from placing wagers with the internet gambling operator or 14374  
sports gaming proprietor; 14375

(4) Alert a patron who is prevented from placing wagers 14376  
under division (C) (3) of this section that the patron appears 14377  
not to be physically present in this state; 14378

(5) Comply with the requirements of this chapter and 14379  
Chapters 3771. and 3775. of the Revised Code and of rules 14380  
adopted thereunder. 14381

(D) The supplier shall do all of the following: 14382

(1) Record all attempts to participate in internet 14383  
gambling or the online sports pool, as applicable, from both 14384  
authorized and unauthorized locations, and make the records 14385  
available to the commission in a format approved by the 14386  
executive director; 14387

(2) Provide the commission with access to real-time 14388  
geoblocking data, including any equipment necessary to view the 14389  
data. The executive director shall approve the method, format, 14390  
and equipment for accessing the data. 14391

(3) Ensure the integrity of the data used to make location 14392  
determinations; 14393

(4) Conduct maintenance and updates to the technology to 14394  
ensure proper functionality; 14395

(5) Meet any other requirement prescribed by the executive 14396  
director. 14397

**Sec. 3772.315.** (A) All of the following persons shall 14398  
maintain an information technology department that is 14399  
responsible for the quality, reliability, and accuracy of all 14400  
electronic systems used in the person's gaming operation: 14401

(1) A permit holder, other than a person who holds only a 14402  
permit issued for a horse racing meeting at a fair; 14403

(2) A video lottery sales agent; 14404

(3) An internet gambling operator; 14405

<u>(4) A casino operator or management company;</u>	14406
<u>(5) A sports gaming proprietor.</u>	14407
<u>(B) A person described in division (A) of this section</u>	14408
<u>shall do all of the following:</u>	14409
<u>(1) Maintain information technology security insurance as</u>	14410
<u>approved by the executive director of the commission;</u>	14411
<u>(2) Ensure that the person's information technology staff</u>	14412
<u>are adequately segregated and monitored to detect procedural</u>	14413
<u>errors or unauthorized access to financial transactions and</u>	14414
<u>assets and to prevent the concealment of fraud;</u>	14415
<u>(3) Maintain the information technology environment and</u>	14416
<u>infrastructure in a secured physical location that is restricted</u>	14417
<u>to authorized employees;</u>	14418
<u>(4) Adopt procedures for responding to, monitoring,</u>	14419
<u>investigating, resolving, documenting, and reporting security</u>	14420
<u>incidents associated with the person's information technology</u>	14421
<u>systems.</u>	14422
<u>(C) (1) Each person described in division (A) of this</u>	14423
<u>section shall contract with an independent third party to</u>	14424
<u>perform an annual information technology audit. The third party</u>	14425
<u>shall be approved by the executive director of the commission as</u>	14426
<u>qualified, independent, and capable of performing the audit. The</u>	14427
<u>audit and corresponding report shall assess all of the</u>	14428
<u>following:</u>	14429
<u>(a) The design, controls, maintenance, and security of the</u>	14430
<u>person's information technology systems;</u>	14431
<u>(b) The person's compliance with the information</u>	14432
<u>technology and gaming system requirements of the Revised Code</u>	14433

and the rules of the commission; 14434

(c) Any other subject required by the executive director. 14435

(2) The audit described in division (C)(1) of this section 14436  
shall be performed at least once each fiscal year and within 14437  
ninety days before a person commences initial operations on or 14438  
after the effective date of this section. The person shall file 14439  
the audit report with the commission, in a format determined by 14440  
the executive director, within one hundred twenty days following 14441  
the end of the fiscal year or upon receipt receiving the report 14442  
from the auditor, whichever is earlier. 14443

(3) The commission may require a person described in 14444  
division (A) of this section to terminate its engagement of an 14445  
auditor under division (C)(1) of this section if the commission 14446  
determines that the auditor lacks the appropriate 14447  
qualifications, independence, or capacity or that the engagement 14448  
or an audit performed under the engagement poses a material risk 14449  
to the integrity of gaming in this state. An action under this 14450  
division is an action against the person described in division 14451  
(A) of this section that is subject to the hearing procedures 14452  
and disciplinary actions provided for under this chapter and the 14453  
rules of the commission. If the commission orders a person to 14454  
terminate its engagement of an auditor, the person shall engage 14455  
a different auditor to ensure that the requirements of this 14456  
section and the rules of the commission are met. 14457

**Sec. 3772.316.** (A) All of the following persons shall 14458  
comply with the accounting, record keeping, and internal 14459  
auditing requirements of this section: 14460

(1) A permit holder; 14461

(2) A video lottery sales agent; 14462

<u>(3) An internet gambling operator;</u>	14463
<u>(4) A casino operator or management company;</u>	14464
<u>(5) A sports gaming proprietor.</u>	14465
<u>(B) A person described in division (A) of this section</u>	14466
<u>shall do all of the following:</u>	14467
<u>(1) Maintain general accounting records using a double-</u>	14468
<u>entry system of accounting with transactions recorded on a basis</u>	14469
<u>consistent with generally accepted accounting principles;</u>	14470
<u>(2) Have documented revenue audit procedures and maintain</u>	14471
<u>documentation evidencing the performance of all revenue audit</u>	14472
<u>procedures, any exceptions noted, and follow-up of all</u>	14473
<u>exceptions;</u>	14474
<u>(3) Comply with all applicable requirements of Chapter</u>	14475
<u>5753. of the Revised Code and with any requests of the tax</u>	14476
<u>commissioner;</u>	14477
<u>(4) Include on all books, forms, records, documents, and</u>	14478
<u>data submitted to the commission the name of the person, the</u>	14479
<u>date of completion, and the title of the book, form, record,</u>	14480
<u>document, or stored data.</u>	14481
<u>(C) (1) A person described in division (A) of this section</u>	14482
<u>shall cause an annual audit of the person's gaming operation to</u>	14483
<u>be conducted to assess the person's compliance with the gaming</u>	14484
<u>requirements of the Revised Code and the rules of the</u>	14485
<u>commission. The audit shall be conducted by one of the</u>	14486
<u>following:</u>	14487
<u>(a) A separate internal audit department that is</u>	14488
<u>independent of the person's gaming operation. The department may</u>	14489
<u>be the internal audit department of a parent entity of the</u>	14490



person. 14491

(b) A third party independent registered certified public 14492  
accounting firm licensed to practice in this state. Before the 14493  
start of the engagement, the person shall report to the 14494  
commission the name of the firm and of the lead audit partner or 14495  
other person responsible for the engagement. 14496

(2) An annual audit conducted under division (C) (1) of 14497  
this section shall meet all of the following requirements: 14498

(a) It shall audit the person's compliance with the gaming 14499  
requirements of the Revised Code and the rules adopted 14500  
thereunder, the person's house rules, required procedures, and 14501  
any other applicable rules and regulations, as required by the 14502  
executive director. 14503

(b) The auditor shall follow the standards, conventions, 14504  
and rules governing audits in the United States. 14505

(c) The auditor shall document the results in an audit 14506  
report and provide them to the commission. The auditor shall 14507  
maintain documentation to evidence all work performed as it 14508  
relates to the requirements of this section, including all 14509  
instances of noncompliance. 14510

(d) Within six months after the auditor notifies the 14511  
person being audited of any instance of noncompliance, the 14512  
auditor shall perform follow-up observations and examinations to 14513  
verify that corrective action has been taken regarding all such 14514  
instances of noncompliance. 14515

(3) The commission may require a person described in 14516  
division (A) of this section to terminate its engagement of an 14517  
auditor under division (C) (1) of this section if the commission 14518  
determines that the auditor lacks the appropriate 14519

qualifications, independence, or capacity or that the engagement 14520  
or an audit performed under the engagement poses a material risk 14521  
to the integrity of gaming in this state. An action under this 14522  
division is an action against the person described in division 14523  
(A) of this section that is subject to the hearing procedures 14524  
and disciplinary actions provided for under this chapter and the 14525  
rules of the commission. If the commission orders a person to 14526  
terminate its engagement of an auditor, the person shall engage 14527  
a different auditor to ensure that the requirements of this 14528  
section and the rules of the commission are met. 14529

**Sec. 3772.317.** (A) All of the following persons shall 14530  
comply with the external auditing requirements of this section: 14531

(1) A permit holder; 14532  
(2) A video lottery sales agent; 14533  
(3) An internet gambling operator; 14534  
(4) A casino operator or management company; 14535  
(5) A sports gaming proprietor, other than a professional 14536  
sports organization. 14537

(B) (1) A person described in division (A) of this section 14538  
shall have its annual financial statements audited by an 14539  
independent registered certified public accounting firm licensed 14540  
to practice in this state. The audit shall be in accordance with 14541  
generally accepted auditing standards and, when applicable, the 14542  
standards of the accountancy board. 14543

(2) The person shall report to the commission the name of 14544  
the independent registered certified public accounting firm and 14545  
the name of the lead audit partner or other individual taking 14546  
primary responsibility for the financial statement audit 14547

engagement before the start of the engagement. The lead audit 14548  
partner or other individual taking primary responsibility for 14549  
the financial statement audit engagement may serve a maximum of 14550  
five consecutive years in such a position. 14551

(3) The annual financial statements audit shall be 14552  
prepared on a comparative basis for the current and prior fiscal 14553  
years and shall present the person's financial position and 14554  
results of operations in conformity with generally accepted 14555  
accounting principles. 14556

(4) The audit shall be filed with the commission, in a 14557  
format determined by the executive director, within one hundred 14558  
twenty days following the end of the fiscal year. 14559

(C) At any time, the executive director may require a 14560  
special audit of a person described in division (A) of this 14561  
section by commission personnel, an independent registered 14562  
certified public accounting firm, or any other third party the 14563  
executive director approves as qualified, independent, and 14564  
capable of performing the special audit. 14565

(D) The commission may require a person described in 14566  
division (A) of this section to terminate its engagement of an 14567  
auditor under this section if the commission determines that the 14568  
auditor lacks the appropriate qualifications, independence, or 14569  
capacity or that the engagement or an audit performed under the 14570  
engagement poses a material risk to the integrity of gaming in 14571  
this state. An action under this division is an action against 14572  
the person described in division (A) of this section that is 14573  
subject to the hearing procedures and disciplinary actions 14574  
provided for under this chapter and the rules of the commission. 14575  
If the commission orders a person to terminate its engagement of 14576  
an auditor, the person shall engage a different auditor to 14577

ensure that the requirements of this section and the rules of 14578  
the commission are met. 14579

(E) A person described in division (A) of this section 14580  
shall do both of the following: 14581

(1) Notify the commission of any report that is filed, or 14582  
required to be filed, with the securities and exchange 14583  
commission or other securities regulatory agency; 14584

(2) File with the commission a copy of any suspicious 14585  
activity report filed with the financial crimes enforcement 14586  
network related to the conduct of gaming in this state. 14587

**Sec. 3772.37.** ~~(A) Pursuant to section 131.02 of the~~ 14588  
~~Revised Code, the attorney general shall develop and implement a~~ 14589  
~~real time data match program and make it available to each~~ 14590  
~~casino operator and management company to identify patrons who~~ 14591  
~~owe amounts to the state or a political subdivision.~~ 14592

~~(B) (1)~~ (A) (1) Before disbursing any casino of the 14593  
following types of winnings to a patron that meet or exceed the 14594  
reportable winnings amount set by 26 U.S.C. 6041, a casino 14595  
operator or management company the following persons shall 14596  
withhold amounts from the winnings as required under divisions 14597  
(B) to (E) of this section: 14598

(a) A permit holder, with respect to winnings from pari- 14599  
mutuel wagering on horse racing; 14600

(b) A video lottery sales agent, with respect to winnings 14601  
from a video lottery terminal; 14602

(c) An internet gambling operator, with respect to 14603  
winnings from internet gambling; 14604

(d) A casino operator or management company, with respect 14605

to casino winnings; 14606

(e) A sports gaming proprietor, with respect to winnings 14607  
from sports gaming, except as otherwise provided regarding a 14608  
type C sports gaming proprietor by rule of the state lottery 14609  
commission adopted under section 3770.03 of the Revised Code. 14610

(2) For purposes of division (A)(1) of this section, a 14611  
patron's amount of winnings shall be determined each time the 14612  
patron exchanges amounts won in tokens, chips, credit, betting 14613  
slips or tickets, or other prepaid representations of value for 14614  
cash or a cash equivalent. 14615

(B) The person shall withhold state income tax under 14616  
section 5747.063 of the Revised Code. 14617

(C) If required, the person shall withhold federal income 14618  
tax under 26 U.S.C. 3402. 14619

(D) In the case of winnings won in person at a track, 14620  
casino facility, or sports gaming facility, the person shall 14621  
withhold any applicable municipal income tax under section 14622  
718.031 of the Revised Code. 14623

(E) The person shall consult the data match program 14624  
described in section 3123.90 of the Revised Code to determine 14625  
whether the patron is in default under a support order and, if 14626  
so, shall withhold an amount sufficient to satisfy any past due 14627  
support under that section. 14628

(F)(1) The person shall consult the data match program 14629  
described in section 131.02 of the Revised Code to determine 14630  
whether the patron owes any amounts to the state or a political 14631  
subdivision. If the data match program indicates that the patron 14632  
owes any amounts to the state or a political subdivision, the 14633  
casino operator or management company person shall withhold from 14634

the patron's winnings an amount sufficient to satisfy those 14635  
amounts, up to the amount of the winnings. 14636

(2) If the data match program described in section 3123.90 14637  
of the Revised Code indicates that the patron also is in default 14638  
under a support order, the ~~casino operator or management company~~ 14639  
person shall transmit to the department of job and family 14640  
services an amount sufficient to satisfy any past due support 14641  
owed by the patron, up to the amount of the winnings, before 14642  
transmitting any remaining amount to the attorney general under 14643  
division ~~(C)~~ (F) (1) of this section. 14644

~~(C) (1)~~ (3) Not later than seven days after withholding an 14645  
amount under division ~~(B)~~ (F) (1) of this section, the ~~casino~~ 14646  
~~operator or management company person~~ shall transmit to the 14647  
attorney general any amount withheld and not already disbursed 14648  
to the department of job and family services under section 14649  
3123.90 of the Revised Code as payment on the amount owed. 14650

~~(2)~~ (4) If the patron owes more than one amount to the 14651  
state or a political subdivision as identified by the data match 14652  
program described in this section, the amount owed to the state 14653  
shall be satisfied first, except that any amounts owed under 14654  
section 5739.33 and division (G) of section 5747.07 of the 14655  
Revised Code shall have first priority. 14656

~~(D)~~ (5) Except as otherwise provided in section 131.021 of 14657  
the Revised Code, division (F) of this section applies only to 14658  
amounts owed that have become final. 14659

~~(E)~~ (6) The attorney general, in consultation with the 14660  
commission, may adopt rules under Chapter 119. of the Revised 14661  
Code as necessary to implement division (F) of this section. 14662

**Sec. 3772.38.** (A) All of the following persons shall 14663

retain records in accordance with this section: 14664

(1) A permit holder, management services company, or 14665  
totalizator company, with respect to its operations under 14666  
Chapter 3769. of the Revised Code; 14667

(2) A video lottery sales agent, with respect to its 14668  
operations under sections 3770.21 to 3770.22 of the Revised 14669  
Code; 14670

(3) An internet gambling operator, internet gambling 14671  
management company, or internet gambling supplier, with respect 14672  
to its operations under Chapter 3771. of the Revised Code; 14673

(4) A casino operator, management company, or gaming- 14674  
related vendor or a holding company of a casino operator, 14675  
management company, or gaming-related vendor; 14676

(5) A sports gaming proprietor, a mobile management 14677  
services provider, a management services provider, or a sports 14678  
gaming supplier, with respect to its operations under Chapter 14679  
3775. of the Revised Code. 14680

(B) A person described in division (A) of this section 14681  
shall retain and maintain all of the following records, in 14682  
addition to any other records required to be maintained under 14683  
this chapter, Chapter 3769., 3771., 3775., or 3777., or sections 14684  
3770.21 to 3770.22 of the Revised Code, as applicable, or the 14685  
rules of the commission, for at least five years after the 14686  
records are created, in a place secure from theft, loss, or 14687  
destruction: 14688

(1) The person's business and organizational structure; 14689

(2) Correspondence, including reports, to or from the 14690  
commission or any local, state, or federal governmental agency, 14691

or foreign gaming regulatory body; 14692

(3) Any acquisition, construction, remodeling, or 14693  
maintenance of a proposed or existing track, casino facility, or 14694  
sports gaming facility in this state; 14695

(4) All transactions and other records related to the 14696  
lease, purchase, installation, operation, maintenance, or repair 14697  
of equipment stored, maintained, operated, possessed, or 14698  
otherwise used in conducting gaming in this state; 14699

(5) Financial statements, accounting records, ledgers, and 14700  
internal and external audit records; 14701

(6) Records related to the conduct of gaming in this 14702  
state; 14703

(7) Any other books, records, or documents the commission 14704  
requires, in writing, to be retained and maintained. 14705

(C) A person described in division (A) of this section 14706  
shall retain and maintain, in a manner consistent with division 14707  
(B) of this section, the personnel files for all key gaming 14708  
employee and gaming employee applicants or licensees for three 14709  
years from the employment decision or last date of employment, 14710  
as applicable. 14711

(D) A person described in division (A) of this section 14712  
shall retain and maintain, in a manner consistent with division 14713  
(B) of this section, any materials used to advertise, publicize, 14714  
or otherwise promote gaming in this state for two years from the 14715  
end of the advertising, promotional, or publicity campaign. If 14716  
an affiliate marketer advertises, publicizes, or otherwise 14717  
promotes gaming on the person's behalf, either the person or the 14718  
affiliate marketer shall retain those records. 14719



(E) A person described in division (A) of this section 14720  
shall organize the records required to be maintained under this 14721  
section and furnish them to the commission in a manner that 14722  
enables the commission to locate, inspect, review, and analyze 14723  
the records with reasonable ease and efficiency, when requested 14724  
by the commission. 14725

(F) (1) The commission and its employees may demand access 14726  
to and inspect, examine, photocopy, and audit all books, 14727  
accounts, records, and memoranda of any person that is not 14728  
protected by privilege and that is subject to the provisions of 14729  
this chapter, Chapter 3769., 3771., 3775., or 3777., or sections 14730  
3770.21 to 3770.22 of the Revised Code and may examine under 14731  
oath any officer, agent, or employee of that person. 14732

(2) Nothing in this section requires disclosure of a 14733  
record that is protected by the attorney-client privilege. If 14734  
the commission requests a record that is protected by the 14735  
attorney-client privilege, the record holder shall provide the 14736  
commission with written notification of the record's existence, 14737  
including a general description of the record's contents and the 14738  
basis for the privilege. 14739

**Sec. 3772.39. (A) The commission shall operate the Ohio** 14740  
**voluntary exclusion program for the purpose of reducing the** 14741  
**incidence of disordered and problem gambling in this state.** 14742

(B) (1) Except as otherwise provided in this section, a 14743  
participant in the program shall agree to refrain from entering 14744  
a track, casino facility, or sports gaming facility and from 14745  
engaging in pari-mutuel wagering on horse racing, video lottery 14746  
terminal gaming, internet gambling, casino gaming, or sports 14747  
gaming in this state. The participant's name shall be included 14748  
on a voluntary exclusion list with respect to all forms of 14749

gaming from which the participant is excluded. 14750

(2) An individual who is a participant as of the effective 14751  
date of this section is excluded only from the forms of gaming 14752  
indicated on the individual's most recently submitted 14753  
application for voluntary exclusion. 14754

(3) An individual who becomes a participant remains 14755  
entitled to both of the following: 14756

(a) Any amount owed to the individual by a permit holder, 14757  
video lottery sales agent, internet gambling operator, casino 14758  
operator or management company, or sports gaming proprietor or 14759  
an agent of any of those persons before the individual becomes a 14760  
participant, including the value of any points, promotional 14761  
credits, or complimentaries that may be redeemed for cash under 14762  
a marketing program and the value of any voided or canceled 14763  
wager; 14764

(b) Any winnings from a wager placed by an individual 14765  
before becoming a participant that is pending when the 14766  
individual becomes a participant. Such a wager shall not be 14767  
voided or canceled by either party solely because the individual 14768  
becomes a participant. 14769

(4) A participant remains liable for any debt to a permit 14770  
holder, video lottery sales agent, internet gambling operator, 14771  
casino operator or management company, or sports gaming 14772  
proprietor accrued before becoming a participant. 14773

(5) A participant is not prohibited from entering a track, 14774  
casino facility, or sports gaming facility for any of the 14775  
following purposes: 14776

(a) Carrying out the duties of the participant's 14777  
employment. A participant who requires access for that purpose 14778

shall notify the commission in the manner and on a form 14779  
prescribed by the commission. 14780

(b) Applying for renewed or extended participation in, or 14781  
removal from, the program; 14782

(c) Claiming any money or thing of value owed to the 14783  
participant under division (B) (3) of this section; 14784

(d) Paying any debt owed under division (B) (4) of this 14785  
section. 14786

(C) (1) An applicant to participate in the program shall 14787  
apply on a form prescribed by the commission, either in person 14788  
at a track or casino facility in the presence of commission 14789  
staff or through an online portal established by the commission. 14790

(2) The applicant shall choose to be excluded for one of 14791  
the following periods: 14792

(a) A minimum of one year; 14793

(b) A minimum of five years; 14794

(c) For life, subject to division (C) (8) of this section. 14795

(3) No fee is required to participate in or be removed 14796  
from the program. 14797

(4) If, in the opinion of the commission staff who are 14798  
present when an applicant applies in person, the applicant 14799  
appears to be impaired or appears to be applying involuntarily, 14800  
the commission shall reject the application. 14801

(5) After enrolling a participant in the program, the 14802  
commission shall deliver written confirmation to the 14803  
participant. Any failure to deliver confirmation to the 14804  
participant does not affect the participant's status as a 14805

participant. 14806

(6) A participant who chooses a one-year or five-year 14807  
minimum exclusion period shall not be removed from the program 14808  
before the expiration of the applicable minimum period. Upon the 14809  
expiration of that period, the participant remains a participant 14810  
unless the participant submits an application to the commission 14811  
for removal from the program. The application shall be on a form 14812  
prescribed by the commission and shall be made in the same 14813  
manner as an application to participate in the program. 14814

(7) A participant who chooses a lifetime exclusion and 14815  
participates in the program for at least five years may apply to 14816  
the commission to be removed from the program. The application 14817  
shall be on a form prescribed by the commission and shall be 14818  
made in the same manner as an application to participate in the 14819  
program. Upon receiving a properly completed application for 14820  
removal under this division, the commission shall grant the 14821  
application if the participant has completed an education 14822  
program on problem gambling awareness, as prescribed by the 14823  
commission. 14824

(8) A participant may apply to the commission in the 14825  
manner described in division (C) (1) of this section to renew or 14826  
extend the participant's participation in the program at any 14827  
time. 14828

(D) An applicant to participate in the program shall agree 14829  
in writing to all of the following: 14830

(1) That the applicant will refrain from entering any 14831  
track, casino facility, or sports gaming facility, except as 14832  
otherwise permitted under division (E) of this section, and that 14833  
the applicant may be charged with criminal trespass for doing 14834

so; 14835

(2) That the applicant will refrain from engaging in, or 14836  
attempting to engage in, pari-mutuel wagering on horse racing, 14837  
video lottery terminal gaming, internet gambling, casino gaming, 14838  
and sports gaming in this state; 14839

(3) That the applicant will forfeit all points, 14840  
promotional credits, or complimentaries received from a permit 14841  
holder, video lottery sales agent, internet gambling operator, 14842  
casino operator or management company, or sports gaming 14843  
proprietor on or before the date the applicant completes the 14844  
application, except for any points, credits, or complimentaries 14845  
that may be redeemed for cash under a marketing program; 14846

(4) That the applicant will surrender both of the 14847  
following to the commission: 14848

(a) Any money or thing of value the applicant converts, or 14849  
attempts to convert, into chips, tokens, tickets, electronic 14850  
wagering credit, or any other wagering instrument for the 14851  
purpose of pari-mutuel wagering on horse racing, video lottery 14852  
terminal gaming, internet gambling, casino gaming, or sports 14853  
gaming in this state after becoming a participant; 14854

(b) Any prize the applicant wins, claims, or attempts to 14855  
claim from pari-mutuel wagering on horse racing, video lottery 14856  
terminal gaming, internet gambling, casino gaming, or sports 14857  
gaming in this state after becoming a participant, except for 14858  
any winnings from a wager described in division (B) (3) of this 14859  
section. 14860

(5) That the applicant remains liable for any debt to a 14861  
permit holder, video lottery sales agent, internet gambling 14862  
operator, casino operator or management company, or sports 14863

gaming proprietor accrued before becoming a participant; 14864

(6) That the applicant cannot be removed from the program 14865  
before the expiration of the applicable minimum period; 14866

(7) That the applicant may renew or extend the applicant's 14867  
participation in the program at any time. 14868

(E) A permit holder, video lottery sales agent, internet 14869  
gambling operator, casino operator or management company, or 14870  
sports gaming proprietor shall employ commercially reasonable 14871  
methods to do all of the following: 14872

(1) Maintain a system for determining whether an 14873  
individual is a participant, including procedures approved by 14874  
the commission for updating the system with changes in 14875  
participants' enrollment status at least once every seven days; 14876

(2) Except as otherwise provided in division (B) (4) of 14877  
this section, prohibit a participant from entering a track, 14878  
casino facility, or sports gaming facility, as applicable. If 14879  
the person finds a participant on the premises in violation of 14880  
this division, all of the following apply: 14881

(a) If any member of the commission's staff is present at 14882  
the facility, the person immediately shall notify the 14883  
commission's staff. 14884

(b) Within seventy-two hours, the person shall notify the 14885  
commission in writing of the participant's name and date of 14886  
birth, the circumstances of the violation or attempted violation 14887  
of the terms of the program, and the gaming activity, if any, in 14888  
which the participant engaged. 14889

(c) The person may press charges against the participant 14890  
for criminal trespass under section 2911.21 of the Revised Code 14891

or a comparable provision of a local ordinance. 14892

(3) Prohibit a participant from participating in gaming 14893  
operated by the person. Within seventy-two hours after 14894  
discovering that a participant has violated or attempted to 14895  
violate the terms of the program, the person shall notify the 14896  
commission in writing of the participant's name and date of 14897  
birth, the circumstances of the violation or attempted 14898  
violation, and the gaming activity, if any, in which the 14899  
participant engaged. 14900

(4) Refrain from accepting any form of payment from a 14901  
participant or extending credit to a participant in any manner, 14902  
except as payment of a debt accrued by a participant before 14903  
becoming a participant; 14904

(5) Remit both of the following to the commission: 14905

(a) Any money or thing of value a participant converts, or 14906  
attempts to convert, into chips, tokens, tickets, electronic 14907  
wagering credit, or any other wagering instrument for the 14908  
purpose of pari-mutuel wagering on horse racing, video lottery 14909  
terminal gaming, internet gambling, casino gaming, or sports 14910  
gaming in this state after becoming a participant; 14911

(b) Any prize a participant wins, claims, or attempts to 14912  
claim from pari-mutuel wagering on horse racing, video lottery 14913  
terminal gaming, internet gambling, casino gaming, or sports 14914  
gaming in this state after becoming a participant, except for 14915  
any winnings from a wager described in division (B) (3) of this 14916  
section. 14917

(6) Make all reasonable attempts, as determined by the 14918  
commission, to cease all direct marketing efforts to a 14919  
participant; 14920

(7) Provide the commission reports on a quarterly basis of 14921  
the number of participants the person denied entry or access to 14922  
a track, casino facility, sports gaming facility, or online 14923  
gaming platform; 14924

(8) Make program applications available at any track or 14925  
casino facility the person operates. 14926

(F) (1) Subject to division (F) (2) of this section, the 14927  
voluntary exclusion list and the personal information of current 14928  
or former participants are confidential and are not subject to 14929  
disclosure as a public record. The commission shall distribute 14930  
that information only to the following persons: 14931

(a) Permit holders, video lottery sales agents, internet 14932  
gambling operators, casino operators or management companies, 14933  
sports gaming proprietors, and their agents and employees, for 14934  
purposes of implementing the program; 14935

(b) A person to whom the participant requests the 14936  
commission to disclose the participant's information, with the 14937  
consent of the commission. 14938

(2) The commission may disclose anonymized information 14939  
from the program and any predecessor gambling voluntary 14940  
exclusion program to one or more research entities selected by 14941  
the commission for the purpose of evaluating the program's 14942  
effectiveness and ensuring its proper administration. 14943

(G) (1) Any money or thing of value surrendered or remitted 14944  
to the commission under division (D) (4) or (E) (5) of this 14945  
section at a casino facility shall be deposited in the problem 14946  
casino gambling and addictions fund. 14947

(2) Any other money or thing of value surrendered or 14948  
remitted to the commission under those divisions shall be 14949



deposited in the problem gambling fund established under section 14950  
5753.031 of the Revised Code. 14951

(H) The requirements of this section do not apply to a 14952  
permit holder who holds only a permit issued for a horse racing 14953  
meeting at a fair. 14954

**Sec. 3772.40.** (A) Each of the following persons shall 14955  
develop and implement a compulsive and problem gambling plan: 14956

(1) A permit holder, other than a person who holds only a 14957  
permit issued for a horse racing meeting at a fair; 14958

(2) A video lottery sales agent; 14959

(3) An internet gambling operator; 14960

(4) A casino operator or management company; 14961

(5) A sports gaming proprietor. 14962

(B) At a minimum, the plan shall contain all of the 14963  
following elements: 14964

(1) The goals of the plan and procedures and timetables to 14965  
implement the plan; 14966

(2) The identification of the individual who will be 14967  
responsible for the implementation and maintenance of the plan; 14968

(3) Policies and procedures, including the following: 14969

(a) Procedures for compliance with the Ohio voluntary 14970  
exclusion plan, including, at a minimum, all of the following: 14971

(i) Procedures preventing an individual in the program 14972  
from entering the person's facility or engaging in, or 14973  
attempting to engage in, gaming operated by the person; 14974

(ii) Procedures for identifying and removing participants 14975

in the program from the person's facility, if applicable; 14976

(iii) Procedures for preventing the dissemination of any 14977  
advertisement, promotion, or other direct marketing mailing 14978  
beginning fifteen days after an individual becomes a 14979  
participant; 14980

(iv) Procedures for preventing a participant from having 14981  
access to credit or from receiving complimentary services, 14982  
check-cashing services, and other benefits; 14983

(v) Procedures for ensuring the confidentiality of 14984  
participants' identities and information; 14985

(vi) Any other procedure required by the executive 14986  
director of the commission. 14987

(b) The duties and responsibilities of the employees 14988  
designated to implement or participate in the plan; 14989

(c) The responsibility of patrons with respect to safer 14990  
gambling practices; 14991

(d) Procedures to identify patrons and employees with 14992  
suspected or known disordered or problem gambling behavior, 14993  
including procedures specific to loyalty and other rewards and 14994  
marketing programs; 14995

(e) Procedures for providing information to individuals 14996  
regarding the Ohio voluntary exclusion program and community, 14997  
public and private treatment services, peer support groups, and 14998  
similar treatment or addiction therapy programs designed to 14999  
prevent, treat, or monitor individuals with a gambling problem 15000  
or gambling disorder and to counsel family members, including 15001  
for providing the information upon the request of a patron or 15002  
employee; 15003

- (f) The provision of written material to educate patrons and employees about disordered and problem gambling and to inform them about the Ohio voluntary exclusion program and treatment services available to individuals with a gambling problem or gambling disorder and their families. The person shall provide the commission with examples of the materials to be used and a description of how they will be disseminated. 15004  
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- (g) Advertising and other marketing and outreach to educate the general public about disordered and problem gambling; 15011  
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- (h) An employee training program, including training materials to be utilized, a plan for periodic reinforcement training, and a certification process established by the person to verify that each employee has completed the training required by the plan; 15014  
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- (i) Procedures to prevent underage gambling; 15019
- (j) Procedures for the operator of a track, casino facility, or sports gaming facility to prevent patrons impaired by drugs or alcohol, or both, from gambling; 15020  
15021  
15022
- (k) The plan for posting signs or other notices containing information on gambling treatment and on the Ohio voluntary exclusion program, including examples of the language and graphics to be used. 15023  
15024  
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15026
- (4) A list of public and private treatment services, peer recovery support groups, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor individuals with a gambling problem or gambling disorder and to counsel family members; 15027  
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- (5) Any other information, documents, and policies and 15032

procedures the commission requires. 15033

(C) Each person described in division (A) of this section 15034  
shall submit quarterly updates and an annual report to the 15035  
commission concerning the person's adherence to the plan and the 15036  
goals of the plan. The annual report shall include any 15037  
information the person has received related to any individual's 15038  
bankruptcy, divorce, criminal offense, suicide attempt, or death 15039  
by suicide related to gambling offered by the person, including 15040  
the individual's name and date of birth, how the person came to 15041  
know of the incident, and a brief description of the incident. 15042

**Sec. 3772.41.** (A) As used in this section: 15043

(1) "Affiliate marketer" means a person who conducts 15044  
promotion, marketing, advertising or patron recruitment for a 15045  
permit holder, video lottery sales agent, online gambling 15046  
operator, casino operator or management company, or sports 15047  
gaming proprietor in this state in either of the following 15048  
manners: 15049

(a) Through a web site or mobile application; 15050

(b) In exchange for a commission or variable fee based 15051  
upon the number of users recruited, wagering activity generated, 15052  
revenue generated, or any other metric. 15053

(2) "Gaming advertisement" means a notice, announcement, 15054  
or communication to the public or to any specific member or 15055  
members of the public, to which both of the following apply: 15056

(a) It is made by or on behalf of a permit holder, video 15057  
lottery sales agent, online gambling operator, casino operator 15058  
or management company, or sports gaming proprietor. 15059

(b) It is designed to solicit or entice an individual to 15060

participate in gaming operated by the person described in 15061  
division (A) (1) (a) of this section through broadcasting, 15062  
publication, or any other means of dissemination in this state. 15063

(3) "Direct gaming advertisement" means a gaming 15064  
advertisement that is disseminated to a specific individual or 15065  
individuals. 15066

(B) A gaming advertisement shall do all of the following: 15067

(1) Clearly convey the conditions under which the gaming 15068  
is being offered, including information about the cost to 15069  
participate and the nature of any promotions and information to 15070  
assist patrons in understanding the odds of winning. Any 15071  
material conditions or limiting factors shall be clearly and 15072  
conspicuously specified. If the advertisement is not of 15073  
sufficient size or duration to permit inclusion of that 15074  
information, the advertisement shall refer to a web site or 15075  
application that prominently includes that information within 15076  
one click. 15077

(2) Disclose the identity of the person conducting the 15078  
gaming; 15079

(3) Clearly and conspicuously include messages designed to 15080  
prevent problem gambling and provide information about how to 15081  
access resources related to problem gambling, including one of 15082  
the following: 15083

(a) The national council on problem gambling's twenty-four 15084  
hour confidential helpline; 15085

(b) The problem gambling helpline number established under 15086  
section 3772.062 of the Revised Code; 15087

(c) Another helpline approved by the executive director of 15088

the commission that is free of charge to the caller. 15089

(C) No gaming advertisement shall do any of the following: 15090

(1) Depict any individual under the minimum age to 15091  
participate in the applicable form of gaming in any way that may 15092  
be construed as the individual participating in or endorsing the 15093  
gaming. This division does not prohibit the use of footage or 15094  
images of participants in sporting events or horse races on 15095  
which wagering is permitted. 15096

(2) Target individuals under the minimum age to 15097  
participate in the applicable form of gaming, other individuals 15098  
who are ineligible to participate in that gaming, individuals 15099  
with gambling problems, or other vulnerable individuals; 15100

(3) Target college or university students or the area of a 15101  
college or university campus. This division does not prohibit 15102  
advertising that is generally available, such as by television, 15103  
radio, or the internet, and that does not target those students 15104  
or the area of such a campus. 15105

(4) Appear, or be used or licensed for use, on any 15106  
product, clothing, toy, game, or gaming equipment that is 15107  
intended primarily for individuals who are under the minimum age 15108  
to participate in the applicable form of gaming, including by 15109  
means of a logo, trademark, or brand; 15110

(5) Advertise any gaming that is not permitted in this 15111  
state. A gaming advertisement does not violate this division if 15112  
it makes clear that the gaming or offering is not available or 15113  
intended for use in this state. 15114

(6) Obscure any material fact; 15115

(7) Be false, deceptive, or misleading; 15116

(8) Promote irresponsible or excessive participation in gaming, or suggest that social, financial, or personal success is guaranteed by engaging in gaming. 15117  
15118  
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(D) (1) Each direct gaming advertisement shall clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements from the permit holder, video lottery sales agent, online gambling operator, casino operator or management company, or sports gaming proprietor. 15120  
15121  
15122  
15123  
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(2) If the direct gaming advertisement is sent via electronic mail, the opt out method shall include either electronic mail or a linked web site. 15125  
15126  
15127

(3) A direct gaming advertisement sent other than by electronic mail shall include at least one of the following methods to opt out: 15128  
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(a) By telephone; 15131

(b) By regular United States mail; 15132

(c) Using a web site or mobile application; 15133

(d) By electronic mail. 15134

(4) The permit holder, video lottery sales agent, online gambling operator, casino operator or management company, or sports gaming proprietor shall act upon a request for opt out pursuant to division (D) of this section within fifteen days of receipt to ensure that the individual will no longer receive advertisements from the person. 15135  
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(E) Upon the occurrence of either of the following, a person who disseminates a gaming advertisement immediately shall stop disseminating the advertisement: 15141  
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15143

(1) The person becomes aware that the gaming advertisement 15144  
is in violation of this section or of other applicable 15145  
provisions of the Revised Code regarding gaming or the rules of 15146  
the commission. 15147

(2) The executive director of the commission orders the 15148  
person to stop disseminating the gaming advertisement because it 15149  
fails to comply with this section or with other applicable 15150  
provisions of the Revised Code or the rules of the commission, 15151  
or because it otherwise undermines the integrity of gaming. 15152

(F) (1) An affiliate marketer is not required to be 15153  
licensed by the commission solely as a result of the person's 15154  
conduct as an affiliate marketer. 15155

(2) The requirements of this section apply to a gaming 15156  
advertisement disseminated by an affiliate marketer. 15157

(3) The commission may require a permit holder, video 15158  
lottery sales agent, online gambling operator, casino operator 15159  
or management company, or sports gaming proprietor to terminate 15160  
its contract with an affiliate marketer if the commission 15161  
determines that the affiliate marketer has violated this 15162  
section, another applicable provision of the Revised Code 15163  
regarding gaming, or the rules of the commission. 15164

**Sec. 3772.98.** (A) All of the following persons shall make 15165  
incident reports to the commission and adopt anti-money 15166  
laundering procedures in accordance with this section: 15167

(1) A permit holder; 15168

(2) A video lottery sales agent; 15169

(3) An internet gambling operator; 15170

(4) A casino operator or management company; 15171



<u>(5) A sports gaming proprietor.</u>	15172
<u>(B) A person described in division (A) of this section</u>	15173
<u>immediately shall report to the commission, in a manner</u>	15174
<u>prescribed by its executive director, any information in the</u>	15175
<u>person's possession related to any of the following:</u>	15176
<u>(1) Any wager in violation of the Revised Code or the</u>	15177
<u>rules adopted thereunder or of federal law;</u>	15178
<u>(2) Any conduct that corrupts a betting outcome for</u>	15179
<u>purposes of financial gain;</u>	15180
<u>(3) Any information technology security breach or other</u>	15181
<u>compromising information technology risk;</u>	15182
<u>(4) Any breach of confidentiality of a patron's personal</u>	15183
<u>information;</u>	15184
<u>(5) Any physical security breach or other compromising</u>	15185
<u>risk to patrons, employees, or the commission;</u>	15186
<u>(6) Any other type of incident required by the executive</u>	15187
<u>director.</u>	15188
<u>(C) A person described in division (A) of this section</u>	15189
<u>shall adopt and implement procedures to prevent, detect, and</u>	15190
<u>report to the commission any attempt to launder money through</u>	15191
<u>any gaming the person conducts in this state.</u>	15192
<b>Sec. 3772.99.</b> (A) The commission shall levy and collect	15193
penalties for noncriminal violations of this chapter.	15194
Noncriminal violations include using the term "casino" in any	15195
advertisement in regard to a facility operating video lottery	15196
terminals, as defined in section 3770.21 of the Revised Code, in	15197
this state. Moneys collected from such penalty levies shall be	15198
credited to the general revenue fund.	15199

(B) If a licensed casino operator, management company, holding company, gaming-related vendor, or key gaming employee violates this chapter or engages in a fraudulent act, the commission may suspend or revoke the license and may do either or both of the following:

(1) Suspend, revoke, or restrict the casino gaming operations of a casino operator;

(2) Require the removal of a management company, key gaming employee, or discontinuance of services from a gaming-related vendor.

(C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by commission rule.

(D) A person who purposely or knowingly does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree for a subsequent offense:

(1) Makes a false statement on an application submitted under this chapter;

(2) Permits a person less than twenty-one years of age to make a wager at a casino facility;

(3) Aids, induces, or causes a person less than twenty-one years of age who is not an employee of the casino gaming operation to enter or attempt to enter a casino facility;

(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code;

(5) Is a casino operator or employee and participates in 15228  
casino gaming at the casino facility at which the casino 15229  
operator or employee has an interest or is employed or at an 15230  
affiliated casino facility in this state other than as part of 15231  
operation or employment. 15232

(E) A person who purposely or knowingly does any of the 15233  
following commits a felony of the fifth degree on a first 15234  
offense and a felony of the fourth degree for a subsequent 15235  
offense. If the person is a licensee under this chapter, the 15236  
commission shall revoke the person's license after the first 15237  
offense. 15238

(1) Uses or possesses with the intent to use a device to 15239  
assist in projecting the outcome of the casino game, keeping 15240  
track of the cards played, analyzing the probability of the 15241  
occurrence of an event relating to the casino game, or analyzing 15242  
the strategy for playing or betting to be used in the casino 15243  
game, except as permitted by the commission; 15244

(2) Cheats at a casino game; 15245

(3) Manufactures, sells, or distributes any cards, chips, 15246  
dice, game, or device that is intended to be used to violate 15247  
this chapter; 15248

(4) Alters or misrepresents the outcome of a casino game 15249  
on which wagers have been made after the outcome is made sure 15250  
but before the outcome is revealed to the players; 15251

(5) Places, increases, or decreases a wager on the outcome 15252  
of a casino game after acquiring knowledge that is not available 15253  
to all players and concerns the outcome of the casino game that 15254  
is the subject of the wager; 15255

(6) Aids a person in acquiring the knowledge described in 15256

division (E) (5) of this section for the purpose of placing, 15257  
increasing, or decreasing a wager contingent on the outcome of a 15258  
casino game; 15259

(7) Claims, collects, takes, or attempts to claim, 15260  
collect, or take money or anything of value in or from a casino 15261  
game with the intent to defraud or without having made a wager 15262  
contingent on winning a casino game; 15263

(8) Claims, collects, or takes an amount of money or thing 15264  
of value of greater value than the amount won in a casino game; 15265

(9) Uses or possesses counterfeit chips, tokens, or 15266  
cashless wagering instruments in or for use in a casino game; 15267

(10) Possesses a key or device designed for opening, 15268  
entering, or affecting the operation of a casino game, drop box, 15269  
or an electronic or a mechanical device connected with the 15270  
casino game or removing coins, tokens, chips, or other contents 15271  
of a casino game. This division does not apply to a casino 15272  
operator, management company, or gaming-related vendor or their 15273  
agents and employees in the course of agency or employment. 15274

(11) Possesses materials used to manufacture a device 15275  
intended to be used in a manner that violates this chapter; 15276

(12) Operates a casino gaming operation in which wagering 15277  
is conducted or is to be conducted in a manner other than the 15278  
manner required under this chapter ~~or a skill-based amusement~~ 15279  
~~machine operation in a manner other than the manner required~~ 15280  
~~under Chapter 2915. of the Revised Code.~~ 15281

(F) The possession of more than one of the devices 15282  
described in division (E) (9), (10), or (11) of this section 15283  
creates a rebuttable presumption that the possessor intended to 15284  
use the devices for cheating. 15285

(G) A person who purposely or knowingly does any of the 15286  
following commits a felony of the third degree. If the person is 15287  
a licensee under this chapter, the commission shall revoke the 15288  
person's license after the first offense. A public servant or 15289  
party official who is convicted under this division is forever 15290  
disqualified from holding any public office, employment, or 15291  
position of trust in this state. 15292

(1) Offers, promises, or gives anything of value or 15293  
benefit to a person who is connected with the casino operator, 15294  
management company, holding company, or gaming-related vendor, 15295  
including their officers and employees, under an agreement to 15296  
influence or with the intent to influence the actions of the 15297  
person to whom the offer, promise, or gift was made in order to 15298  
affect or attempt to affect the outcome of a casino game or an 15299  
official action of a commission member, agent, or employee; 15300

(2) Solicits, accepts, or receives a promise of anything 15301  
of value or benefit while the person is connected with a casino, 15302  
including an officer or employee of a casino operator, 15303  
management company, or gaming-related vendor, under an agreement 15304  
to influence or with the intent to influence the actions of the 15305  
person to affect or attempt to affect the outcome of a casino 15306  
game or an official action of a commission member, agent, or 15307  
employee; 15308

(H) A person who knowingly or intentionally does any of 15309  
the following while participating in casino gaming or otherwise 15310  
transacting with a casino facility as permitted by Chapter 3772. 15311  
of the Revised Code commits a felony of the fifth degree on a 15312  
first offense and a felony of the fourth degree for a subsequent 15313  
offense: 15314

(1) Causes or attempts to cause a casino facility to fail 15315

to file a report required under 31 U.S.C. 5313(a) or 5325 or any 15316  
regulation prescribed thereunder or section 1315.53 of the 15317  
Revised Code, or to fail to file a report or maintain a record 15318  
required by an order issued under section 21 of the "Federal 15319  
Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub. 15320  
L. No. 91-508; 15321

(2) Causes or attempts to cause a casino facility to file 15322  
a report required under 31 U.S.C. 5313(a) or 5325 or any 15323  
regulation prescribed thereunder or section 1315.53 of the 15324  
Revised Code, to file a report or to maintain a record required 15325  
by any order issued under 31 U.S.C. 5326, or to maintain a 15326  
record required under any regulation prescribed under section 21 15327  
of the "Federal Deposit Insurance Act," 12 U.S.C. 1829b or 15328  
section 123 of Pub. L. No. 91-508 that contains a material 15329  
omission or misstatement of fact; 15330

(3) With one or more casino facilities, structures a 15331  
transaction, is complicit in structuring a transaction, attempts 15332  
to structure a transaction, or is complicit in an attempt to 15333  
structure a transaction. 15334

(I) A person who is convicted of a felony described in 15335  
this chapter may be barred for life from entering a casino 15336  
facility by the commission. 15337

(J) As used in division (H) of this section: 15338

(1) To be "complicit" means to engage in any conduct of a 15339  
type described in divisions (A) (1) to (4) of section 2923.03 of 15340  
the Revised Code. 15341

(2) "Structure a transaction" has the same meaning as in 15342  
section 1315.51 of the Revised Code. 15343

(K) Premises used or occupied in violation of division (E) 15344

(12) of this section constitute a nuisance subject to abatement 15345  
under Chapter 3767. of the Revised Code. 15346

**Sec. 3774.01.** As used in this chapter: 15347

(A) "Commission" means the Ohio casino control commission. 15348

(B) "Entry fee" means cash or cash equivalent that a 15349  
fantasy contest operator requires to be paid by a fantasy 15350  
contest player to participate in a fantasy contest. 15351

(C) "Fantasy contest" means a simulated game or contest 15352  
with an entry fee that satisfies all of the following 15353  
conditions: 15354

(1) The value of all prizes and awards offered to winning 15355  
fantasy contest players is established and made known to the 15356  
players in advance of the contest. 15357

(2) All winning outcomes reflect the relative knowledge 15358  
and skill of the fantasy contest players and are determined 15359  
predominantly by accumulated statistical results of the 15360  
performance of managing rosters of athletes whose performance 15361  
directly corresponds with the actual performance of athletes in 15362  
professional sports competitions. 15363

(3) Winning outcomes are not based on randomized or 15364  
historical events, or on the score, point spread, or any 15365  
performance of any single actual team or combination of teams or 15366  
solely on any single performance of an individual athlete or 15367  
player in any single actual event. 15368

(4) The game or contest does not involve horses or horse 15369  
racing. 15370

(D) "Fantasy contest operator" means a person that offers 15371  
fantasy contests with an entry fee for a prize or award to the 15372

general public. Fantasy contest operator does not include a 15373  
person that offers a pool not conducted for profit as defined 15374  
under division ~~(XX)~~ (M) of section 2915.01 of the Revised Code. 15375

(E) "Fantasy contest platform" means any digital or online 15376  
method through which a fantasy contest operator provides access 15377  
to a fantasy contest. 15378

(F) "Fantasy contest player" means a person who 15379  
participates in a fantasy contest offered by a fantasy contest 15380  
operator. 15381

(G) "Holding company" means any corporation, firm, 15382  
partnership, limited partnership, limited liability company, 15383  
trust, or other form of business organization not a natural 15384  
person that directly or indirectly does any of the following: 15385

(1) Has the power or right to control a fantasy contest 15386  
operator; 15387

(2) Holds an ownership interest of ten per cent or more, 15388  
as determined by the commission, in a fantasy contest operator; 15389

(3) Holds voting rights with the power to vote ten per 15390  
cent or more of the outstanding voting rights of a fantasy 15391  
contest operator. 15392

(H) "Key employee" means a person, employed by a fantasy 15393  
contest operator, who is responsible for ensuring, and has the 15394  
authority necessary to ensure, that all requirements under this 15395  
chapter and the rules adopted under this chapter and division 15396  
~~(I)~~ (A) (6) of section 3772.03 of the Revised Code are met. 15397

(I) "Management company" means an organization retained by 15398  
a fantasy contest operator to manage a fantasy contest platform 15399  
and provide services such as accounting, general administration, 15400



maintenance, recruitment, and other operational services. 15401

(J) "Material nonpublic information" means information 15402  
related to the play of a fantasy contest by a fantasy contest 15403  
player that is not readily available to the general public and 15404  
is obtained as a result of a person's employment. 15405

(K) "Script" means a list of commands that a fantasy- 15406  
contest-related computer program can execute and that is created 15407  
by a fantasy contest player, or by a third party for a fantasy 15408  
contest player, to automate processes on a fantasy contest 15409  
platform. 15410

**Sec. 3774.02.** (A) A fantasy contest operator may not offer 15411  
a fantasy contest in this state without first obtaining a 15412  
license from the commission. 15413

(B) (1) In order to obtain or renew a license to operate 15414  
fantasy contests in this state, a fantasy contest operator shall 15415  
pay to the commission a nonrefundable license fee. 15416

(2) Unless a license issued under this chapter is 15417  
suspended, expires, or is revoked, a license may be renewed. 15418  
After a determination by the commission that the licensee is in 15419  
compliance with this chapter and rules adopted by the commission 15420  
under this chapter or division ~~(L)~~ (A) (6) of section 3772.03 of 15421  
the Revised Code, the license shall be renewed for not more than 15422  
three years, as determined by commission rule adopted under this 15423  
chapter or division ~~(L)~~ (A) (6) of section 3772.03 of the Revised 15424  
Code. 15425

(C) Notwithstanding division (B) of this section, the 15426  
commission may investigate a licensee at any time the commission 15427  
determines it is necessary to ensure that the licensee remains 15428  
in compliance with this chapter and the rules adopted under this 15429

chapter or division (L) of section 3772.03 of the Revised Code. 15430  
Any fantasy contest operator that applies for or holds a license 15431  
under this chapter shall establish the operator's suitability 15432  
for a license by clear and convincing evidence. 15433

**Sec. 3774.03.** The commission shall adopt rules under 15434  
Chapter 119. of the Revised Code as are necessary to complete 15435  
the functions and address the subjects enumerated in division 15436  
(A) of this section. 15437

(A) The commission may adopt, and as advisable and 15438  
necessary may amend or repeal, rules that include all of the 15439  
following: 15440

(1) Prohibiting fantasy contest operator's employees, 15441  
relatives living in the same household as those employees, and 15442  
athletes and referees in the underlying professional sports 15443  
competitions from competing in any public fantasy contest 15444  
offered by a fantasy contest operator or from sharing any 15445  
material nonpublic information with third parties; 15446

(2) Ensuring fantasy contest operators prohibit access to 15447  
both of the following: 15448

(a) Individuals under eighteen years of age; 15449

(b) Individuals who, upon request, seek to restrict 15450  
themselves from entering fantasy contests. 15451

(3) Ensuring fantasy contest operators segregate fantasy 15452  
contest player funds from operational funds or maintain a 15453  
reserve that exceeds the amount of player funds on deposit, 15454  
which reserve may not be used for operational activities. These 15455  
reserve funds may take the form of cash, cash equivalents, 15456  
payment processor reserves, payment processor receivables, an 15457  
irrevocable letter of credit, a bond, any other method approved 15458

by the commission, or a combination thereof, in an amount that 15459  
must exceed the total balances of the fantasy contest player's 15460  
accounts. All reserve funds, except payment processor reserves, 15461  
shall be maintained by or otherwise under the control of a 15462  
licensed fantasy contest operator, unless otherwise authorized 15463  
by the commission. 15464

(4) Prescribing requirements related to beginning players 15465  
and highly experienced players; 15466

(5) Prescribing requirements for internal procedures, 15467  
including at a minimum, procedures for all of the following: 15468

(a) Complying with all applicable state and federal 15469  
requirements to protect the privacy and online security of 15470  
fantasy contest players and their accounts; 15471

(b) Suspending the accounts of players who violate this 15472  
chapter and the rules adopted by the commission under this 15473  
chapter or division ~~(L)~~ (A) (6) of section 3772.03 of the Revised 15474  
Code; 15475

(c) Providing fantasy contest players with access to 15476  
information on playing responsibly and seeking assistance for 15477  
compulsive behavior; 15478

(d) Establishing the maximum number of entries that a 15479  
fantasy contest player may submit to each fantasy contest; 15480

(e) Any other procedure that the commission determines 15481  
necessary in the rules adopted under this chapter or division 15482  
~~(L)~~ (A) (6) of section 3772.03 of the Revised Code. 15483

(6) Requiring a license application to require an 15484  
applicant for a fantasy contest operator license to designate at 15485  
least one key employee as a condition to obtain a license; 15486

(7) Establishing the length of time, which shall be not 15487  
more than three years, that a fantasy contest operator license 15488  
and renewal license shall be valid; 15489

(8) Establishing the fee for obtaining or renewing a 15490  
license, which shall not exceed ten thousand dollars for each 15491  
year of a license and a total of thirty thousand dollars for a 15492  
three-year license, and which may be paid in equal installments 15493  
on an annual basis over the term of the license; and 15494

(9) Any other procedure or thing that the commission 15495  
determines necessary to ensure the integrity of fantasy 15496  
contests. 15497

(B) The commission may not adopt rules to do either of the 15498  
following: 15499

(1) Limit or regulate the statistical makeup of a game or 15500  
contest, or the digital platform of a fantasy contest operator; 15501  
or 15502

(2) Require licensure of any persons other than fantasy 15503  
contest operators, holding companies, or management companies. 15504

(C) Nothing in this section prohibits the commission from 15505  
adopting rules establishing consumer protections. 15506

**Sec. 3774.04.** (A) Each fantasy contest operator shall 15507  
retain and maintain in a place secure from theft, loss, or 15508  
destruction all of the records required to be maintained by this 15509  
chapter for at least five years from the date of the record's 15510  
creation. 15511

(B) Each fantasy contest operator shall retain and 15512  
maintain accurate, complete, legible, and permanent records, 15513  
whether in electronic or other format, of any books, records, or 15514

documents relating to the fantasy contest operator's business 15515  
and accounting operations, which includes all of the following: 15516

(1) The fantasy contest operator's business and 15517  
organizational structure; 15518

(2) Correspondence with or by, or reports to or from, the 15519  
commission, or any local, state, or federal governmental agency, 15520  
foreign or domestic; 15521

(3) The fantasy contest operator's financial statements, 15522  
accounting records, ledgers, and internal and external audit 15523  
records; 15524

(4) All records related to the conduct of fantasy contests 15525  
by the fantasy contest operator in this state; 15526

(5) Any materials used to advertise, publicize, or 15527  
otherwise promote the fantasy contest operator's fantasy 15528  
contests in this state; 15529

(6) Any other books, records, or documents the commission 15530  
requires the fantasy contest operator to retain and maintain, in 15531  
rules adopted by the commission under this chapter or division 15532  
~~(F)~~ (A) (6) of section 3772.03 of the Revised Code. 15533

(C) Each fantasy contest operator shall organize all 15534  
required records in a manner that enables the commission to 15535  
locate, inspect, review, and analyze the records with reasonable 15536  
ease and efficiency and, upon request, provide the commission or 15537  
its executive director, or duly authorized designee thereof, 15538  
with the records required to be retained and maintained by this 15539  
section. 15540

**Sec. 3774.09.** Fantasy contests offered in accordance with 15541  
this chapter and the rules adopted by the commission under this 15542

chapter or division ~~(I)~~ (A) (6) of section 3772.03 of the Revised 15543  
Code are exempt from Chapter 2915. of the Revised Code. 15544

**Sec. 3775.01.** As used in this chapter: 15545

(A) "Applicant" means a person that applies to the Ohio 15546  
casino control commission for a license under this chapter. 15547

(B) "Casino operator" ~~has~~ and "Ohio voluntary exclusion 15548  
program" have the same ~~meaning~~ meanings as in section 3772.01 of 15549  
the Revised Code. 15550

(C) "Collegiate sport or athletic event" means a sport or 15551  
athletic event offered or sponsored by, or played in connection 15552  
with, a public or private institution that offers educational 15553  
services beyond the secondary level. 15554

(D) "Commission" means the Ohio casino control commission. 15555

(E) "Esports event" means an organized video game 15556  
competition that is regulated by a sports governing body and 15557  
that is held between professional players who play individually 15558  
or as teams. 15559

(F) "Lottery sports gaming" has the same meaning as in 15560  
section ~~3770.23~~ 3770.01 of the Revised Code. 15561

(G) (1) "Mobile management services provider" means a 15562  
person that contracts with a type A sports gaming proprietor 15563  
under section 3775.05 of the Revised Code to operate sports 15564  
gaming on behalf of the sports gaming proprietor and that is 15565  
licensed by the Ohio casino control commission as a mobile 15566  
management services provider under that section. 15567

(2) "Management services provider" means a person that 15568  
contracts with a type B sports gaming proprietor under section 15569  
3775.051 of the Revised Code to operate sports gaming on behalf 15570

of the sports gaming proprietor and that is licensed by the Ohio 15571  
casino control commission as a management services provider 15572  
under that section. 15573

(H) "Official league data" means statistics, results, 15574  
outcomes, and other data related to a sporting event provided by 15575  
the appropriate sports governing body or its designee. 15576

(I) "Online sports pool" means sports gaming in which a 15577  
wager on a sporting event is made through a computer or mobile 15578  
device and accepted through an online gaming web site that is 15579  
operated by a type A sports gaming proprietor or mobile 15580  
management services provider. 15581

(J) "Professional sport or athletic event" means an event 15582  
at which two or more persons participate in sports or athletic 15583  
events and receive compensation, or the potential for 15584  
compensation based on their performance, in excess of actual 15585  
expenses for their participation in the event. 15586

(K) "Professional sports organization" means any of the 15587  
following: 15588

(1) The owner of a professional sports team in this state 15589  
that is a member of the national football league, the national 15590  
hockey league, major league baseball, major league soccer, or 15591  
the national basketball association; 15592

(2) The owner of a sports facility in this state that 15593  
hosts an annual tournament on the professional golf association 15594  
tour or a wholly owned for-profit subsidiary of the owner, if 15595  
the owner is a nonprofit corporation or organization; 15596

(3) A promoter of a national association for stock car 15597  
auto racing national touring race conducted in this state. 15598

(L) "Promotional gaming credit" means a credit, discount, 15599  
or other similar item issued to a patron to enable the placement 15600  
of, or increase in, a wager on a sporting event. 15601

(M) "Proposition bet" means a wager on a sporting event 15602  
that is based on whether an identified instance or statistical 15603  
achievement will occur, will be achieved, or will be surpassed, 15604  
other than the score or outcome of the sporting event or parts 15605  
of the sporting event, such as quarters, halves, periods, or 15606  
innings. 15607

(N) (1) Except as otherwise provided in divisions (N) (2) 15608  
and (3) of this section, "sporting event" means any professional 15609  
sport or athletic event, any collegiate sport or athletic event, 15610  
any Olympic or international sports competition event, any motor 15611  
race event, any esports event, or any other special event the 15612  
Ohio casino control commission authorizes for sports gaming, the 15613  
individual performance statistics of athletes or participants in 15614  
such an event, or a combination of those. 15615

(2) "Sporting event" does not include an event for primary 15616  
or secondary school students, whether conducted or sponsored by 15617  
a primary or secondary school or by another person, or the 15618  
individual performance statistics of athletes or participants in 15619  
such an event. 15620

(3) "Sporting event" includes an event that involves 15621  
athletes or participants who are under eighteen years of age, or 15622  
the individual performance statistics of athletes or 15623  
participants in the event, only if the Ohio casino control 15624  
commission authorizes the event for sports gaming. 15625

(O) (1) "Sports gaming" means the business of accepting 15626  
wagers on sporting events. 15627



(2) Except as otherwise provided in division (O) (3) of 15628  
this section and in section 3770.25 of the Revised Code, "sports 15629  
gaming" includes any system or method of wagering on sporting 15630  
events that the Ohio casino control commission approves, 15631  
including exchange wagering, parlays, spreads, over-under, 15632  
moneyline, in-game wagering, single game bets, teaser bets, in- 15633  
play bets, proposition bets, pools, pari-mutuel sports wagering 15634  
pools, or straight bets. 15635

(3) "Sports gaming" does not include any of the following: 15636

(a) Wagering on horse racing; 15637

(b) Lottery games authorized under Chapter 3770. of the 15638  
Revised Code, including video lottery terminals, other than 15639  
lottery sports gaming authorized under sections ~~3770.23 to~~ 15640  
3770.24 and 3770.25 of the Revised Code; 15641

(c) Casino gaming authorized under division (C) of Section 15642  
6 of Article XV, Ohio Constitution and Chapter 3772. of the 15643  
Revised Code; 15644

(d) Fantasy contests authorized under Chapter 3774. of the 15645  
Revised Code. 15646

(P) "Sports gaming equipment" means any of the following 15647  
that directly relate to or affect, or are used or consumed in, 15648  
the operation of sports gaming: 15649

(1) Any mechanical, electronic, or other device, 15650  
mechanism, or equipment, including a self-service sports gaming 15651  
terminal; 15652

(2) Any software, application, components, or other goods; 15653

(3) Anything to be installed or used on a patron's 15654  
personal device. 15655

(Q) "Sports gaming facility" means a designated area of a building or structure in which patrons may place wagers on sporting events with a type B sports gaming proprietor either in person or using self-service sports gaming terminals.

(R) "Sports gaming license" means a sports gaming proprietor license, a mobile management services provider license, a management services provider license, ~~a sports gaming occupational license,~~ a type C sports gaming host license, or a sports gaming supplier license issued by the Ohio casino control commission under this chapter and a key gaming employee or gaming employee license issued by the commission under Chapter 3772. of the Revised Code to an individual whose duties relate to the operation or facilitation of sports gaming under this chapter.

(S) "Sports gaming licensee" means a person who holds a valid sports gaming license.

(T) "Sports gaming proprietor" means a person licensed by the Ohio casino control commission to offer sports gaming in this state as a type A, type B, or type C sports gaming proprietor.

(U) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(V) (1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports gaming proprietor, mobile management services provider, or management services provider, including providing services, directly or indirectly, that are necessary to create a betting market or to determine bet outcomes.

(2) A sports gaming supplier that provides sports gaming

equipment or services to be used through a sports gaming 15685  
proprietor, mobile management services provider, or management 15686  
services provider is not considered a sports gaming proprietor, 15687  
mobile management services provider, or management services 15688  
provider solely on that basis. 15689

(3) A sports governing body that provides official league 15690  
data concerning its own sporting event to a sports gaming 15691  
proprietor, mobile management services provider, management 15692  
services provider, or sports gaming supplier is not considered a 15693  
sports gaming supplier solely on that basis. 15694

(W) "Sports gaming voluntary exclusion program" means the 15695  
program described in division (B)(11) of section 3775.02 of the 15696  
Revised Code. 15697

(X) "Sports governing body" means a regional, national, or 15698  
international organization having ultimate authority over the 15699  
rules and codes of conduct with respect to a sporting event and 15700  
the participants in the sporting event. 15701

(Y) "Type A sports gaming proprietor" means a sports 15702  
gaming proprietor licensed by the Ohio casino control commission 15703  
to offer sports gaming through an online sports pool. 15704

(Z) "Type B sports gaming proprietor" means a sports 15705  
gaming proprietor licensed by the Ohio casino control commission 15706  
to offer sports gaming at a sports gaming facility. 15707

(AA) "Type C sports gaming proprietor" means a sports 15708  
gaming proprietor licensed by the Ohio casino control commission 15709  
to offer sports gaming through self-service or clerk-operated 15710  
sports gaming terminals located at type C sports gaming hosts' 15711  
facilities. 15712

(BB) "Type C sports gaming host" means the owner of a 15713

facility with an A-1-A, A-1c, D-1, D-2, or D-5 liquor permit 15714  
issued under Chapter 4303. of the Revised Code who is licensed 15715  
by the Ohio casino control commission to offer sports gaming at 15716  
the facility through a type C sports gaming proprietor. 15717

(CC) "Video lottery sales agent" ~~means an agent of the~~ 15718  
~~state lottery authorized to operate video lottery terminals~~ 15719  
~~under~~ has the same meaning as in section 3770.21-3770.01 of the 15720  
Revised Code. 15721

(DD) "Wager" or "bet" means to risk a sum of money or 15722  
thing of value on an uncertain occurrence. 15723

**Sec. 3775.02.** (A) The Ohio casino control commission shall 15724  
have jurisdiction over all persons conducting or participating 15725  
in the conduct of sports gaming authorized by this chapter or by 15726  
sections ~~3770.23 to~~ 3770.24 and 3770.25 of the Revised Code, 15727  
including the authority to license, regulate, investigate, and 15728  
penalize those persons in a manner that is consistent with the 15729  
commission's authority with respect to casino gaming. In all 15730  
cases in which this chapter requires or allows the commission to 15731  
adopt rules concerning sports gaming, the commission shall adopt 15732  
those rules under Chapter 119. of the Revised Code. 15733

(B) The commission shall adopt rules that include all of 15734  
the following: 15735

(1) Procedures for a sports gaming proprietor to accept 15736  
wagers on a sporting event or series of sporting events; 15737

(2) The types of wagering tickets sports gaming 15738  
proprietors are to use; 15739

(3) The manner in which sports gaming proprietors are to 15740  
issue tickets; 15741

- (4) The type of records sports gaming licensees are to keep; 15742  
15743
- (5) The system to be used to place a wager with a sports gaming proprietor; 15744  
15745
- (6) The manner in which sports gaming proprietors must verify that their patrons are at least twenty-one years of age; 15746  
15747
- (7) Protections for a player placing a wager with a sports gaming proprietor; 15748  
15749
- (8) Measures to promote responsible sports gaming; 15750
- (9) Penalties and fines for violating this section or rules adopted under this section; 15751  
15752
- (10) Restrictions to ensure that sports gaming proprietors' advertisements for sports gaming meet all of the following requirements: 15753  
15754  
15755
- ~~(a) They clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning;~~ 15756  
15757  
15758  
15759
- ~~(b) They disclose the identity of the sports gaming proprietor and, if applicable, the mobile management services provider or management services provider;~~ 15760  
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15762
- ~~(c) They do not target individuals under twenty-one years of age, other individuals who are ineligible to participate in sports gaming, problem gamblers, or other vulnerable individuals;~~ 15763  
15764  
15765  
15766
- ~~(d) They include messages designed to prevent problem gambling and provide information about how to access resources~~ 15767  
15768

~~related to problem gambling;~~ 15769

~~(c) They are not false, misleading, or deceptive to a~~ 15770  
~~reasonable consumer~~ of section 3772.41 of the Revised Code. 15771

(11) A requirement that each sports gaming proprietor 15772  
comply with the requirements of the Ohio voluntary exclusion 15773  
program, which shall allow a person to voluntarily exclude the 15774  
person's self from participating in sports gaming conducted 15775  
under this chapter by placing the person's name on a voluntary 15776  
exclusion list and following procedures set forth by the 15777  
commission. 15778

~~(a) All of the following apply to the sports gaming~~ 15779  
~~voluntary exclusion program:~~ 15780

~~(i) Except as provided by the commission by rule, a person~~ 15781  
~~who participates in the program shall agree to refrain from~~ 15782  
~~participating in sports gaming conducted under this chapter.~~ 15783

~~(ii) The name of a person participating in the program~~ 15784  
~~shall be included on a list of persons excluded from~~ 15785  
~~participating in sports gaming conducted under this chapter.~~ 15786

~~(iii) Except as provided by the commission by rule, no~~ 15787  
~~person who participates in the program shall petition the~~ 15788  
~~commission for admittance into a sports gaming facility or for~~ 15789  
~~permission to participate in sports gaming conducted under this~~ 15790  
~~chapter.~~ 15791

~~(iv) The list of persons participating in the program and~~ 15792  
~~the personal information of those persons shall be confidential~~ 15793  
~~and shall only be disseminated by the commission to the state~~ 15794  
~~lottery commission, to a sports gaming proprietor and its agents~~ 15795  
~~and employees for purposes of enforcement, and to other~~ 15796  
~~entities, upon request of the participant and agreement by the~~ 15797

~~commission.~~ 15798

~~(v) A sports gaming proprietor shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.~~ 15799  
15800  
15801

~~(vi) A sports gaming proprietor shall not cash the check of a person participating in the program or extend credit to the person in any manner. However, the program shall not exclude a sports gaming proprietor from seeking the payment of a debt accrued by a person before participating in the program.~~ 15802  
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15804  
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~~(vii) Any and all locations at which a person may register as a participant in the program shall be published.~~ 15807  
15808

~~(b) The commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in the voluntary exclusion program established under Chapter 3772. of the Revised Code. The state lottery commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in any voluntary exclusion program established under Chapter 3770. of the Revised Code.~~ 15809  
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(12) A procedure by which a sports governing body may request anonymized sports gaming data from a sports gaming proprietor if the sports governing body believes that the integrity of one of its sporting events is in question. 15818  
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(13) A procedure by which a state university may request anonymized sports gaming data from a sports gaming proprietor for the purpose of conducting research to assist the commission in ensuring the integrity of sports gaming or to improve state-funded services related to responsible gambling and problem 15822  
15823  
15824  
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15826

gambling. The data are not a public record, and the state 15827  
university shall not disclose the data to any person, except for 15828  
the purpose of conducting the research described in this 15829  
division, as part of a peer-reviewed research report, or 15830  
pursuant to an agreement between the state university and the 15831  
sports gaming proprietor. As used in this division, "state 15832  
university" has the same meaning as in section 3345.011 of the 15833  
Revised Code. 15834

(14) Any other procedure or thing the commission 15835  
determines necessary to ensure the integrity of sports gaming 15836  
regulated by the commission. 15837

(C) (1) The commission may, independently or at the request 15838  
of any person, including a sports governing body, adopt rules to 15839  
prohibit or restrict sports gaming proprietors from accepting 15840  
wagers on a particular sporting event or to prohibit or restrict 15841  
sports gaming proprietors from accepting a particular type of 15842  
wager. 15843

(2) The commission shall adopt rules prescribing a process 15844  
by which the commission may prohibit or restrict sports gaming 15845  
proprietors from accepting wagers on a particular sporting event 15846  
or prohibit or restrict sports gaming proprietors from accepting 15847  
a particular type of wager on a temporary emergency basis 15848  
instead of by rule. 15849

(3) (a) A sports governing body may formally request the 15850  
commission to prohibit or restrict sports gaming proprietors 15851  
from accepting wagers on a particular sporting event or to 15852  
prohibit or restrict sports gaming proprietors from accepting a 15853  
particular type of wager. The sports governing body shall submit 15854  
the formal request in the form and manner prescribed by the 15855  
commission. Upon receiving the request, the commission promptly 15856



shall send written notice of the request to every sports gaming 15857  
proprietor and shall consider any timely response submitted by a 15858  
sports gaming proprietor. 15859

(b) If the commission determines that the sports governing 15860  
body has shown good cause through its formal request to grant 15861  
the requested prohibition or restriction, the commission 15862  
promptly shall adopt the prohibition or restriction. 15863

(c) If the commission determines that the sports governing 15864  
body has not shown good cause through its formal request to 15865  
grant the requested prohibition or restriction, the commission 15866  
promptly shall provide the sports governing body with notice and 15867  
an opportunity for a hearing to offer further evidence in 15868  
support of granting the requested prohibition or restriction. 15869

(D) The commission shall adopt rules establishing minimum 15870  
internal control standards for the administration of sports 15871  
gaming proprietors' operations, sports gaming equipment, 15872  
systems, or other items used by sports gaming proprietors to 15873  
conduct sports gaming, and the maintenance of sports gaming 15874  
proprietors' financial records and other required records. The 15875  
commission may approve minimum internal control standards 15876  
proposed by sports gaming proprietors. 15877

~~(E)(1)~~ (E) The commission shall approve all sports gaming 15878  
equipment and each form, variation, or composite of sports 15879  
gaming to be used by sports gaming proprietors in accordance 15880  
with section 3772.312 of the Revised Code and shall license all 15881  
sports gaming suppliers. 15882

~~(2)(a) Before approving a piece of sports gaming equipment~~ 15883  
~~or a form, variation, or composite of sports gaming, the~~ 15884  
~~commission shall require it to undergo scientific testing or~~ 15885

~~technical evaluation, as the commission determines appropriate.~~ 15886  
~~The commission may require the testing or evaluation to be~~ 15887  
~~conducted at the expense of the sports gaming supplier or sports~~ 15888  
~~gaming proprietor, as applicable, by an independent testing~~ 15889  
~~laboratory certified by the commission.~~ 15890

~~(b) The commission may certify an independent testing~~ 15891  
~~laboratory to test and evaluate sports gaming equipment and~~ 15892  
~~forms, variations, or composites of sports gaming if both of the~~ 15893  
~~following apply:~~ 15894

~~(i) The laboratory is competent and qualified to~~ 15895  
~~scientifically test and technically evaluate sports gaming~~ 15896  
~~equipment and forms, variations, or composites of sports gaming~~ 15897  
~~for compliance with this chapter and with the rules of the~~ 15898  
~~commission and otherwise to perform the functions assigned to~~ 15899  
~~the laboratory by the commission;~~ 15900

~~(ii) The laboratory is not owned or controlled by, is not~~ 15901  
~~affiliated with, and does not have any interest in a sports~~ 15902  
~~gaming proprietor, mobile management services provider,~~ 15903  
~~management services provider, sports gaming supplier, or sports~~ 15904  
~~governing body.~~ 15905

~~(c) The commission shall adopt rules prescribing the~~ 15906  
~~certification standards, fees, and duties that apply to a~~ 15907  
~~certified independent testing laboratory under division (E) of~~ 15908  
~~this section.~~ 15909

~~(3) The commission shall adopt rules requiring sports~~ 15910  
~~gaming licensees and sports gaming facilities to use only~~ 15911  
~~approved sports gaming equipment acquired from a licensed sports~~ 15912  
~~gaming supplier and to use only approved forms, variations, or~~ 15913  
~~composites of sports gaming.~~ 15914

(F) (1) The commission shall determine a person's 15915  
eligibility to hold or renew a sports gaming license under this 15916  
chapter, shall issue all sports gaming licenses, and shall 15917  
maintain a record of all sports gaming licenses issued under 15918  
this chapter. 15919

(2) The commission shall conduct a complete investigation 15920  
of each applicant for a sports gaming license to determine 15921  
whether the applicant meets the requirements of this chapter and 15922  
of the commission's rules each time the applicant applies for an 15923  
initial or renewed sports gaming license. The commission may 15924  
initiate an additional licensing investigation or adjudication 15925  
or reopen an existing licensing investigation or adjudication at 15926  
any time. 15927

(G) (1) Except as otherwise provided in divisions (G) (2) 15928  
and (3) of this section, the commission shall levy and collect 15929  
all fees and surcharges imposed under this chapter and rules 15930  
adopted under this chapter and shall deposit all moneys 15931  
collected in the casino control commission fund created under 15932  
section 5753.03 of the Revised Code. 15933

(2) Of the license fees described in division (E) of 15934  
section 3775.04, division (B) (3) of section 3775.05, and 15935  
division (B) (3) of section 3775.051 of the Revised Code, the 15936  
commission shall deposit ~~one-half~~ one-half of one per cent in 15937  
the sports gaming profits veterans fund created under section 15938  
5902.22 of the Revised Code and shall deposit the remainder in 15939  
the sports gaming revenue fund created under section 5753.031 of 15940  
the Revised Code. 15941

(3) The commission shall levy and collect fines for 15942  
noncriminal violations of the provisions of this chapter and of 15943  
rules adopted under this chapter and shall deposit all such 15944

finances in the sports gaming revenue fund created under section 15945  
5753.031 of the Revised Code. 15946

(H) (1) The commission, in an adjudication conducted under 15947  
Chapter 119. of the Revised Code and in accordance with section 15948  
3772.04 of the Revised Code, may do any of the following: 15949

(a) Penalize or fine any sports gaming licensee, applicant 15950  
for a sports gaming license, or other person who is subject to 15951  
the commission's jurisdiction under this chapter; 15952

(b) Limit, condition, restrict, suspend, revoke, deny, or 15953  
refuse to renew any sports gaming license. 15954

(2) The executive director of the commission may issue an 15955  
emergency order with respect to sports gaming under division (G) 15956  
of section 3772.04 of the Revised Code. 15957

(I) (1) The commission shall monitor all sports gaming 15958  
conducted in this state by sports gaming proprietors, or shall 15959  
contract with an independent integrity monitoring provider for 15960  
that purpose, in order to identify any unusual betting 15961  
activities or patterns that may indicate a need for further 15962  
investigation. The commission shall require each sports gaming 15963  
proprietor to participate in the monitoring system as part of 15964  
the minimum internal control standards described in division (D) 15965  
of this section. 15966

(2) The information in the monitoring system described in 15967  
division (I) (1) of this section is not a public record. The 15968  
commission may disclose the information in the monitoring system 15969  
only as necessary for investigative or law enforcement purposes 15970  
or pursuant to a court order. 15971

(J) (1) The executive director of the commission promptly 15972  
shall report to the commission any facts or circumstances 15973

related to the operation of a sports gaming licensee that 15974  
constitute a violation of state or federal law and immediately 15975  
report any suspicious wagering to the appropriate state or 15976  
federal authorities. 15977

(2) The commission shall cooperate with any investigation 15978  
conducted by a law enforcement agency or sports governing body, 15979  
including by providing, or facilitating the provision of, 15980  
wagering information and audio or video files related to persons 15981  
placing wagers, provided that the commission shall not be 15982  
required to provide any information to a sports governing body 15983  
that would jeopardize an ongoing criminal investigation. 15984

(3) A sheriff, chief of police, or prosecuting attorney 15985  
shall furnish to the commission, on forms prescribed by the 15986  
commission, any information obtained concerning any apparent 15987  
violation of this chapter or rules adopted under this chapter. 15988  
If the information is considered a confidential law enforcement 15989  
investigatory record under section 149.43 of the Revised Code, 15990  
the commission shall not disclose the information to the public. 15991

(K) (1) The attorney general has a civil cause of action to 15992  
restrain any violation of this chapter or of rules adopted under 15993  
this chapter. Upon the request of the commission or its 15994  
executive director, the attorney general shall commence and 15995  
prosecute such an action to completion. The court shall give 15996  
priority to such an action over all other civil actions. 15997

(2) An action brought under division (K) (1) of this 15998  
section does not preclude an administrative or criminal 15999  
proceeding on the same facts. 16000

(3) The attorney general may enter into an agreement with 16001  
a state or local law enforcement agency to carry out the duties 16002

described in division (K) (1) of this section. 16003

**Sec. 3775.03.** (A) (1) Except as otherwise provided in 16004  
division (A) (2) of this section, no person shall operate, 16005  
conduct, or assist in operating or conducting sports gaming in 16006  
this state without first obtaining an appropriate sports gaming 16007  
license from the Ohio casino control commission. A sports gaming 16008  
license is not transferable. 16009

(2) The state lottery commission is not required to 16010  
receive a sports gaming license in order to operate lottery 16011  
sports gaming under sections ~~3770.23 to~~ 3770.24 and 3770.25 of 16012  
the Revised Code. 16013

(B) Each person applying for an initial or renewed sports 16014  
gaming license issued under this chapter, other than a type C 16015  
sports gaming host license, and each individual who has control 16016  
of the applicant as described in division (C) of this section, 16017  
shall submit two complete sets of fingerprints to the commission 16018  
for the purpose of conducting a criminal records check, 16019  
including obtaining any available information from the federal 16020  
bureau of investigation. The person shall provide the 16021  
fingerprints using a method the superintendent of the bureau of 16022  
criminal identification and investigation prescribes pursuant to 16023  
division (C) (2) of section 109.572 of the Revised Code and fill 16024  
out the form the superintendent of the bureau of criminal 16025  
identification and investigation prescribes pursuant to division 16026  
(C) (1) of section 109.572 of the Revised Code. Upon receiving an 16027  
application under this section, the executive director of the 16028  
Ohio casino control commission shall request the superintendent 16029  
of the bureau of criminal identification and investigation, or a 16030  
vendor approved by the bureau, to conduct a criminal records 16031  
check based on the fingerprint impressions in accordance with 16032

division (A) (19) of section 109.572 of the Revised Code. Any fee 16033  
required under division (C) (3) of section 109.572 of the Revised 16034  
Code shall be paid by the applicant, or in the case of an 16035  
occupational license, by the applicant's employer. Any applicant 16036  
convicted of any disqualifying offense, as defined in section 16037  
3772.07 of the Revised Code, shall not be issued a license. 16038

(C) The Ohio casino control commission shall not grant a 16039  
sports gaming proprietor, mobile management services provider, 16040  
management services provider, or sports gaming supplier license 16041  
until it has determined that each person who has control of the 16042  
applicant has met the qualifications for sports gaming licensure 16043  
established in this chapter and in rules adopted by the 16044  
commission. All of the following persons are considered to have 16045  
control of an applicant: 16046

(1) Each person associated with a corporate applicant, 16047  
including any corporate holding company, parent company, or 16048  
subsidiary company of the applicant, that has the ability to 16049  
control the activities of the corporate applicant or elect a 16050  
majority of the board of directors of that corporation, other 16051  
than any bank or other licensed lending institution that holds a 16052  
mortgage or other lien acquired in the ordinary course of 16053  
business; 16054

(2) Each person associated with a noncorporate applicant 16055  
that directly or indirectly holds a beneficial or proprietary 16056  
interest in the applicant's business operation or that the 16057  
commission otherwise determines has the ability to control the 16058  
applicant; 16059

(3) Key personnel of an applicant, including any 16060  
executive, employee, or agency, having the power to exercise 16061  
significant influence over decisions concerning any part of the 16062

applicant's business operation. 16063

(D) A sports gaming proprietor, mobile management services 16064  
provider, or management services provider shall display its 16065  
license conspicuously in its place of business or have the 16066  
license available for inspection by any agent of the Ohio casino 16067  
control commission or any law enforcement agency. ~~Each holder of~~ 16068  
~~an occupational license issued under section 3775.06 of the~~ 16069  
~~Revised Code shall have an indicator of licensure prominently~~ 16070  
~~displayed when present in a sports gaming facility at all times,~~ 16071  
~~in accordance with the rules of the commission.~~ Each type C 16072  
sports gaming host shall display its license conspicuously in 16073  
its place of business. 16074

~~(E) A~~ (E) (1) Except as otherwise provided in division (E) 16075  
(2) of this section, a sports gaming licensee proprietor, mobile 16076  
management services provider, management services provider, or 16077  
sports gaming supplier or an applicant for one of those licenses 16078  
shall give the Ohio casino control commission written notice 16079  
within ten days of any material change to any information 16080  
provided in the licensee's application for a license or renewal, 16081  
as required under section 3772.113 of the Revised Code. ~~The~~ 16082  
~~commission shall specify by rule which changes to that~~ 16083  
~~information it considers to be material.~~ 16084

(2) A sports gaming proprietor that is a professional 16085  
sports organization or an applicant for such a license shall 16086  
give the commission written notice within ten days of any of the 16087  
following: 16088

(a) Any change of name; 16089

(b) Any change of address; 16090

(c) Any change of primary telephone number or electronic 16091



<u>mail address;</u>	16092
<u>(d) Any change to the state of incorporation or principal</u>	16093
<u>place of business;</u>	16094
<u>(e) Any investigation commenced by or action filed by a</u>	16095
<u>gaming regulatory agency or government gaming authority, except</u>	16096
<u>for routine renewal application reviews;</u>	16097
<u>(f) Any changes to the professional sports organization's</u>	16098
<u>status, including changes regarding its membership in a league,</u>	16099
<u>association, or organization with a policy preventing it from</u>	16100
<u>being subject to the regulatory control of the commission or</u>	16101
<u>from otherwise operating under a license, as well as any changes</u>	16102
<u>to that policy itself;</u>	16103
<u>(g) Any other changes designated on an applicable update</u>	16104
<u>form prescribed by the commission;</u>	16105
<u>(h) Any other information required by the commission by</u>	16106
<u>rule.</u>	16107
<u>(3) A type C sports gaming host or an applicant for such a</u>	16108
<u>license shall give the commission written notice within ten days</u>	16109
<u>of any of the following:</u>	16110
<u>(a) Any change of name;</u>	16111
<u>(b) Any change of address;</u>	16112
<u>(c) Any change of primary telephone number or electronic</u>	16113
<u>mail address;</u>	16114
<u>(d) Any change to any A-1A, A-1C, D-1, D-2, or D-5 liquor</u>	16115
<u>permit held and issued under Chapter 4303. of the Revised Code;</u>	16116
<u>(e) Any change to any lottery sales agent license held and</u>	16117
<u>issued Chapter 3770. of the Revised Code;</u>	16118

(f) Any change to the person's recommendation for the 16119  
license from the state lottery commission; 16120

(g) Any other changes designated on an applicable update 16121  
form prescribed by the commission; 16122

(h) Any other information required by the commission by 16123  
rule. 16124

**Sec. 3775.06.** ~~(A)(1) An individual described in division~~ 16125  
~~(A) of section 3772.13 of the Revised Code shall hold a valid~~ 16126  
~~key gaming employee license issued by the Ohio casino control~~ 16127  
~~commission under that section at all times. An individual whose~~ 16128  
~~duties include any of the following with respect to sports~~ 16129  
~~gaming are as described in division (A) of section 3772.131 of~~ 16130  
~~the Revised Code shall hold an appropriate and a valid sports-~~ 16131  
~~gaming occupational employee license issued by the Ohio casino~~ 16132  
~~control commission under that section at all times+.~~ 16133

~~(a) Accepting wagers on sporting events on behalf of a~~ 16134  
~~sports gaming proprietor;~~ 16135

~~(b) Handling money as part of operating sports gaming on~~ 16136  
~~behalf of a sports gaming proprietor, including a cashier,~~ 16137  
~~change person, count team, or coin wrapper;~~ 16138

~~(c) Providing security for the operation of sports gaming~~ 16139  
~~by a sports gaming proprietor, including a guard or observer,~~ 16140  
~~other than providing general security at a type C sports gaming~~ 16141  
~~host's facility;~~ 16142

~~(d) Performing other duties such that the individual has~~ 16143  
~~the ability to alter material aspects of sports gaming conducted~~ 16144  
~~by a sports gaming proprietor.~~ 16145

~~(2) An individual is not required to have a sports gaming~~ 16146

~~occupational license if the individual's duties are related~~ 16147  
~~solely to nongaming activities such as entertainment,~~ 16148  
~~maintenance, or preparing or serving food or beverages,~~ 16149  
~~including an individual who is, or is employed by, a type C-~~ 16150  
~~sports gaming host.~~ 16151

~~(3) The commission shall issue a sports gaming-~~ 16152  
~~occupational license to an individual who meets the requirements~~ 16153  
~~of this chapter and of the commission's rules, provided that the~~ 16154  
~~commission's rules shall not require an applicant for a sports-~~ 16155  
~~gaming occupational license who currently holds a video lottery-~~ 16156  
~~license issued under Chapter 3770. or a license issued under~~ 16157  
~~Chapter 3772. of the Revised Code to take action to satisfy any-~~ 16158  
~~additional requirement for the sports gaming occupational-~~ 16159  
~~license that is substantially similar to any requirement the~~ 16160  
~~applicant previously has satisfied in order to obtain or renew~~ 16161  
~~the applicant's video lottery license or license issued under~~ 16162  
~~Chapter 3772. of the Revised Code.~~ 16163

~~(B) A sports gaming occupational license permits the~~ 16164  
~~licensee to be employed in the capacity the commission~~ 16165  
~~designates during the duration of the license. The commission~~ 16166  
~~may establish by rule job classifications with different~~ 16167  
~~requirements.~~ 16168

~~(C)(1) An applicant for an initial or renewed sports-~~ 16169  
~~gaming occupational license shall apply for the license on a~~ 16170  
~~form prescribed by the commission and shall pay the fee required~~ 16171  
~~under division (C)(3) of section 109.572 of the Revised Code,~~ 16172  
~~along with a nonrefundable application fee of one hundred-~~ 16173  
~~dollars. The commission may annually increase the amount of the~~ 16174  
~~application fee in an amount that does not exceed the percentage~~ 16175  
~~increase in the consumer price index for the previous year, as-~~ 16176

~~necessary to cover the cost of processing the application. As~~ 16177  
~~used in this division, "consumer price index" means the consumer~~ 16178  
~~price index for all urban consumers or its successive~~ 16179  
~~equivalent, as determined by the United States department of~~ 16180  
~~labor, bureau of labor statistics, or its successor in~~ 16181  
~~responsibility, for all items, Series A.~~ 16182

~~(2) Upon receiving an initial or renewed sports gaming~~ 16183  
~~occupational license, the applicant shall pay a nonrefundable~~ 16184  
~~license fee of fifty dollars.~~ 16185

~~(3) An applicant's employer may pay the fees described in~~ 16186  
~~divisions (C) (1) and (2) of this section on behalf of the~~ 16187  
~~applicant.~~ 16188

~~(D) The commission may adopt rules allowing an individual~~ 16189  
~~who holds a sports gaming occupational license from another~~ 16190  
~~jurisdiction to be licensed in this state by reciprocity, so~~ 16191  
~~long as that jurisdiction's requirements to receive that license~~ 16192  
~~and the activities authorized by the license are substantially~~ 16193  
~~similar to those of this state with respect to the license the~~ 16194  
~~individual seeks.~~ 16195

~~(E) A sports gaming occupational license shall be valid~~ 16196  
~~for a term of three years. In order to renew a sports gaming~~ 16197  
~~occupational license, the licensee shall apply to the commission~~ 16198  
~~for a renewed license in the same manner as for an initial~~ 16199  
~~license.~~ 16200

**Sec. 3775.09.** (A) An applicant for a sports gaming 16201  
license, other than a type C sports gaming host license, shall 16202  
establish the applicant's suitability for the license by clear 16203  
and convincing evidence. 16204

(B) The Ohio casino control commission shall not grant a 16205

sports gaming license, other than a type C sports gaming host 16206  
license, to an applicant if evidence satisfactory to the 16207  
commission exists that the applicant has done any of the 16208  
following: 16209

(1) Knowingly made a false statement to the commission; 16210

(2) Been suspended from operating a gambling game, gaming 16211  
device, or gaming operation, or had a license revoked by any 16212  
governmental unit of a national, state, or local body exercising 16213  
governmental functions; 16214

(3) Been convicted of a disqualifying offense, as defined 16215  
in section 3772.07 of the Revised Code; 16216

(4) Been directly involved in or employed by any offshore 16217  
wagering market that illegally serviced the United States or 16218  
otherwise accepted illegal wagers from individuals located in 16219  
the United States on or after April 16, 2015. 16220

(C) The commission may deny a sports gaming proprietor, 16221  
mobile management services provider, or management services 16222  
provider license to any applicant, reprimand any sports gaming 16223  
proprietor, mobile management services provider, or management 16224  
services provider, or suspend or revoke a sports gaming 16225  
proprietor, mobile management services provider, or management 16226  
services provider license if any of the following are true: 16227

(1) The applicant or licensee has not demonstrated to the 16228  
commission's satisfaction financial responsibility sufficient to 16229  
adequately meet the requirements of the enterprise. 16230

(2) The applicant or licensee is not the true owner of the 16231  
business or is not the sole owner and has not disclosed the 16232  
existence or identity of other persons who have an ownership 16233  
interest in the business. 16234

(3) The applicant or licensee is a corporation that sells 16235  
more than five per cent of the corporation's voting stock, or 16236  
more than five per cent of the voting stock of a corporation 16237  
that controls the corporation, or sells the corporation's 16238  
assets, other than those bought and sold in the ordinary course 16239  
of business, or any interest in the assets, to any person who, 16240  
under division (C) of section 3775.03 of the Revised Code, must 16241  
meet the qualifications of a sports gaming proprietor, mobile 16242  
management services provider, or management services provider, 16243  
as applicable, and who has not already been determined by the 16244  
commission to have met the applicable qualifications. 16245

(D) (1) The commission shall revoke a sports gaming 16246  
proprietor license that was issued or renewed because of the 16247  
preference described in division (A) of section 3775.041 of the 16248  
Revised Code if the sports gaming proprietor ceases to qualify 16249  
as a professional sports organization, if the casino operator 16250  
ceases to be a casino operator, or if the video lottery sales 16251  
agent ceases to be a video lottery sales agent, as applicable. 16252

(2) The commission shall revoke a type C sports gaming 16253  
host license if the licensee ceases to hold a valid class D 16254  
liquor permit for the facility issued under Chapter 4303. of the 16255  
Revised Code. 16256

(E) The commission shall not grant a sports gaming license 16257  
to any of the following persons: 16258

(1) A nonprofit corporation or organization; 16259

(2) An individual who is under twenty-one years of age; 16260

(3) An employee of the commission. 16261

(F) In reviewing an application for a license under this 16262  
chapter, the commission may rely on or consider the last 16263

investigation it conducted concerning the applicant, or the last 16264  
license it issued to the applicant, under this chapter or 16265  
Chapter 3770., 3771., or 3772. of the Revised Code. 16266

**Sec. 3775.10.** (A) A sports gaming proprietor shall do all 16267  
of the following: 16268

(1) Conduct all sports gaming activities and functions in 16269  
a manner that does not pose a threat to the public health, 16270  
safety, or welfare of the citizens of this state; 16271

~~(2) Adopt comprehensive house rules for game play~~ 16272  
~~governing sports gaming transactions with its patrons, including~~ 16273  
~~rules that specify the amounts to be paid on winning wagers and~~ 16274  
~~the effect of schedule changes, and submit them to the Ohio~~ 16275  
~~casino control commission for approval before implementing them.~~ 16276  
~~The sports gaming proprietor shall publish its house rules as~~ 16277  
~~part of its minimum internal control standards, shall display~~ 16278  
~~the house rules, together with any other information the~~ 16279  
~~commission considers appropriate, conspicuously in each sports~~ 16280  
~~gaming facility and in any other place or manner prescribed by~~ 16281  
~~the commission, and shall make copies of its house rules readily~~ 16282  
~~available to patrons.~~ 16283

~~(3)~~ Keep current in all payments and obligations to the 16284  
commission; 16285

~~(4)~~ (3) Provide a secure location for the placement, 16286  
operation, and use of sports gaming equipment; 16287

~~(5)~~ (4) Prevent any person from tampering with or 16288  
interfering with the operation of sports gaming; 16289

~~(6)~~ (5) Employ commercially reasonable methods to prevent 16290  
the sports gaming proprietor and its agents and employees from 16291  
disclosing any confidential information in the possession of the 16292

sports gaming proprietor that could affect the conduct of sports gaming; 16293  
16294

~~(7)~~ (6) Ensure that sports gaming conducted at a sports gaming facility is within the sight and control of designated employees of the sports gaming proprietor and that sports gaming is conducted under continuous observation by security equipment in conformity with the specifications and requirements of the commission; 16295  
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16298  
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~~(8)~~ (7) Ensure that sports gaming occurs only in the locations and manner approved by the commission; 16301  
16302

~~(9)~~ (8) Ensure that all sports gaming is monitored in accordance with division (I) of section 3775.02 of the Revised Code; 16303  
16304  
16305

~~(10)~~ (9) Maintain sufficient funds and other supplies to conduct sports gaming at all times; 16306  
16307

~~(11)~~ (10) Maintain daily records showing the sports gaming proprietor's sports gaming receipts and timely file with the commission any additional reports required by rule or by other provisions of the Revised Code; 16308  
16309  
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~~(12) Withhold all required amounts from patrons' sports gaming winnings;~~ 16312  
16313

~~(13) Submit to the commission, each fiscal year, an audit of the sports gaming proprietor's financial transactions and the condition of the sports gaming proprietor's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable state and federal laws;~~ 16314  
16315  
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~~(14) Submit to the commission, at least once every three~~ 16320



~~years, an audit of the sports gaming proprietor's information- 16321~~  
~~technology systems and security protocols prepared by a 16322~~  
~~qualified, independent, and capable third party, as determined- 16323~~  
~~by, and in a manner approved by, the commission; 16324~~

~~(15)~~ (11) Promptly provide anonymized sports gaming data 16325  
to a sports governing body or a state university that submits a 16326  
valid request for the data under division (B) (13) or (14) of 16327  
section 3775.02 of the Revised Code; 16328

(12) Comply with all applicable requirements of Chapter 16329  
3772. of the Revised Code. 16330

~~(B) A sports gaming proprietor immediately shall report to 16331~~  
~~the commission any information in the sports gaming proprietor's 16332~~  
~~possession related to any of the following: 16333~~

~~(1) Any wager in violation of this chapter or rules- 16334~~  
~~adopted under this chapter or of federal law; 16335~~

~~(2) Abnormal sports gaming activity or patterns that may 16336~~  
~~indicate a concern regarding the integrity of a sporting event; 16337~~

~~(3) Suspicious wagering activities; 16338~~

~~(4) Any conduct that corrupts a wagering outcome of a 16339~~  
~~sporting event for purposes of financial gain; 16340~~

~~(5) Any criminal or disciplinary proceedings commenced- 16341~~  
~~against the sports gaming proprietor by any person other than- 16342~~  
~~the commission in connection with the sports gaming proprietor's 16343~~  
~~operations. 16344~~

~~(C)~~ A sports gaming proprietor may manage risk associated 16345  
with wagers by rejecting or pooling one or more wagers or by 16346  
laying off one or more wagers with another sports gaming 16347  
proprietor. 16348

~~(D)~~—(C) A sports gaming proprietor may employ a system 16349  
that offsets loss or manages risk in the operation of sports 16350  
gaming under this chapter through the use of a liquidity pool in 16351  
another jurisdiction in which the sports gaming proprietor or an 16352  
affiliate or other third party also holds licensure, provided 16353  
that at all times adequate protections are maintained to ensure 16354  
sufficient funds are available to pay patrons. 16355

~~(E)~~—(D) A sports gaming proprietor may provide promotional 16356  
gaming credits or bonuses to patrons, subject to the 16357  
requirements of section 3772.231 of the Revised Code and 16358  
oversight by the commission. 16359

~~(F)~~—(E) If a sports gaming patron does not claim a winning 16360  
wager from a sports gaming proprietor within one year from the 16361  
last day on which the sporting event is held, the sports gaming 16362  
proprietor's obligation to pay the winnings shall expire, and 16363  
the sports gaming proprietor shall remit the winnings to the 16364  
commission, which shall deposit them in the sports gaming 16365  
revenue fund. 16366

~~(G)~~—(F) A sports gaming proprietor is not liable under the 16367  
laws of this state to any party, including a patron, for 16368  
disclosing information as required under this chapter or for 16369  
refusing to disclose information that is not required by law to 16370  
be disclosed. 16371

~~(H) (1)~~—(G) (1) A sports gaming proprietor shall maintain 16372  
the confidentiality of any information provided to the sports 16373  
gaming proprietor by a sports governing body that the sports 16374  
governing body designates as confidential, except as otherwise 16375  
required by law or by order of the commission. The sports gaming 16376  
proprietor shall not use such confidential information for 16377  
business or marketing purposes, except with the express written 16378

approval of the sports governing body. 16379

(2) A sports governing body shall maintain the 16380  
confidentiality of any information provided to the sports 16381  
governing body by a sports gaming proprietor that the sports 16382  
gaming proprietor designates as confidential, except as 16383  
otherwise required by law or by order of the commission. The 16384  
sports governing body shall not use such confidential 16385  
information for business or marketing purposes, except with the 16386  
express written approval of the sports gaming proprietor. 16387

**Sec. 3775.11.** (A) A type A sports gaming proprietor may 16388  
operate one or more online sports pool web sites and 16389  
accompanying mobile applications through which the sports gaming 16390  
proprietor accepts wagers from individuals who are at least 16391  
twenty-one years of age and who are physically located in this 16392  
state. The sports gaming proprietor shall use ~~location-based~~ 16393  
geoblocking technology that meets the requirements of section 16394  
3772.313 of the Revised Code and that is obtained from a sports 16395  
gaming supplier to prohibit individuals who are not physically 16396  
present in this state from participating in sports gaming 16397  
through an online sports pool. 16398

~~(B) (1) As used in division (B) of this section, "sports~~ 16399  
~~gaming account" means an electronic account that an individual~~ 16400  
~~may establish for the purpose of sports gaming, including making~~ 16401  
~~deposits and withdrawals, wagering amounts, and receiving~~ 16402  
~~payouts on winning wagers.~~ 16403

~~(2) A sports gaming proprietor may accept a wager from an~~ 16404  
~~individual through an online sports pool only using the~~ 16405  
~~individual's sports gaming account. The sports gaming account~~ 16406  
~~shall be in the individual's full legal name and shall not be in~~ 16407  
~~the name of any beneficiary, custodian, joint trust,~~ 16408

~~corporation, partnership, or other organization or entity.~~ 16409

~~(3) A sports gaming account may be established and funded  
in person through employees or sales agents of a sports gaming  
proprietor or, pursuant to rules adopted by the Ohio casino  
control commission, over the internet through a sports gaming  
proprietor's web site or mobile application in a manner that  
complies with the sports gaming proprietor's internal controls.~~ 16410  
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~~(C)~~ (B) The server responsible for accepting wagers 16416  
through an online sports pool shall be located in a secure 16417  
facility in this state. 16418

~~(D)~~ (C) An online sports pool web site and its 16419  
accompanying mobile application shall include the name or logo 16420  
of each of the following in a conspicuous manner: 16421

(1) The type A sports gaming proprietor; 16422

(2) The mobile management services provider that operates 16423  
the online sports pool on behalf of the type A sports gaming 16424  
proprietor, if applicable. 16425

**Sec. 3775.13.** (A) No individual who is on the ~~Ohio casino~~ 16426  
~~control~~ commission's sports gaming exclusion list created under 16427  
section 3772.031 of the Revised Code shall enter a sports gaming 16428  
facility or the grounds of a sports gaming facility or 16429  
participate in the play or operation of sports gaming in this 16430  
state. A sports gaming proprietor shall employ commercially 16431  
reasonable methods to prevent an individual who is on the 16432  
commission's sports gaming exclusion list from engaging in 16433  
sports gaming conducted by the sports gaming proprietor. 16434

(B) (1) A sports gaming proprietor may exclude any 16435  
individual from entering a sports gaming facility, or the 16436  
grounds of a sports gaming facility, that is under the control 16437

of the sports gaming proprietor and may exclude any individual 16438  
from participating in the play or operation of sports gaming 16439  
conducted by the sports gaming proprietor. The sports gaming 16440  
proprietor shall keep a list of all excluded individuals. No 16441  
individual who is on a sports gaming proprietor's exclusion list 16442  
shall enter a sports gaming facility, or the grounds of a sports 16443  
gaming facility, that is under the control of the sports gaming 16444  
proprietor or participate in the play or operation of sports 16445  
gaming conducted by the sports gaming proprietor under this 16446  
chapter. 16447

(2) If a sports gaming proprietor excludes an individual 16448  
because the sports gaming proprietor determines that the 16449  
individual engaged or attempted to engage in any sports gaming 16450  
related activity that is prohibited under this chapter or under 16451  
the commission's rules, the sports gaming proprietor shall 16452  
report that fact to the Ohio casino control commission. 16453

(C) (1) A sports gaming proprietor shall ~~employ~~ 16454  
~~commercially reasonable methods to prevent any person who is~~ 16455  
~~participating in the sports gaming~~ comply with the requirements 16456  
of the Ohio voluntary exclusion program ~~from engaging in sports~~ 16457  
~~gaming conducted by the sports gaming proprietor~~ described in 16458  
section 3772.39 of the Revised Code. 16459

(2) Absent gross negligence, all of the following persons 16460  
are immune from any type of civil liability on the basis that a 16461  
person who is participating in the sports gaming voluntary 16462  
exclusion program enters or accesses a sports gaming facility or 16463  
participates in sports gaming conducted under this chapter: 16464

(a) The commission or any other agency of this state and 16465  
its agents or employees; 16466

(b) A sports gaming licensee and its agents or employees. 16467

(D) No sports gaming proprietor, no director, officer, 16468  
agent, or employee of a sports gaming proprietor, no other 16469  
person who has a financial interest in a sports gaming 16470  
proprietor, and no person living in the same household as any of 16471  
those persons, shall engage in any sports gaming conducted by 16472  
the sports gaming proprietor, other than as part of operating 16473  
sports gaming or as part of the employee's employment. A sports 16474  
gaming proprietor shall employ commercially reasonable methods 16475  
to prevent those persons, and any other person who has access to 16476  
confidential information held by the sports gaming proprietor, 16477  
from engaging in sports gaming conducted by the sports gaming 16478  
proprietor. 16479

(E) No member or employee of the Ohio casino control 16480  
commission or the state lottery commission shall knowingly 16481  
participate in sports gaming conducted by a sports gaming 16482  
proprietor in this state or participate in sports gaming with 16483  
any person or entity located outside this state that is directly 16484  
or indirectly owned or operated by a sports gaming proprietor. A 16485  
sports gaming proprietor shall employ commercially reasonable 16486  
methods to prevent such a person from engaging in sports gaming 16487  
conducted by the sports gaming proprietor. 16488

(F) (1) A sports gaming proprietor shall employ 16489  
commercially reasonable methods to prevent any person involved 16490  
in a sporting event with respect to which sports gaming is 16491  
permitted from engaging in any sports gaming with the sports 16492  
gaming proprietor, based on publicly available information and 16493  
any information provided by a sports governing body under 16494  
division (F) (2) of this section. 16495

(2) The Ohio casino control commission shall adopt rules 16496

specifying a procedure for a sports governing body to provide to 16497  
the commission a list of persons who are involved in sporting 16498  
events, including those persons' full legal names, dates of 16499  
birth, and social security numbers, for the purpose of 16500  
preventing those persons from engaging in sports gaming. The 16501  
commission shall make the list available to each sports gaming 16502  
proprietor and to the state lottery commission. The Ohio casino 16503  
control commission, the state lottery commission, and each 16504  
sports gaming proprietor shall keep the information in the list 16505  
confidential. 16506

(3) For purposes of division (F) of this section, a person 16507  
is considered to be involved in a sporting event if the person 16508  
is an athlete, participant, coach, referee, team owner, or 16509  
sports governing body with respect to the sporting event; any 16510  
agent or employee of such an athlete, participant, coach, 16511  
referee, team owner, or sports governing body; and any agent or 16512  
employee of an athlete, participant, or referee union with 16513  
respect to the sporting event. 16514

(G) A sports gaming proprietor shall employ commercially 16515  
reasonable methods to prevent any person from placing a wager 16516  
with the sports gaming proprietor on behalf of another person. 16517

**Sec. 3775.99.** (A) Whoever knowingly does any of the 16518  
following commits a misdemeanor of the first degree on the first 16519  
offense and a felony of the fifth degree on a subsequent 16520  
offense: 16521

(1) Makes a false statement on an application submitted 16522  
under this chapter; 16523

(2) Permits an individual under twenty-one years of age to 16524  
engage in sports gaming; 16525

(3) Aids, induces, or causes an individual under twenty- 16526  
one years of age who is not an employee of the sports gaming 16527  
proprietor to enter or attempt to enter a sports gaming 16528  
facility; 16529

(4) Enters or attempts to enter a sports gaming facility 16530  
while under twenty-one years of age, except as permitted under 16531  
division (C) of section 3775.12 of the Revised Code; 16532

(5) Participates in sports gaming in violation of division 16533  
(D) of section 3775.13 of the Revised Code, other than as part 16534  
of operating sports gaming or as part of the employee's 16535  
employment. 16536

(B) Whoever knowingly does any of the following commits a 16537  
felony of the fifth degree on a first offense and a felony of 16538  
the fourth degree on a subsequent offense. If the person is a 16539  
sports gaming licensee under this chapter, the Ohio casino 16540  
control commission shall revoke the person's license ~~issued-~~ 16541  
~~under this chapter~~ after the first offense. 16542

(1) Offers, promises, or gives anything of value to anyone 16543  
for the purpose of influencing the outcome of a sporting event 16544  
or attempts to do so; 16545

(2) Places, increases, or decreases a wager after 16546  
acquiring knowledge not available to the general public that 16547  
anyone has been offered, promised, or given anything of value 16548  
for the purpose of influencing the outcome of the sporting event 16549  
upon which the wager is placed, increased, or decreased, or 16550  
attempts to do so; 16551

(3) Manufactures, sells, or distributes any device that is 16552  
intended by that person to be used to violate any provision of 16553  
this chapter or the sports gaming laws of any other state; 16554



(4) Places a bet or aids any other person in placing a bet 16555  
on a sporting event after unlawfully acquiring knowledge of the 16556  
outcome on which winnings from that bet are contingent; 16557

(5) Claims, collects, or takes anything of value from a 16558  
sports gaming proprietor with intent to defraud or attempts to 16559  
do so without having made a wager in which the amount or value 16560  
is legitimately won or owed; 16561

(6) Places a wager using counterfeit currency or other 16562  
counterfeit form of credit approved for wagering; 16563

(7) Possesses any device intended to be used to violate 16564  
this chapter or any rule adopted under this chapter, or any 16565  
materials used to manufacture such a device. This division does 16566  
not apply to a sports gaming proprietor or to an agent or 16567  
employee of a sports gaming proprietor who is acting in 16568  
furtherance of the sports gaming proprietor's interest. 16569

(8) Changes or alters the normal outcome of any sports 16570  
gaming conducted through an online sports pool, including any 16571  
system used to monitor the online sports pool, or the way in 16572  
which the outcome is reported to any patron; 16573

(9) Operates sports gaming in a manner other than the 16574  
manner required under this chapter. Premises or any internet web 16575  
site used or occupied in violation of this division constitute a 16576  
nuisance subject to abatement under Chapter 3767. of the Revised 16577  
Code. 16578

(C) Whoever knowingly does any of the following commits a 16579  
felony of the third degree. If the person is a sports gaming 16580  
licensee under this chapter, the commission shall revoke the 16581  
person's license ~~issued under this chapter~~ after the first 16582  
offense. If the person is a public servant or political party 16583

official, the person is forever disqualified from holding any 16584  
public office, employment, or position of trust in this state. 16585

(1) Offers, promises, or gives anything of value or 16586  
benefit to a person who is connected with a sports gaming 16587  
proprietor, an agent or employee of a sports gaming proprietor, 16588  
or a member, agent, or employee of the Ohio casino control 16589  
commission or the state lottery commission, under an agreement 16590  
to influence, or with the intent to influence, the actions of 16591  
the person to whom the offer, promise, or gift is made in order 16592  
to affect or attempt to affect the outcome of sports gaming or 16593  
an official action of a member, agent, or employee of the Ohio 16594  
casino control commission or the state lottery commission; 16595

(2) Solicits, accepts, or receives a promise of anything 16596  
of value or benefit while the person is connected with a sports 16597  
gaming proprietor, an agent or employee of a sports gaming 16598  
proprietor, or a member, agent, or employee of the Ohio casino 16599  
control commission or the state lottery commission, under an 16600  
agreement to influence, or with the intent to influence, the 16601  
actions of the person to affect or attempt to affect the outcome 16602  
of sports gaming or an official action of a member, agent, or 16603  
employee of the Ohio casino control commission or the state 16604  
lottery commission. 16605

(D) Whoever knowingly does any of the following while 16606  
participating in sports gaming or otherwise transacting with a 16607  
sports gaming proprietor as permitted under this chapter or 16608  
sections ~~3770.23 to 3770.24~~ and 3770.25 of the Revised Code 16609  
commits a felony of the fifth degree on a first offense and a 16610  
felony of the fourth degree on a subsequent offense: 16611

(1) Causes or attempts to cause the person to fail to file 16612  
a report required under 31 U.S.C. 5313(a) or 5325 or any 16613

regulation prescribed thereunder or section 1315.53 of the  
Revised Code, or to fail to file a report or maintain a record  
required by an order issued under section 21 of the "Federal  
Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub.  
L. No. 91-508;

(2) Causes or attempts to cause the person to file a  
report under 31 U.S.C. 5313(a) or 5325 or any regulation  
prescribed thereunder or section 1315.53 of the Revised Code, to  
file a report or to maintain a record required by any order  
issued under 31 U.S.C. 3126, or to maintain a record required  
under any regulation prescribed under section 21 of the "Federal  
Deposit Insurance Act," 12 U.S.C. 1829b or section 123 of Pub.  
L. No. 91-508 that contains a material omission or misstatement  
of fact;

(3) With one or more sports gaming proprietors, structures  
a transaction, is complicit in structuring a transaction,  
attempts to structure a transaction, or is complicit in an  
attempt to structure a transaction. As used in this division:

(a) To be "complicit" means to engage in any conduct of a  
type described in divisions (A) (1) to (4) of section 2923.03 of  
the Revised Code.

(b) "Structure a transaction" has the same meaning as in  
section 1315.51 of the Revised Code.

**Sec. 3777.01.** As used in this chapter:

(A) "Bingo" has the same meaning as in section 3768.01 of  
the Revised Code.

(B) "Commission" means the Ohio casino control commission  
described in section 3772.02 of the Revised Code.

(C) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of a sweepstakes. 16642  
16643  
16644

(D) "Game of chance" has the same meaning as in section 2915.01 of the Revised Code. 16645  
16646

(E) "Merchandise prize" means any item of value, other than a non-merchandise prize. 16647  
16648

(F) "Non-merchandise prize" means any of the following: 16649

(1) Cash, gift cards, or any equivalent thereof; 16650

(2) Plays on games of chance, state lottery tickets, or bingo; 16651  
16652

(3) Firearms, tobacco, or alcoholic beverages; 16653

(4) A redeemable voucher that is redeemable for any of the items listed in division (F)(1), (2), or (3) of this section. 16654  
16655

(G) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value. 16656  
16657

(H)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply: 16658  
16659  
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16661  
16662  
16663

(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars; 16664  
16665  
16666

(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a 16667  
16668

wholesale value of more than ten dollars; 16669

(c) Redeemable vouchers are not redeemable for a 16670  
merchandise prize that has a wholesale value of more than ten 16671  
dollars times the fewest number of single plays necessary to 16672  
accrue the redeemable vouchers required to obtain that prize; 16673

(d) Any redeemable vouchers or merchandise prizes are 16674  
distributed at the site of the skill-based amusement machine at 16675  
the time of play. 16676

A card for the purchase of gasoline is a redeemable 16677  
voucher for purposes of division (H) (1) of this section even if 16678  
the skill-based amusement machine for the play of which the card 16679  
is awarded is located at a place where gasoline may not be 16680  
legally distributed to the public or the card is not redeemable 16681  
at the location of, or at the time of playing, the skill-based 16682  
amusement machine. 16683

(2) A device shall not be considered a skill-based 16684  
amusement machine and shall be considered a slot machine if it 16685  
pays cash or one or more of the following apply: 16686

(a) The ability of a player to succeed at the game is 16687  
impacted by the number or ratio of prior wins to prior losses of 16688  
players playing the game. 16689

(b) Any reward of redeemable vouchers is not based solely 16690  
on the player achieving the object of the game or the player's 16691  
score; 16692

(c) The outcome of the game, or the value of the 16693  
redeemable voucher or merchandise prize awarded for winning the 16694  
game, can be controlled by a source other than any player 16695  
playing the game. 16696

(d) The success of any player is or may be determined by a 16697  
chance event that cannot be altered by player actions. 16698

(e) The ability of any player to succeed at the game is 16699  
determined by game features not visible or known to the player. 16700

(f) The ability of the player to succeed at the game is 16701  
impacted by the exercise of a skill that no reasonable player 16702  
could exercise. 16703

(3) All of the following apply to any machine that is 16704  
operated as described in division (H) (1) of this section: 16705

(a) As used in division (H) of this section, "game" and 16706  
"play" mean one event from the initial activation of the machine 16707  
until the results of play are determined without payment of 16708  
additional consideration. An individual utilizing a machine that 16709  
involves a single game, play, contest, competition, or 16710  
tournament may be awarded redeemable vouchers or merchandise 16711  
prizes based on the results of play. 16712

(b) Advance play for a single game, play, contest, 16713  
competition, or tournament participation may be purchased. The 16714  
cost of the contest, competition, or tournament participation 16715  
may be greater than a single noncontest, competition, or 16716  
tournament play. 16717

(c) To the extent that the machine is used in a contest, 16718  
competition, or tournament, that contest, competition, or 16719  
tournament has a defined starting and ending date and is open to 16720  
participants in competition for scoring and ranking results 16721  
toward the awarding of redeemable vouchers or merchandise prizes 16722  
that are stated prior to the start of the contest, competition, 16723  
or tournament. 16724

(4) For purposes of division (H) (1) of this section, the 16725

mere presence of a device, such as a pin-setting, ball- 16726  
releasing, or scoring mechanism, that does not contribute to or 16727  
affect the outcome of the play of the game does not make the 16728  
device a skill-based amusement machine. 16729

(I) "Slot machine" has the same meaning as in section 16730  
2915.01 of the Revised Code. 16731

(J) "Sweepstakes" means any game, contest, advertising 16732  
scheme or plan, or other promotion where consideration is not 16733  
required for a person to enter to win or become eligible to 16734  
receive any prize, the determination of which is based upon 16735  
chance. "Sweepstakes" does not include bingo as authorized under 16736  
Chapter 3768. of the Revised Code, pari-mutuel wagering as 16737  
authorized by Chapter 3769. of the Revised Code, lotteries 16738  
conducted by the state lottery commission as authorized by 16739  
Chapter 3770. of the Revised Code, internet gambling as 16740  
authorized by Chapter 3771. of the Revised Code, casino gaming 16741  
as authorized by Chapter 3772. of the Revised Code, or sports 16742  
gaming as authorized by Chapter 3775. of the Revised Code. 16743

(K) (1) "Sweepstakes terminal device" means a mechanical, 16744  
video, digital, or electronic machine or device that is owned, 16745  
leased, or otherwise possessed by any person conducting a 16746  
sweepstakes, or by that person's partners, affiliates, 16747  
subsidiaries, or contractors, that is intended to be used by a 16748  
sweepstakes participant, and that is capable of displaying 16749  
information on a screen or other mechanism. A device is a 16750  
sweepstakes terminal device if any of the following apply: 16751

(a) The device uses a simulated game terminal as a 16752  
representation of the prizes associated with the results of the 16753  
sweepstakes entries. 16754

(b) The device utilizes software such that the simulated 16755  
game influences or determines the winning of or value of the 16756  
prize. 16757

(c) The device selects prizes from a predetermined finite 16758  
pool of entries. 16759

(d) The device utilizes a mechanism that reveals the 16760  
content of a predetermined sweepstakes entry. 16761

(e) The device predetermines the prize results and stores 16762  
those results for delivery at the time the sweepstakes entry 16763  
results are revealed. 16764

(f) The device utilizes software to create a game result. 16765

(g) The device reveals the prize incrementally, even 16766  
though the device does not influence the awarding of the prize 16767  
or the value of any prize awarded. 16768

(h) The device determines and associates the prize with an 16769  
entry or entries at the time the sweepstakes is entered. 16770

(2) As used in this division and in section 3777.02 of the 16771  
Revised Code: 16772

(a) "Enter" means the act by which a person becomes 16773  
eligible to receive any prize offered in a sweepstakes. 16774

(b) "Entry" means one event from the initial activation of 16775  
the sweepstakes terminal device until all the sweepstakes prize 16776  
results from that activation are revealed. 16777

(c) "Prize" means any gift, award, gratuity, good, 16778  
service, credit, reward, or any other thing of value that may be 16779  
transferred to a person, whether possession of the prize is 16780  
actually transferred, or placed on an account or other record as 16781



evidence of the intent to transfer the prize. 16782

(d) "Sweepstakes terminal device facility" means any 16783  
location in this state where a sweepstakes terminal device is 16784  
provided to a sweepstakes participant, except as provided in 16785  
division (C) of section 3777.02 of the Revised Code. 16786

**Sec. 3777.02.** (A) No person shall do either of the 16787  
following: 16788

(1) Conduct, or participate in the conduct of, a 16789  
sweepstakes with the use of a sweepstakes terminal device at a 16790  
sweepstakes terminal device facility and either: 16791

(a) Give to another person any non-merchandise prize as a 16792  
prize for playing or participating in a sweepstakes; 16793

(b) Give to another person any merchandise prize, or a 16794  
redeemable voucher for a merchandise prize, the wholesale value 16795  
of which is in excess of ten dollars and which is awarded as a 16796  
single entry for playing or participating in a sweepstakes. 16797  
Redeemable vouchers shall not be redeemable for a merchandise 16798  
prize that has a wholesale value of more than ten dollars. 16799

(2) Conduct, or participate in the conduct of, a 16800  
sweepstakes with the use of a sweepstakes terminal device at a 16801  
sweepstakes terminal device facility without first obtaining a 16802  
current annual certificate of registration from the commission 16803  
as required by this section. 16804

(B) Any person desiring to conduct, or participate in the 16805  
conduct of, a sweepstakes with the use of a sweepstakes terminal 16806  
device at a sweepstakes terminal device facility shall first 16807  
register with the commission and obtain an annual certificate of 16808  
registration by providing a filing fee of two hundred dollars 16809  
and all information as required by rule adopted under division 16810

(F) of this section. Not later than the tenth day of each month, 16811  
each sweepstakes terminal device operator shall file a 16812  
sweepstakes terminal device monthly report with the commission 16813  
and provide a filing fee of fifty dollars and all information 16814  
required by rule adopted under division (F) of this section. All 16815  
information provided to the commission under this division shall 16816  
be available to law enforcement upon request. 16817

(C) A person may apply to the commission, on a form 16818  
prescribed by the attorney general, for a certificate of 16819  
compliance that the person is not operating a sweepstakes 16820  
terminal device facility. The form shall require the person to 16821  
include the address of the business location where sweepstakes 16822  
terminal devices will be used and to make the following 16823  
certifications: 16824

(1) That the person will not use more than two sweepstakes 16825  
terminal devices at the business location; 16826

(2) That the retail value of sweepstakes prizes to be 16827  
awarded at the business location using sweepstakes terminal 16828  
devices during a reporting period will be less than three per 16829  
cent of the gross revenue received at the business location 16830  
during the reporting period; 16831

(3) That no other form of gaming except lottery ticket 16832  
sales as authorized under Chapter 3770. of the Revised Code will 16833  
be conducted at the business location or in an adjoining area of 16834  
the business location; 16835

(4) That any sweepstakes terminal device at the business 16836  
location will not allow any deposit of any money, coin, or 16837  
token, or the use of any credit card, debit card, prepaid card, 16838  
or any other method of similar payment to be used, directly or 16839

indirectly, to participate in a sweepstakes; 16840

(5) That notification of any prize will not take place on 16841  
the same day as a participant's sweepstakes entry; 16842

(6) That the person consents to provide any other 16843  
information to the commission as required by rule adopted under 16844  
division (F) of this section. 16845

(D) The filing fee for a certificate of compliance is two 16846  
hundred fifty dollars. The commission may charge up to an 16847  
additional two hundred fifty dollars for reasonable expenses 16848  
resulting from any investigation related to an application for a 16849  
certificate of compliance. 16850

(E) A certificate of compliance is effective for one year. 16851  
The certificate holder may reapply for a certificate of 16852  
compliance. A person issued a certificate of compliance shall 16853  
file semiannual reports with the commission stating the number 16854  
of sweepstakes terminal devices at the business location and 16855  
that the retail value of prizes awarded at the business location 16856  
using sweepstakes terminal devices is less than three per cent 16857  
of the gross revenue received at the business location. 16858

(F) The commission shall adopt rules setting forth both of 16859  
the following: 16860

(1) The required information to be submitted by persons 16861  
conducting a sweepstakes with the use of a sweepstakes terminal 16862  
device at a sweepstakes terminal device facility as described in 16863  
division (B) of this section; 16864

(2) The requirements pertaining to a certificate of 16865  
compliance under division (C) of this section, which shall 16866  
provide for a person to file a consolidated application and a 16867  
consolidated semiannual report if a person has more than one 16868

business location. 16869

(G) The commission shall issue a certificate of 16870  
registration or a certificate of compliance to all persons who 16871  
have successfully satisfied the applicable requirements of this 16872  
section. The commission shall post online a registry of all 16873  
properly registered and certified sweepstakes terminal device 16874  
operators. 16875

(H) The commission may refuse to issue an annual 16876  
certificate of registration or certificate of compliance to any 16877  
person or, if one has been issued, the commission may revoke a 16878  
certificate of registration or a certificate of compliance if 16879  
the applicant has provided any information to the commission as 16880  
part of a registration, certification, monthly report, 16881  
semiannual report, or any other information that is materially 16882  
false or misleading, or if the applicant or any officer, 16883  
partner, or owner of five per cent or more interest in the 16884  
applicant has violated any provision of this chapter. 16885

(I) The commission may take any necessary and reasonable 16886  
action to determine a violation of this chapter, including 16887  
requesting documents and information, performing inspections of 16888  
premises, or requiring the attendance of any person at an 16889  
examination under oath. 16890

(J) Whoever violates this section is guilty of gambling, a 16891  
misdemeanor of the first degree. If the offender previously has 16892  
been convicted of any gambling offense, gambling is a felony of 16893  
the fifth degree. Notwithstanding this division, failing to file 16894  
a sweepstakes terminal device monthly report as required by 16895  
division (B) of this section or the semiannual report required 16896  
by division (E) of this section is a misdemeanor of the first 16897  
degree. 16898

**Sec. ~~2915.06~~ 3777.03.** ~~(A)~~ (A) (1) No person shall give to 16899  
another person any ~~item described in division (VV) (1), (2), (3),~~ 16900  
~~or (4) of section 2915.01 of the Revised Code~~ non-merchandise 16901  
prize in exchange for a noncash prize, toy, or novelty received 16902  
as a reward for playing or operating a skill-based amusement 16903  
machine or for a free or reduced-price game won on a skill-based 16904  
amusement machine. 16905

~~(B)~~ (2) Whoever violates division ~~(A)~~ (A) (1) of this 16906  
section is guilty of skill-based amusement machine prohibited 16907  
conduct. A violation of division ~~(A)~~ (A) (1) of this section is a 16908  
misdemeanor of the first degree for each redemption of a prize 16909  
that is involved in the violation. If the offender previously 16910  
has been convicted of a violation of division ~~(A)~~ (A) (1) of this 16911  
section, a violation of that division is a felony of the fifth 16912  
degree for each redemption of a prize that is involved in the 16913  
violation. The maximum fine authorized to be imposed for a 16914  
felony of the fifth degree shall be imposed upon the offender. 16915

(B) Whoever purposely or knowingly operates a skill-based 16916  
amusement machine operation in a manner other than the manner 16917  
required under this chapter commits a felony of the fifth degree 16918  
on a first offense and a felony of the fourth degree for a 16919  
subsequent offense. If the person is a licensee under this 16920  
chapter, the commission shall revoke the person's license after 16921  
the first offense. 16922

**Sec. ~~2915.061~~ 3777.04.** Any regulation of skill-based 16923  
amusement machines shall be governed by this chapter and 16924  
Chapters 2915. and 3772. of the Revised Code and not by Chapter 16925  
1345. of the Revised Code. 16926

**Sec. 3777.05.** The commission may take any necessary and 16927  
reasonable action to determine a violation of this chapter, 16928

including requesting documents and information, performing 16929  
inspections of premises, or requiring the attendance of any 16930  
person at an examination under oath. 16931

**Sec. 3777.06.** All fees received by the commission under 16932  
this chapter shall be deposited in the state treasury to the 16933  
credit of the casino control commission fund, as defined in 16934  
section 3772.01 of the Revised Code. 16935

**Sec. 4301.03.** The liquor control commission may adopt and 16936  
promulgate, repeal, rescind, and amend, in the manner required 16937  
by this section, rules, standards, requirements, and orders 16938  
necessary to carry out this chapter and Chapter 4303. of the 16939  
Revised Code, but all rules of the board of liquor control that 16940  
were in effect immediately prior to April 17, 1963, shall remain 16941  
in full force and effect as rules of the liquor control 16942  
commission until and unless amended or repealed by the liquor 16943  
control commission. The rules of the commission may include the 16944  
following: 16945

(A) Rules with reference to applications for and the 16946  
issuance of permits for the manufacture, distribution, 16947  
transportation, and sale of beer and intoxicating liquor, and 16948  
the sale of alcohol; and rules governing the procedure of the 16949  
division of liquor control in the suspension, revocation, and 16950  
cancellation of those permits; 16951

(B) Rules and orders providing in detail for the conduct 16952  
of any retail business authorized under permits issued pursuant 16953  
to this chapter and Chapter 4303. of the Revised Code, with a 16954  
view to ensuring compliance with those chapters and laws 16955  
relative to them, and the maintenance of public decency, 16956  
sobriety, and good order in any place licensed under the 16957  
permits. No rule or order shall prohibit the operation of video 16958

lottery terminal games at a commercial race track where live 16959  
horse racing and simulcasting are conducted in accordance with 16960  
Chapter 3769. of the Revised Code or the sale of lottery tickets 16961  
issued pursuant to Chapter 3770. of the Revised Code by any 16962  
retail business authorized under permits issued pursuant to that 16963  
chapter. 16964

No rule or order shall prohibit pari-mutuel wagering on 16965  
simulcast horse races at a satellite facility that has been 16966  
issued a D liquor permit under Chapter 4303. of the Revised 16967  
Code. No rule or order shall prohibit a charitable organization 16968  
that holds a D-4 permit from selling or serving beer or 16969  
intoxicating liquor under its permit in a portion of its 16970  
premises merely because that portion of its premises is used for 16971  
the conduct of ~~a bingo game, as described in division (O) of~~ 16972  
~~section 2915.01 of the Revised Code.~~ As used in this division, 16973  
"bingo" and "charitable organization" has have the same meaning 16974  
meanings as in division (H) of section 2915.01-3768.01 of the 16975  
Revised Code. No rule or order pertaining to visibility into the 16976  
premises of a permit holder after the legal hours of sale shall 16977  
be adopted or maintained by the commission. 16978

(C) Standards, not in conflict with those prescribed by 16979  
any law of this state or the United States, to secure the use of 16980  
proper ingredients and methods in the manufacture of beer, mixed 16981  
beverages, and wine to be sold within this state; 16982

(D) Rules determining the nature, form, and capacity of 16983  
all packages and bottles to be used for containing beer or 16984  
intoxicating liquor, except for spirituous liquor to be kept or 16985  
sold, governing the form of all seals and labels to be used on 16986  
those packages and bottles; 16987

(E) Rules requiring the label on every package, bottle, 16988

and container to state all of the following, as applicable: 16989

(1) The ingredients in the contents; 16990

(2) Except for beer, the terms of weight, volume, or proof 16991  
spirits; 16992

(3) Except for spirituous liquor, whether the product is 16993  
beer, wine, alcohol, or any intoxicating liquor; 16994

(4) Regarding beer that contains more than twelve per cent 16995  
of alcohol by volume, the percentage of alcohol by volume and 16996  
that the beer is a "high alcohol beer." 16997

(F) Uniform rules governing all advertising with reference 16998  
to the sale of beer and intoxicating liquor throughout the state 16999  
and advertising upon and in the premises licensed for the sale 17000  
of beer or intoxicating liquor; 17001

(G) Rules restricting and placing conditions upon the 17002  
transfer of permits; 17003

(H) Rules and orders limiting the number of permits of any 17004  
class within the state or within any political subdivision of 17005  
the state; and, for that purpose, adopting reasonable 17006  
classifications of persons or establishments to which any 17007  
authorized class of permits may be issued within any political 17008  
subdivision; 17009

(I) Rules and orders with reference to the hours of the 17010  
day during which and the persons to whom intoxicating liquor of 17011  
any class may be sold, and rules with reference to the manner of 17012  
sale; 17013

(J) Rules requiring permit holders buying beer to pay and 17014  
permit holders selling beer to collect minimum cash deposits for 17015  
kegs, cases, bottles, or other returnable containers of the 17016



beer; requiring the repayment, or credit, of the minimum cash 17017  
deposit charges upon the return of the empty containers; and 17018  
requiring the posting of such form of indemnity or such other 17019  
conditions with respect to the charging, collection, and 17020  
repayment of minimum cash deposit charges for returnable 17021  
containers of beer as are necessary to ensure the return of the 17022  
empty containers or the repayment upon that return of the 17023  
minimum cash deposits paid; 17024

(K) Rules establishing the method by which alcohol 17025  
products may be imported for sale by wholesale distributors and 17026  
the method by which manufacturers and suppliers may sell alcohol 17027  
products to wholesale distributors. 17028

Every rule, standard, requirement, or order of the 17029  
commission and every repeal, amendment, or rescission of them 17030  
shall be posted for public inspection in the principal office of 17031  
the commission and the principal office of the division of 17032  
liquor control, and a certified copy of them shall be filed in 17033  
the office of the secretary of state. An order applying only to 17034  
persons named in it shall be served on the persons affected by 17035  
personal delivery of a certified copy, or by mailing a certified 17036  
copy to each person affected by it or, in the case of a 17037  
corporation, to any officer or agent of the corporation upon 17038  
whom a service of summons may be served in a civil action. The 17039  
posting and filing required by this section constitutes 17040  
sufficient notice to all persons affected by such rule or order 17041  
which is not required to be served. General rules of the 17042  
commission promulgated pursuant to this section shall be 17043  
published in the manner the commission determines. 17044

**Sec. 4301.58.** (A) As used in this section: 17045

(1) "Charitable organization" is an organization described 17046

under section 501(c) (3) of the Internal Revenue Code and exempt 17047  
from federal income taxation under section 501(a) of the 17048  
Internal Revenue Code. 17049

(2) "Fundraiser" means a raffle, silent auction, or event 17050  
where a door prize is awarded. 17051

(3) "Political organization" means a political 17052  
organization defined under section 527 of the Internal Revenue 17053  
Code. 17054

(4) "Raffle" means a raffle conducted in accordance with 17055  
Chapter ~~2915.~~ 3768. of the Revised Code. 17056

(5) "Silent auction" means a method of submitting bids in 17057  
writing by one or more persons and, after a review of all the 17058  
bids received, personal property is awarded to the highest and 17059  
most responsive bidder. 17060

(B) No person, personally or by the person's clerk, agent, 17061  
or employee, who is not the holder of an A permit issued by the 17062  
division of liquor control, in force at the time, and 17063  
authorizing the manufacture of beer or intoxicating liquor, or 17064  
who is not an agent or employee of the division authorized to 17065  
manufacture such beer or intoxicating liquor, shall manufacture 17066  
any beer or intoxicating liquor for sale, or shall manufacture 17067  
spirituous liquor. 17068

(C) No person, personally or by the person's clerk, agent, 17069  
or employee, who is not the holder of an A, B, C, D, E, F, G, I, 17070  
or S permit issued by the division, in force at the time, and 17071  
authorizing the sale of beer, intoxicating liquor, or alcohol, 17072  
or who is not an agent or employee of the division or the tax 17073  
commissioner authorized to sell such beer, intoxicating liquor, 17074  
or alcohol, shall sell, keep, or possess beer, intoxicating 17075

liquor, or alcohol for sale to any persons other than those 17076  
authorized by Chapters 4301. and 4303. of the Revised Code to 17077  
purchase any beer or intoxicating liquor, or sell any alcohol at 17078  
retail. 17079

(D) No person, personally or by the person's clerk, agent, 17080  
or employee, who is the holder of a permit issued by the 17081  
division, shall sell, keep, or possess for sale any intoxicating 17082  
liquor not purchased from the division or from the holder of a 17083  
permit issued by the division authorizing the sale of such 17084  
intoxicating liquor unless the same has been purchased with the 17085  
special consent of the division. The division shall revoke the 17086  
permit of any person convicted of a violation of division (C) of 17087  
this section. 17088

(E) Division (C) of this section does not apply to either 17089  
of the following: 17090

(1) The sale or possession for sale of any low-alcohol 17091  
beverage; 17092

(2) Beer and intoxicating liquor that is given away if all 17093  
of the following apply: 17094

(a) The beer or intoxicating liquor is given away by a 17095  
charitable or political organization to a participant in a 17096  
fundraiser. 17097

(b) Any beer, wine, or mixed beverages given away via the 17098  
fundraiser is purchased from a person issued a permit under 17099  
Chapter 4303. of the Revised Code. 17100

(c) Any spirituous liquor given away via the fundraiser is 17101  
purchased from an agency store located in this state. 17102

(d) Regarding any spirituous liquor donated to the 17103

charitable or political organization for purposes of the 17104  
fundraiser, the donor is not an agency store located in this 17105  
state and submits to the charitable or political organization 17106  
receipts showing that the donor purchased the spirituous liquor 17107  
from an agency store located in this state. 17108

(e) The charitable or political organization submits 17109  
purchase receipts for the spirituous liquor given away via a 17110  
fundraiser to the division of liquor control as proof that the 17111  
spirituous liquor was purchased from an agency store located in 17112  
this state. The charitable or political organization shall 17113  
submit the receipts in accordance with procedures that the 17114  
division shall establish. 17115

**Sec. 4303.17.** (A) (1) Permit D-4 may be issued to a club 17116  
that has been in existence for three years or more prior to the 17117  
issuance of the permit to sell beer and any intoxicating liquor 17118  
to its members only, in glass or container, for consumption on 17119  
the premises where sold. The fee for this permit is four hundred 17120  
sixty-nine dollars. 17121

No D-4 permit shall be granted or retained until all 17122  
elected officers of the organization controlling the club have 17123  
filed with the division of liquor control a statement certifying 17124  
that the club is operated in the interest of the membership of a 17125  
reputable organization, which is maintained by a dues paying 17126  
membership, and setting forth the amount of initiation fee and 17127  
yearly dues. 17128

The roster of membership of a D-4 permit holder shall be 17129  
submitted at the request of the superintendent of liquor 17130  
control. Any information acquired by the superintendent or the 17131  
division with respect to that membership shall not be open to 17132  
public inspection or examination and may be divulged by the 17133

superintendent and the division only in hearings before the 17134  
liquor control commission or in a court action in which the 17135  
division or the superintendent is named a party. 17136

(2) The requirement that a club shall have been in 17137  
existence for three years in order to qualify for a D-4 permit 17138  
does not apply to units of organizations chartered by congress 17139  
or to a subsidiary unit of a national fraternal organization if 17140  
the parent organization has been in existence for three years or 17141  
more at the time application for a permit is made by that unit. 17142

(B) No rule or order of the division or commission shall 17143  
prohibit a charitable organization that holds a D-4 permit from 17144  
selling or serving beer or intoxicating liquor under its permit 17145  
in a portion of its premises merely because that portion of its 17146  
premises is used for the conduct of ~~a bingo game as described in~~ 17147  
~~division (O) (1) of section 2915.01 of the Revised Code.~~ As used 17148  
in this division, "bingo" and "charitable organization" ~~has~~ have 17149  
the same ~~meaning~~ meanings as in ~~division (H) of section 2915.01-~~ 17150  
3768.01 of the Revised Code. 17151

(C) Notwithstanding any contrary provision of sections 17152  
4301.32 to 4301.41, division (C) (1) of section 4303.29, and 17153  
section 4305.14 of the Revised Code, the holder of a D-4 permit 17154  
may transfer the location of the permit and sell beer and wine 17155  
at the new location if that location is in an election precinct 17156  
in which the sale of beer and wine, but not spirituous liquor, 17157  
otherwise is permitted by law. 17158

**Sec. 5701.11.** The effective date to which this section 17159  
refers is the effective date of this section as amended by H.B. 17160  
14 of the 136th general assembly. 17161

(A) (1) Except as provided under division (A) (2) or (B) of 17162

this section, any reference in Title LVII or section 149.311, 17163  
718.031, 3123.90, 3770.07, 3770.071, 3770.072, 3770.073, or 17164  
3772.37 of the Revised Code to the Internal Revenue Code, to the 17165  
Internal Revenue Code "as amended," to other laws of the United 17166  
States, or to other laws of the United States, "as amended," 17167  
means the Internal Revenue Code or other laws of the United 17168  
States as they exist on the effective date. 17169

(2) This section does not apply to any reference in Title 17170  
LVII of the Revised Code to the Internal Revenue Code as of a 17171  
date certain specifying the day, month, and year, or to other 17172  
laws of the United States as of a date certain specifying the 17173  
day, month, and year. 17174

(B) (1) For purposes of applying section 5733.04, 5745.01, 17175  
or 5747.01 of the Revised Code to a taxpayer's taxable year 17176  
ending after March 15, 2023, and before the effective date, a 17177  
taxpayer may irrevocably elect to incorporate the provisions of 17178  
the Internal Revenue Code or other laws of the United States 17179  
that are in effect for federal income tax purposes for that 17180  
taxable year if those provisions differ from the provisions 17181  
that, under division (A) of this section, would otherwise apply. 17182  
The filing by the taxpayer for that taxable year of a report or 17183  
return that incorporates the provisions of the Internal Revenue 17184  
Code or other laws of the United States applicable for federal 17185  
income tax purposes for that taxable year, and that does not 17186  
include any adjustments to reverse the effects of any 17187  
differences between those provisions and the provisions that 17188  
would otherwise apply, constitutes the making of an irrevocable 17189  
election under this division for that taxable year. 17190

(2) Elections under prior versions of division (B) (1) of 17191  
this section remain in effect for the taxable years to which 17192

they apply. 17193

**Sec. 5747.01.** Except as otherwise expressly provided or 17194  
clearly appearing from the context, any term used in this 17195  
chapter that is not otherwise defined in this section has the 17196  
same meaning as when used in a comparable context in the laws of 17197  
the United States relating to federal income taxes or if not 17198  
used in a comparable context in those laws, has the same meaning 17199  
as in section 5733.40 of the Revised Code. Any reference in this 17200  
chapter to the Internal Revenue Code includes other laws of the 17201  
United States relating to federal income taxes. 17202

As used in this chapter: 17203

(A) "Adjusted gross income" or "Ohio adjusted gross 17204  
income" means federal adjusted gross income, as defined and used 17205  
in the Internal Revenue Code, adjusted as provided in this 17206  
section: 17207

(1) Add interest or dividends on obligations or securities 17208  
of any state or of any political subdivision or authority of any 17209  
state, other than this state and its subdivisions and 17210  
authorities. 17211

(2) Add interest or dividends on obligations of any 17212  
authority, commission, instrumentality, territory, or possession 17213  
of the United States to the extent that the interest or 17214  
dividends are exempt from federal income taxes but not from 17215  
state income taxes. 17216

(3) Deduct interest or dividends on obligations of the 17217  
United States and its territories and possessions or of any 17218  
authority, commission, or instrumentality of the United States 17219  
to the extent that the interest or dividends are included in 17220  
federal adjusted gross income but exempt from state income taxes 17221

under the laws of the United States. 17222

(4) Deduct disability and survivor's benefits to the 17223  
extent included in federal adjusted gross income. 17224

(5) Deduct the following, to the extent not otherwise 17225  
deducted or excluded in computing federal or Ohio adjusted gross 17226  
income: 17227

(a) Benefits under Title II of the Social Security Act and 17228  
tier 1 railroad retirement; 17229

(b) Railroad retirement benefits, other than tier 1 17230  
railroad retirement benefits, to the extent such amounts are 17231  
exempt from state taxation under federal law. 17232

(6) Deduct the amount of wages and salaries, if any, not 17233  
otherwise allowable as a deduction but that would have been 17234  
allowable as a deduction in computing federal adjusted gross 17235  
income for the taxable year, had the work opportunity tax credit 17236  
allowed and determined under sections 38, 51, and 52 of the 17237  
Internal Revenue Code not been in effect. 17238

(7) Deduct any interest or interest equivalent on public 17239  
obligations and purchase obligations to the extent that the 17240  
interest or interest equivalent is included in federal adjusted 17241  
gross income. 17242

(8) Add any loss or deduct any gain resulting from the 17243  
sale, exchange, or other disposition of public obligations to 17244  
the extent that the loss has been deducted or the gain has been 17245  
included in computing federal adjusted gross income. 17246

(9) Deduct or add amounts, as provided under section 17247  
5747.70 of the Revised Code, related to contributions made to or 17248  
tuition units purchased under a qualified tuition program 17249



established pursuant to section 529 of the Internal Revenue Code. 17250  
17251

(10) (a) Deduct, to the extent not otherwise allowable as a 17252  
deduction or exclusion in computing federal or Ohio adjusted 17253  
gross income for the taxable year, the amount the taxpayer paid 17254  
during the taxable year for medical care insurance and qualified 17255  
long-term care insurance for the taxpayer, the taxpayer's 17256  
spouse, and dependents. No deduction for medical care insurance 17257  
under division (A) (10) (a) of this section shall be allowed 17258  
either to any taxpayer who is eligible to participate in any 17259  
subsidized health plan maintained by any employer of the 17260  
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 17261  
entitled to, or on application would be entitled to, benefits 17262  
under part A of Title XVIII of the "Social Security Act," 49 17263  
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 17264  
division (A) (10) (a) of this section, "subsidized health plan" 17265  
means a health plan for which the employer pays any portion of 17266  
the plan's cost. The deduction allowed under division (A) (10) (a) 17267  
of this section shall be the net of any related premium refunds, 17268  
related premium reimbursements, or related insurance premium 17269  
dividends received during the taxable year. 17270

(b) Deduct, to the extent not otherwise deducted or 17271  
excluded in computing federal or Ohio adjusted gross income 17272  
during the taxable year, the amount the taxpayer paid during the 17273  
taxable year, not compensated for by any insurance or otherwise, 17274  
for medical care of the taxpayer, the taxpayer's spouse, and 17275  
dependents, to the extent the expenses exceed seven and one-half 17276  
per cent of the taxpayer's federal adjusted gross income. 17277

(c) For purposes of division (A) (10) of this section, 17278  
"medical care" has the meaning given in section 213 of the 17279

Internal Revenue Code, subject to the special rules, 17280  
limitations, and exclusions set forth therein, and "qualified 17281  
long-term care" has the same meaning given in section 7702B(c) 17282  
of the Internal Revenue Code. Solely for purposes of division 17283  
(A)(10)(a) of this section, "dependent" includes a person who 17284  
otherwise would be a "qualifying relative" and thus a 17285  
"dependent" under section 152 of the Internal Revenue Code but 17286  
for the fact that the person fails to meet the income and 17287  
support limitations under section 152(d)(1)(B) and (C) of the 17288  
Internal Revenue Code. 17289

(11)(a) Deduct any amount included in federal adjusted 17290  
gross income solely because the amount represents a 17291  
reimbursement or refund of expenses that in any year the 17292  
taxpayer had deducted as an itemized deduction pursuant to 17293  
section 63 of the Internal Revenue Code and applicable United 17294  
States department of the treasury regulations. The deduction 17295  
otherwise allowed under division (A)(11)(a) of this section 17296  
shall be reduced to the extent the reimbursement is attributable 17297  
to an amount the taxpayer deducted under this section in any 17298  
taxable year. 17299

(b) Add any amount not otherwise included in Ohio adjusted 17300  
gross income for any taxable year to the extent that the amount 17301  
is attributable to the recovery during the taxable year of any 17302  
amount deducted or excluded in computing federal or Ohio 17303  
adjusted gross income in any taxable year. 17304

(12) Deduct any portion of the deduction described in 17305  
section 1341(a)(2) of the Internal Revenue Code, for repaying 17306  
previously reported income received under a claim of right, that 17307  
meets both of the following requirements: 17308

(a) It is allowable for repayment of an item that was 17309

included in the taxpayer's adjusted gross income for a prior 17310  
taxable year and did not qualify for a credit under division (A) 17311  
or (B) of section 5747.05 of the Revised Code for that year; 17312

(b) It does not otherwise reduce the taxpayer's adjusted 17313  
gross income for the current or any other taxable year. 17314

(13) Deduct an amount equal to the deposits made to, and 17315  
net investment earnings of, a medical savings account during the 17316  
taxable year, in accordance with section 3924.66 of the Revised 17317  
Code. The deduction allowed by division (A) (13) of this section 17318  
does not apply to medical savings account deposits and earnings 17319  
otherwise deducted or excluded for the current or any other 17320  
taxable year from the taxpayer's federal adjusted gross income. 17321

(14) (a) Add an amount equal to the funds withdrawn from a 17322  
medical savings account during the taxable year, and the net 17323  
investment earnings on those funds, when the funds withdrawn 17324  
were used for any purpose other than to reimburse an account 17325  
holder for, or to pay, eligible medical expenses, in accordance 17326  
with section 3924.66 of the Revised Code; 17327

(b) Add the amounts distributed from a medical savings 17328  
account under division (A) (2) of section 3924.68 of the Revised 17329  
Code during the taxable year. 17330

(15) Add any amount claimed as a credit under section 17331  
5747.059 of the Revised Code to the extent that such amount 17332  
satisfies either of the following: 17333

(a) The amount was deducted or excluded from the 17334  
computation of the taxpayer's federal adjusted gross income as 17335  
required to be reported for the taxpayer's taxable year under 17336  
the Internal Revenue Code; 17337

(b) The amount resulted in a reduction of the taxpayer's 17338

federal adjusted gross income as required to be reported for any 17339  
of the taxpayer's taxable years under the Internal Revenue Code. 17340

(16) Deduct the amount contributed by the taxpayer to an 17341  
individual development account program established by a county 17342  
department of job and family services pursuant to sections 17343  
329.11 to 329.14 of the Revised Code for the purpose of matching 17344  
funds deposited by program participants. On request of the tax 17345  
commissioner, the taxpayer shall provide any information that, 17346  
in the tax commissioner's opinion, is necessary to establish the 17347  
amount deducted under division (A) (16) of this section. 17348

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 17349  
(v) of this section, add five-sixths of the amount of 17350  
depreciation expense allowed by subsection (k) of section 168 of 17351  
the Internal Revenue Code, including the taxpayer's 17352  
proportionate or distributive share of the amount of 17353  
depreciation expense allowed by that subsection to a pass- 17354  
through entity in which the taxpayer has a direct or indirect 17355  
ownership interest. 17356

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 17357  
of this section, add five-sixths of the amount of qualifying 17358  
section 179 depreciation expense, including the taxpayer's 17359  
proportionate or distributive share of the amount of qualifying 17360  
section 179 depreciation expense allowed to any pass-through 17361  
entity in which the taxpayer has a direct or indirect ownership 17362  
interest. 17363

(iii) Subject to division (A) (17) (a) (v) of this section, 17364  
for taxable years beginning in 2012 or thereafter, if the 17365  
increase in income taxes withheld by the taxpayer is equal to or 17366  
greater than ten per cent of income taxes withheld by the 17367  
taxpayer during the taxpayer's immediately preceding taxable 17368

year, "two-thirds" shall be substituted for "five-sixths" for 17369  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 17370

(iv) Subject to division (A) (17) (a) (v) of this section, 17371  
for taxable years beginning in 2012 or thereafter, a taxpayer is 17372  
not required to add an amount under division (A) (17) of this 17373  
section if the increase in income taxes withheld by the taxpayer 17374  
and by any pass-through entity in which the taxpayer has a 17375  
direct or indirect ownership interest is equal to or greater 17376  
than the sum of (I) the amount of qualifying section 179 17377  
depreciation expense and (II) the amount of depreciation expense 17378  
allowed to the taxpayer by subsection (k) of section 168 of the 17379  
Internal Revenue Code, and including the taxpayer's 17380  
proportionate or distributive shares of such amounts allowed to 17381  
any such pass-through entities. 17382

(v) If a taxpayer directly or indirectly incurs a net 17383  
operating loss for the taxable year for federal income tax 17384  
purposes, to the extent such loss resulted from depreciation 17385  
expense allowed by subsection (k) of section 168 of the Internal 17386  
Revenue Code and by qualifying section 179 depreciation expense, 17387  
"the entire" shall be substituted for "five-sixths of the" for 17388  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 17389

The tax commissioner, under procedures established by the 17390  
commissioner, may waive the add-backs related to a pass-through 17391  
entity if the taxpayer owns, directly or indirectly, less than 17392  
five per cent of the pass-through entity. 17393

(b) Nothing in division (A) (17) of this section shall be 17394  
construed to adjust or modify the adjusted basis of any asset. 17395

(c) To the extent the add-back required under division (A) 17396  
(17) (a) of this section is attributable to property generating 17397

nonbusiness income or loss allocated under section 5747.20 of 17398  
the Revised Code, the add-back shall be sitused to the same 17399  
location as the nonbusiness income or loss generated by the 17400  
property for the purpose of determining the credit under 17401  
division (A) of section 5747.05 of the Revised Code. Otherwise, 17402  
the add-back shall be apportioned, subject to one or more of the 17403  
four alternative methods of apportionment enumerated in section 17404  
5747.21 of the Revised Code. 17405

(d) For the purposes of division (A) (17) (a) (v) of this 17406  
section, net operating loss carryback and carryforward shall not 17407  
include the allowance of any net operating loss deduction 17408  
carryback or carryforward to the taxable year to the extent such 17409  
loss resulted from depreciation allowed by section 168(k) of the 17410  
Internal Revenue Code and by the qualifying section 179 17411  
depreciation expense amount. 17412

(e) For the purposes of divisions (A) (17) and (18) of this 17413  
section: 17414

(i) "Income taxes withheld" means the total amount 17415  
withheld and remitted under sections 5747.06 and 5747.07 of the 17416  
Revised Code by an employer during the employer's taxable year. 17417

(ii) "Increase in income taxes withheld" means the amount 17418  
by which the amount of income taxes withheld by an employer 17419  
during the employer's current taxable year exceeds the amount of 17420  
income taxes withheld by that employer during the employer's 17421  
immediately preceding taxable year. 17422

(iii) "Qualifying section 179 depreciation expense" means 17423  
the difference between (I) the amount of depreciation expense 17424  
directly or indirectly allowed to a taxpayer under section 179 17425  
of the Internal Revised Code, and (II) the amount of 17426

depreciation expense directly or indirectly allowed to the 17427  
taxpayer under section 179 of the Internal Revenue Code as that 17428  
section existed on December 31, 2002. 17429

(18) (a) If the taxpayer was required to add an amount 17430  
under division (A) (17) (a) of this section for a taxable year, 17431  
deduct one of the following: 17432

(i) One-fifth of the amount so added for each of the five 17433  
succeeding taxable years if the amount so added was five-sixths 17434  
of qualifying section 179 depreciation expense or depreciation 17435  
expense allowed by subsection (k) of section 168 of the Internal 17436  
Revenue Code; 17437

(ii) One-half of the amount so added for each of the two 17438  
succeeding taxable years if the amount so added was two-thirds 17439  
of such depreciation expense; 17440

(iii) One-sixth of the amount so added for each of the six 17441  
succeeding taxable years if the entire amount of such 17442  
depreciation expense was so added. 17443

(b) If the amount deducted under division (A) (18) (a) of 17444  
this section is attributable to an add-back allocated under 17445  
division (A) (17) (c) of this section, the amount deducted shall 17446  
be situated to the same location. Otherwise, the add-back shall 17447  
be apportioned using the apportionment factors for the taxable 17448  
year in which the deduction is taken, subject to one or more of 17449  
the four alternative methods of apportionment enumerated in 17450  
section 5747.21 of the Revised Code. 17451

(c) No deduction is available under division (A) (18) (a) of 17452  
this section with regard to any depreciation allowed by section 17453  
168(k) of the Internal Revenue Code and by the qualifying 17454  
section 179 depreciation expense amount to the extent that such 17455

depreciation results in or increases a federal net operating 17456  
loss carryback or carryforward. If no such deduction is 17457  
available for a taxable year, the taxpayer may carry forward the 17458  
amount not deducted in such taxable year to the next taxable 17459  
year and add that amount to any deduction otherwise available 17460  
under division (A) (18) (a) of this section for that next taxable 17461  
year. The carryforward of amounts not so deducted shall continue 17462  
until the entire addition required by division (A) (17) (a) of 17463  
this section has been deducted. 17464

(19) Deduct, to the extent not otherwise deducted or 17465  
excluded in computing federal or Ohio adjusted gross income for 17466  
the taxable year, the amount the taxpayer received during the 17467  
taxable year as reimbursement for life insurance premiums under 17468  
section 5919.31 of the Revised Code. 17469

(20) Deduct, to the extent not otherwise deducted or 17470  
excluded in computing federal or Ohio adjusted gross income for 17471  
the taxable year, the amount the taxpayer received during the 17472  
taxable year as a death benefit paid by the adjutant general 17473  
under section 5919.33 of the Revised Code. 17474

(21) Deduct, to the extent included in federal adjusted 17475  
gross income and not otherwise allowable as a deduction or 17476  
exclusion in computing federal or Ohio adjusted gross income for 17477  
the taxable year, military pay and allowances received by the 17478  
taxpayer during the taxable year for active duty service in the 17479  
United States army, air force, navy, marine corps, or coast 17480  
guard or reserve components thereof or the national guard. The 17481  
deduction may not be claimed for military pay and allowances 17482  
received by the taxpayer while the taxpayer is stationed in this 17483  
state. 17484

(22) Deduct, to the extent not otherwise allowable as a 17485



deduction or exclusion in computing federal or Ohio adjusted 17486  
gross income for the taxable year and not otherwise compensated 17487  
for by any other source, the amount of qualified organ donation 17488  
expenses incurred by the taxpayer during the taxable year, not 17489  
to exceed ten thousand dollars. A taxpayer may deduct qualified 17490  
organ donation expenses only once for all taxable years 17491  
beginning with taxable years beginning in 2007. 17492

For the purposes of division (A) (22) of this section: 17493

(a) "Human organ" means all or any portion of a human 17494  
liver, pancreas, kidney, intestine, or lung, and any portion of 17495  
human bone marrow. 17496

(b) "Qualified organ donation expenses" means travel 17497  
expenses, lodging expenses, and wages and salary forgone by a 17498  
taxpayer in connection with the taxpayer's donation, while 17499  
living, of one or more of the taxpayer's human organs to another 17500  
human being. 17501

(23) Deduct, to the extent not otherwise deducted or 17502  
excluded in computing federal or Ohio adjusted gross income for 17503  
the taxable year, amounts received by the taxpayer as retired 17504  
personnel pay for service in the uniformed services or reserve 17505  
components thereof, or the national guard, or received by the 17506  
surviving spouse or former spouse of such a taxpayer under the 17507  
survivor benefit plan on account of such a taxpayer's death. If 17508  
the taxpayer receives income on account of retirement paid under 17509  
the federal civil service retirement system or federal employees 17510  
retirement system, or under any successor retirement program 17511  
enacted by the congress of the United States that is established 17512  
and maintained for retired employees of the United States 17513  
government, and such retirement income is based, in whole or in 17514  
part, on credit for the taxpayer's uniformed service, the 17515

deduction allowed under this division shall include only that 17516  
portion of such retirement income that is attributable to the 17517  
taxpayer's uniformed service, to the extent that portion of such 17518  
retirement income is otherwise included in federal adjusted 17519  
gross income and is not otherwise deducted under this section. 17520  
Any amount deducted under division (A) (23) of this section is 17521  
not included in a taxpayer's adjusted gross income for the 17522  
purposes of section 5747.055 of the Revised Code. No amount may 17523  
be deducted under division (A) (23) of this section on the basis 17524  
of which a credit was claimed under section 5747.055 of the 17525  
Revised Code. 17526

(24) Deduct, to the extent not otherwise deducted or 17527  
excluded in computing federal or Ohio adjusted gross income for 17528  
the taxable year, the amount the taxpayer received during the 17529  
taxable year from the military injury relief fund created in 17530  
section 5902.05 of the Revised Code. 17531

(25) Deduct, to the extent not otherwise deducted or 17532  
excluded in computing federal or Ohio adjusted gross income for 17533  
the taxable year, the amount the taxpayer received as a veterans 17534  
bonus during the taxable year from the Ohio department of 17535  
veterans services as authorized by Section 2r of Article VIII, 17536  
Ohio Constitution. 17537

(26) Deduct, to the extent not otherwise deducted or 17538  
excluded in computing federal or Ohio adjusted gross income for 17539  
the taxable year, any income derived from a transfer agreement 17540  
or from the enterprise transferred under that agreement under 17541  
section 4313.02 of the Revised Code. 17542

(27) Deduct, to the extent not otherwise deducted or 17543  
excluded in computing federal or Ohio adjusted gross income for 17544  
the taxable year, Ohio college opportunity or federal Pell grant 17545

amounts received by the taxpayer or the taxpayer's spouse or 17546  
dependent pursuant to section 3333.122 of the Revised Code or 20 17547  
U.S.C. 1070a, et seq., and used to pay room or board furnished 17548  
by the educational institution for which the grant was awarded 17549  
at the institution's facilities, including meal plans 17550  
administered by the institution. For the purposes of this 17551  
division, receipt of a grant includes the distribution of a 17552  
grant directly to an educational institution and the crediting 17553  
of the grant to the enrollee's account with the institution. 17554

(28) Deduct from the portion of an individual's federal 17555  
adjusted gross income that is business income, to the extent not 17556  
otherwise deducted or excluded in computing federal adjusted 17557  
gross income for the taxable year, one hundred twenty-five 17558  
thousand dollars for each spouse if spouses file separate 17559  
returns under section 5747.08 of the Revised Code or two hundred 17560  
fifty thousand dollars for all other individuals. 17561

(29) Deduct, as provided under section 5747.78 of the 17562  
Revised Code, contributions to ABLE savings accounts made in 17563  
accordance with sections 113.50 to 113.56 of the Revised Code. 17564

(30) (a) Deduct, to the extent not otherwise deducted or 17565  
excluded in computing federal or Ohio adjusted gross income 17566  
during the taxable year, all of the following: 17567

(i) Compensation paid to a qualifying employee described 17568  
in division (A) (14) (a) of section 5703.94 of the Revised Code to 17569  
the extent such compensation is for disaster work conducted in 17570  
this state during a disaster response period pursuant to a 17571  
qualifying solicitation received by the employee's employer; 17572

(ii) Compensation paid to a qualifying employee described 17573  
in division (A) (14) (b) of section 5703.94 of the Revised Code to 17574

the extent such compensation is for disaster work conducted in 17575  
this state by the employee during the disaster response period 17576  
on critical infrastructure owned or used by the employee's 17577  
employer; 17578

(iii) Income received by an out-of-state disaster business 17579  
for disaster work conducted in this state during a disaster 17580  
response period, or, if the out-of-state disaster business is a 17581  
pass-through entity, a taxpayer's distributive share of the 17582  
pass-through entity's income from the business conducting 17583  
disaster work in this state during a disaster response period, 17584  
if, in either case, the disaster work is conducted pursuant to a 17585  
qualifying solicitation received by the business. 17586

(b) All terms used in division (A) (30) of this section 17587  
have the same meanings as in section 5703.94 of the Revised 17588  
Code. 17589

(31) For a taxpayer who is a qualifying Ohio educator, 17590  
deduct, to the extent not otherwise deducted or excluded in 17591  
computing federal or Ohio adjusted gross income for the taxable 17592  
year, the lesser of two hundred fifty dollars or the amount of 17593  
expenses described in subsections (a) (2) (D) (i) and (ii) of 17594  
section 62 of the Internal Revenue Code paid or incurred by the 17595  
taxpayer during the taxpayer's taxable year in excess of the 17596  
amount the taxpayer is authorized to deduct for that taxable 17597  
year under subsection (a) (2) (D) of that section. 17598

(32) Deduct, to the extent not otherwise deducted or 17599  
excluded in computing federal or Ohio adjusted gross income for 17600  
the taxable year, amounts received by the taxpayer as a 17601  
disability severance payment, computed under 10 U.S.C. 1212, 17602  
following discharge or release under honorable conditions from 17603  
the armed forces of the United States, as defined in section 17604

5907.01 of the Revised Code. 17605

(33) Deduct, to the extent not otherwise deducted or 17606  
excluded in computing federal adjusted gross income or Ohio 17607  
adjusted gross income, amounts not subject to tax due to an 17608  
agreement entered into under division (A) (2) of section 5747.05 17609  
of the Revised Code. 17610

(34) Deduct amounts as provided under section 5747.79 of 17611  
the Revised Code related to the taxpayer's qualifying capital 17612  
gains and deductible payroll. 17613

To the extent a qualifying capital gain described under 17614  
division (A) (34) of this section is business income, the 17615  
taxpayer shall deduct those gains under this division before 17616  
deducting any such gains under division (A) (28) of this section. 17617

(35) (a) For taxable years beginning in or after 2026, 17618  
deduct, to the extent not otherwise deducted or excluded in 17619  
computing federal or Ohio adjusted gross income for the taxable 17620  
year: 17621

(i) One hundred per cent of the capital gain received by 17622  
the taxpayer in the taxable year from a qualifying interest in 17623  
an Ohio venture capital operating company attributable to the 17624  
company's investments in Ohio businesses during the period for 17625  
which the company was an Ohio venture operating company; and 17626

(ii) Fifty per cent of the capital gain received by the 17627  
taxpayer in the taxable year from a qualifying interest in an 17628  
Ohio venture capital operating company attributable to the 17629  
company's investments in all other businesses during the period 17630  
for which the company was an Ohio venture operating company. 17631

(b) Add amounts previously deducted by the taxpayer under 17632  
division (A) (35) (a) of this section if the director of 17633

development certifies to the tax commissioner that the 17634  
requirements for the deduction were not met. 17635

(c) All terms used in division (A) (35) of this section 17636  
have the same meanings as in section 122.851 of the Revised 17637  
Code. 17638

(d) To the extent a capital gain described in division (A) 17639  
(35) (a) of this section is business income, the taxpayer shall 17640  
apply that division before applying division (A) (28) of this 17641  
section. 17642

(36) Add, to the extent not otherwise included in 17643  
computing federal or Ohio adjusted gross income for any taxable 17644  
year, the taxpayer's proportionate share of the amount of the 17645  
tax levied under section 5747.38 of the Revised Code and paid by 17646  
an electing pass-through entity for the taxable year. 17647

Notwithstanding any provision of the Revised Code to the 17648  
contrary, the portion of the addition required by division (A) 17649  
(36) of this section related to the apportioned business income 17650  
of the pass-through entity shall be considered business income 17651  
under division (B) of this section. Such addition is eligible 17652  
for the deduction in division (A) (28) of this section, subject 17653  
to the applicable dollar limitations, and the tax rate 17654  
prescribed by division (A) (4) (a) of section 5747.02 of the 17655  
Revised Code. The taxpayer shall provide, upon request of the 17656  
tax commissioner, any documentation necessary to verify the 17657  
portion of the addition that is business income under this 17658  
division. 17659

(37) Deduct, to the extent not otherwise deducted or 17660  
excluded in computing federal or Ohio adjusted gross income for 17661  
the taxable year, amounts delivered to a qualifying institution 17662

pursuant to section 3333.128 of the Revised Code for the benefit 17663  
of the taxpayer or the taxpayer's spouse or dependent. 17664

(38) Deduct, to the extent not otherwise deducted or 17665  
excluded in computing federal or Ohio adjusted gross income for 17666  
the taxable year, amounts received under the Ohio adoption grant 17667  
program pursuant to section 5101.191 of the Revised Code. 17668

(39) Deduct, to the extent included in federal adjusted 17669  
gross income, income attributable to amounts provided to a 17670  
taxpayer for any of the purposes for which an exclusion would 17671  
have been authorized under section 139 of the Internal Revenue 17672  
Code if the train derailment near the city of East Palestine on 17673  
February 3, 2023, had been a qualified disaster pursuant to that 17674  
section, or to compensate for lost business resulting from that 17675  
derailment, if such amounts are provided by any of the 17676  
following: 17677

(a) A federal, state, or local government agency; 17678

(b) A railroad company, as that term is defined in section 17679  
5727.01 of the Revised Code; 17680

(c) Any subsidiary, insurer, or agent of a railroad 17681  
company or any related person. 17682

Notwithstanding any provision to the contrary, the 17683  
derailment is not required to meet the definition of a 17684  
"qualified disaster" pursuant to section 139 of the Internal 17685  
Revenue Code to qualify for the deduction under this section. 17686

(40) Deduct, to the extent included in federal adjusted 17687  
gross income, income attributable to loan repayments on behalf 17688  
of the taxpayer under the rural practice incentive program under 17689  
section 3333.135 of the Revised Code. 17690

(41) Add any income taxes deducted in computing federal or 17691  
Ohio adjusted gross income to the extent the income taxes were 17692  
derived from income subject to a tax levied in another state or 17693  
the District of Columbia when such tax was enacted for purposes 17694  
of complying with internal revenue service notice 2020-75. 17695

Notwithstanding any provision of the Revised Code to the 17696  
contrary, the portion of the addition required by division (A) 17697  
(41) of this section related to the apportioned business income 17698  
of the pass-through entity shall be considered business income 17699  
under division (B) of this section. Such addition is eligible 17700  
for the deduction in division (A) (28) of this section, subject 17701  
to the applicable dollar limitations, and the tax rate 17702  
prescribed by division (A) (4) (a) of section 5747.02 of the 17703  
Revised Code. The taxpayer shall provide, upon request of the 17704  
tax commissioner, any documentation necessary to verify the 17705  
portion of the addition that is business income under this 17706  
division. 17707

(42) Deduct amounts contributed to a homeownership savings 17708  
account and calculated pursuant to divisions (B) and (C) of 17709  
section 5747.85 of the Revised Code. 17710

(43) If the taxpayer is the account owner, add the amount 17711  
of funds withdrawn from a homeownership savings account not used 17712  
for eligible expenses, regardless of who deposited those funds. 17713  
As used in division (A) (43) of this section, "homeownership 17714  
savings account," "account owner," and "eligible expenses" have 17715  
the same meanings as in section 5747.85 of the Revised Code. 17716

(B) "Business income" means income, including gain or 17717  
loss, arising from transactions, activities, and sources in the 17718  
regular course of a trade or business and includes income, gain, 17719  
or loss from real property, tangible property, and intangible 17720



property if the acquisition, rental, management, and disposition 17721  
of the property constitute integral parts of the regular course 17722  
of a trade or business operation. "Business income" includes 17723  
income, including gain or loss, from a partial or complete 17724  
liquidation of a business, including, but not limited to, gain 17725  
or loss from the sale or other disposition of goodwill or the 17726  
sale of an equity or ownership interest in a business. 17727

As used in this division, the "sale of an equity or 17728  
ownership interest in a business" means sales to which either or 17729  
both of the following apply: 17730

(1) The sale is treated for federal income tax purposes as 17731  
the sale of assets. 17732

(2) The seller materially participated, as described in 26 17733  
C.F.R. 1.469-5T, in the activities of the business during the 17734  
taxable year in which the sale occurs or during any of the five 17735  
preceding taxable years. 17736

(C) "Nonbusiness income" means all income other than 17737  
business income and may include, but is not limited to, 17738  
compensation, rents and royalties from real or tangible personal 17739  
property, capital gains, interest, dividends and distributions, 17740  
patent or copyright royalties, or lottery winnings, prizes, and 17741  
awards. 17742

(D) "Compensation" means any form of remuneration paid to 17743  
an employee for personal services. 17744

(E) "Fiduciary" means a guardian, trustee, executor, 17745  
administrator, receiver, conservator, or any other person acting 17746  
in any fiduciary capacity for any individual, trust, or estate. 17747

(F) "Fiscal year" means an accounting period of twelve 17748  
months ending on the last day of any month other than December. 17749

(G) "Individual" means any natural person.	17750
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	17751 17752
(I) "Resident" means any of the following:	17753
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	17754 17755
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I) (2) of this section.	17756 17757 17758 17759
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	17760 17761 17762
For the purposes of division (I) (3) of this section:	17763
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I) (3) (d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	17764 17765 17766 17767 17768 17769
(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I) (3) (e) (i) or (ii) of this section;	17770 17771 17772 17773
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this	17774 17775 17776 17777

state for the purposes of this chapter during all or some 17778  
portion of the trust's current taxable year; 17779

(iii) A person who was domiciled in this state for the 17780  
purposes of this chapter when the trust document or instrument 17781  
or part of the trust document or instrument became irrevocable, 17782  
but only if at least one of the trust's qualifying beneficiaries 17783  
is a resident domiciled in this state for the purposes of this 17784  
chapter during all or some portion of the trust's current 17785  
taxable year. If a trust document or instrument became 17786  
irrevocable upon the death of a person who at the time of death 17787  
was domiciled in this state for purposes of this chapter, that 17788  
person is a person described in division (I) (3) (a) (iii) of this 17789  
section. 17790

(b) A trust is irrevocable to the extent that the 17791  
transferor is not considered to be the owner of the net assets 17792  
of the trust under sections 671 to 678 of the Internal Revenue 17793  
Code. 17794

(c) With respect to a trust other than a charitable lead 17795  
trust, "qualifying beneficiary" has the same meaning as 17796  
"potential current beneficiary" as defined in section 1361(e) (2) 17797  
of the Internal Revenue Code, and with respect to a charitable 17798  
lead trust "qualifying beneficiary" is any current, future, or 17799  
contingent beneficiary, but with respect to any trust 17800  
"qualifying beneficiary" excludes a person or a governmental 17801  
entity or instrumentality to any of which a contribution would 17802  
qualify for the charitable deduction under section 170 of the 17803  
Internal Revenue Code. 17804

(d) For the purposes of division (I) (3) (a) of this 17805  
section, the extent to which a trust consists directly or 17806  
indirectly, in whole or in part, of assets, net of any related 17807

liabilities, that were transferred directly or indirectly, in 17808  
whole or part, to the trust by any of the sources enumerated in 17809  
that division shall be ascertained by multiplying the fair 17810  
market value of the trust's assets, net of related liabilities, 17811  
by the qualifying ratio, which shall be computed as follows: 17812

(i) The first time the trust receives assets, the 17813  
numerator of the qualifying ratio is the fair market value of 17814  
those assets at that time, net of any related liabilities, from 17815  
sources enumerated in division (I) (3) (a) of this section. The 17816  
denominator of the qualifying ratio is the fair market value of 17817  
all the trust's assets at that time, net of any related 17818  
liabilities. 17819

(ii) Each subsequent time the trust receives assets, a 17820  
revised qualifying ratio shall be computed. The numerator of the 17821  
revised qualifying ratio is the sum of (1) the fair market value 17822  
of the trust's assets immediately prior to the subsequent 17823  
transfer, net of any related liabilities, multiplied by the 17824  
qualifying ratio last computed without regard to the subsequent 17825  
transfer, and (2) the fair market value of the subsequently 17826  
transferred assets at the time transferred, net of any related 17827  
liabilities, from sources enumerated in division (I) (3) (a) of 17828  
this section. The denominator of the revised qualifying ratio is 17829  
the fair market value of all the trust's assets immediately 17830  
after the subsequent transfer, net of any related liabilities. 17831

(iii) Whether a transfer to the trust is by or from any of 17832  
the sources enumerated in division (I) (3) (a) of this section 17833  
shall be ascertained without regard to the domicile of the 17834  
trust's beneficiaries. 17835

(e) For the purposes of division (I) (3) (a) (i) of this 17836  
section: 17837

(i) A trust is described in division (I) (3) (e) (i) of this 17838  
section if the trust is a testamentary trust and the testator of 17839  
that testamentary trust was domiciled in this state at the time 17840  
of the testator's death for purposes of the taxes levied under 17841  
Chapter 5731. of the Revised Code. 17842

(ii) A trust is described in division (I) (3) (e) (ii) of 17843  
this section if the transfer is a qualifying transfer described 17844  
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 17845  
trust is an irrevocable inter vivos trust, and at least one of 17846  
the trust's qualifying beneficiaries is domiciled in this state 17847  
for purposes of this chapter during all or some portion of the 17848  
trust's current taxable year. 17849

(f) For the purposes of division (I) (3) (e) (ii) of this 17850  
section, a "qualifying transfer" is a transfer of assets, net of 17851  
any related liabilities, directly or indirectly to a trust, if 17852  
the transfer is described in any of the following: 17853

(i) The transfer is made to a trust, created by the 17854  
decedent before the decedent's death and while the decedent was 17855  
domiciled in this state for the purposes of this chapter, and, 17856  
prior to the death of the decedent, the trust became irrevocable 17857  
while the decedent was domiciled in this state for the purposes 17858  
of this chapter. 17859

(ii) The transfer is made to a trust to which the 17860  
decedent, prior to the decedent's death, had directly or 17861  
indirectly transferred assets, net of any related liabilities, 17862  
while the decedent was domiciled in this state for the purposes 17863  
of this chapter, and prior to the death of the decedent the 17864  
trust became irrevocable while the decedent was domiciled in 17865  
this state for the purposes of this chapter. 17866

(iii) The transfer is made on account of a contractual 17867  
relationship existing directly or indirectly between the 17868  
transferor and either the decedent or the estate of the decedent 17869  
at any time prior to the date of the decedent's death, and the 17870  
decedent was domiciled in this state at the time of death for 17871  
purposes of the taxes levied under Chapter 5731. of the Revised 17872  
Code. 17873

(iv) The transfer is made to a trust on account of a 17874  
contractual relationship existing directly or indirectly between 17875  
the transferor and another person who at the time of the 17876  
decedent's death was domiciled in this state for purposes of 17877  
this chapter. 17878

(v) The transfer is made to a trust on account of the will 17879  
of a testator who was domiciled in this state at the time of the 17880  
testator's death for purposes of the taxes levied under Chapter 17881  
5731. of the Revised Code. 17882

(vi) The transfer is made to a trust created by or caused 17883  
to be created by a court, and the trust was directly or 17884  
indirectly created in connection with or as a result of the 17885  
death of an individual who, for purposes of the taxes levied 17886  
under Chapter 5731. of the Revised Code, was domiciled in this 17887  
state at the time of the individual's death. 17888

(g) The tax commissioner may adopt rules to ascertain the 17889  
part of a trust residing in this state. 17890

(J) "Nonresident" means an individual or estate that is 17891  
not a resident. An individual who is a resident for only part of 17892  
a taxable year is a nonresident for the remainder of that 17893  
taxable year. 17894

(K) "Pass-through entity" has the same meaning as in 17895

section 5733.04 of the Revised Code. 17896

(L) "Return" means the notifications and reports required 17897  
to be filed pursuant to this chapter for the purpose of 17898  
reporting the tax due and includes declarations of estimated tax 17899  
when so required. 17900

(M) "Taxable year" means the calendar year or the 17901  
taxpayer's fiscal year ending during the calendar year, or 17902  
fractional part thereof, upon which the adjusted gross income is 17903  
calculated pursuant to this chapter. 17904

(N) "Taxpayer" means any person subject to the tax imposed 17905  
by section 5747.02 of the Revised Code or any pass-through 17906  
entity that makes the election under division (D) of section 17907  
5747.08 of the Revised Code. 17908

(O) "Dependents" means one of the following: 17909

(1) For taxable years beginning on or after January 1, 17910  
2018, and before January 1, 2026, dependents as defined in the 17911  
Internal Revenue Code; 17912

(2) For all other taxable years, dependents as defined in 17913  
the Internal Revenue Code and as claimed in the taxpayer's 17914  
federal income tax return for the taxable year or which the 17915  
taxpayer would have been permitted to claim had the taxpayer 17916  
filed a federal income tax return. 17917

(P) "Principal county of employment" means, in the case of 17918  
a nonresident, the county within the state in which a taxpayer 17919  
performs services for an employer or, if those services are 17920  
performed in more than one county, the county in which the major 17921  
portion of the services are performed. 17922

(Q) As used in sections 5747.50 to 5747.55 of the Revised 17923

Code: 17924

(1) "Subdivision" means any county, municipal corporation,  
park district, or township. 17925  
17926

(2) "Essential local government purposes" includes all 17927  
functions that any subdivision is required by general law to 17928  
exercise, including like functions that are exercised under a 17929  
charter adopted pursuant to the Ohio Constitution. 17930

(R) "Overpayment" means any amount already paid that 17931  
exceeds the figure determined to be the correct amount of the 17932  
tax. 17933

(S) "Taxable income" or "Ohio taxable income" applies only 17934  
to estates and trusts, and means federal taxable income, as 17935  
defined and used in the Internal Revenue Code, adjusted as 17936  
follows: 17937

(1) Add interest or dividends, net of ordinary, necessary, 17938  
and reasonable expenses not deducted in computing federal 17939  
taxable income, on obligations or securities of any state or of 17940  
any political subdivision or authority of any state, other than 17941  
this state and its subdivisions and authorities, but only to the 17942  
extent that such net amount is not otherwise includible in Ohio 17943  
taxable income and is described in either division (S) (1) (a) or 17944  
(b) of this section: 17945

(a) The net amount is not attributable to the S portion of 17946  
an electing small business trust and has not been distributed to 17947  
beneficiaries for the taxable year; 17948

(b) The net amount is attributable to the S portion of an 17949  
electing small business trust for the taxable year. 17950

(2) Add interest or dividends, net of ordinary, necessary, 17951



and reasonable expenses not deducted in computing federal 17952  
taxable income, on obligations of any authority, commission, 17953  
instrumentality, territory, or possession of the United States 17954  
to the extent that the interest or dividends are exempt from 17955  
federal income taxes but not from state income taxes, but only 17956  
to the extent that such net amount is not otherwise includible 17957  
in Ohio taxable income and is described in either division (S) 17958  
(1) (a) or (b) of this section; 17959

(3) Add the amount of personal exemption allowed to the 17960  
estate pursuant to section 642(b) of the Internal Revenue Code; 17961

(4) Deduct interest or dividends, net of related expenses 17962  
deducted in computing federal taxable income, on obligations of 17963  
the United States and its territories and possessions or of any 17964  
authority, commission, or instrumentality of the United States 17965  
to the extent that the interest or dividends are exempt from 17966  
state taxes under the laws of the United States, but only to the 17967  
extent that such amount is included in federal taxable income 17968  
and is described in either division (S) (1) (a) or (b) of this 17969  
section; 17970

(5) Deduct the amount of wages and salaries, if any, not 17971  
otherwise allowable as a deduction but that would have been 17972  
allowable as a deduction in computing federal taxable income for 17973  
the taxable year, had the work opportunity tax credit allowed 17974  
under sections 38, 51, and 52 of the Internal Revenue Code not 17975  
been in effect, but only to the extent such amount relates 17976  
either to income included in federal taxable income for the 17977  
taxable year or to income of the S portion of an electing small 17978  
business trust for the taxable year; 17979

(6) Deduct any interest or interest equivalent, net of 17980  
related expenses deducted in computing federal taxable income, 17981

on public obligations and purchase obligations, but only to the 17982  
extent that such net amount relates either to income included in 17983  
federal taxable income for the taxable year or to income of the 17984  
S portion of an electing small business trust for the taxable 17985  
year; 17986

(7) Add any loss or deduct any gain resulting from sale, 17987  
exchange, or other disposition of public obligations to the 17988  
extent that such loss has been deducted or such gain has been 17989  
included in computing either federal taxable income or income of 17990  
the S portion of an electing small business trust for the 17991  
taxable year; 17992

(8) Except in the case of the final return of an estate, 17993  
add any amount deducted by the taxpayer on both its Ohio estate 17994  
tax return pursuant to section 5731.14 of the Revised Code, and 17995  
on its federal income tax return in determining federal taxable 17996  
income; 17997

(9) (a) Deduct any amount included in federal taxable 17998  
income solely because the amount represents a reimbursement or 17999  
refund of expenses that in a previous year the decedent had 18000  
deducted as an itemized deduction pursuant to section 63 of the 18001  
Internal Revenue Code and applicable treasury regulations. The 18002  
deduction otherwise allowed under division (S) (9) (a) of this 18003  
section shall be reduced to the extent the reimbursement is 18004  
attributable to an amount the taxpayer or decedent deducted 18005  
under this section in any taxable year. 18006

(b) Add any amount not otherwise included in Ohio taxable 18007  
income for any taxable year to the extent that the amount is 18008  
attributable to the recovery during the taxable year of any 18009  
amount deducted or excluded in computing federal or Ohio taxable 18010  
income in any taxable year, but only to the extent such amount 18011

has not been distributed to beneficiaries for the taxable year. 18012

(10) Deduct any portion of the deduction described in 18013  
section 1341(a)(2) of the Internal Revenue Code, for repaying 18014  
previously reported income received under a claim of right, that 18015  
meets both of the following requirements: 18016

(a) It is allowable for repayment of an item that was 18017  
included in the taxpayer's taxable income or the decedent's 18018  
adjusted gross income for a prior taxable year and did not 18019  
qualify for a credit under division (A) or (B) of section 18020  
5747.05 of the Revised Code for that year. 18021

(b) It does not otherwise reduce the taxpayer's taxable 18022  
income or the decedent's adjusted gross income for the current 18023  
or any other taxable year. 18024

(11) Add any amount claimed as a credit under section 18025  
5747.059 of the Revised Code to the extent that the amount 18026  
satisfies either of the following: 18027

(a) The amount was deducted or excluded from the 18028  
computation of the taxpayer's federal taxable income as required 18029  
to be reported for the taxpayer's taxable year under the 18030  
Internal Revenue Code; 18031

(b) The amount resulted in a reduction in the taxpayer's 18032  
federal taxable income as required to be reported for any of the 18033  
taxpayer's taxable years under the Internal Revenue Code. 18034

(12) Deduct any amount, net of related expenses deducted 18035  
in computing federal taxable income, that a trust is required to 18036  
report as farm income on its federal income tax return, but only 18037  
if the assets of the trust include at least ten acres of land 18038  
satisfying the definition of "land devoted exclusively to 18039  
agricultural use" under section 5713.30 of the Revised Code, 18040

regardless of whether the land is valued for tax purposes as 18041  
such land under sections 5713.30 to 5713.38 of the Revised Code. 18042  
If the trust is a pass-through entity investor, section 5747.231 18043  
of the Revised Code applies in ascertaining if the trust is 18044  
eligible to claim the deduction provided by division (S)(12) of 18045  
this section in connection with the pass-through entity's farm 18046  
income. 18047

Except for farm income attributable to the S portion of an 18048  
electing small business trust, the deduction provided by 18049  
division (S)(12) of this section is allowed only to the extent 18050  
that the trust has not distributed such farm income. 18051

(13) Add the net amount of income described in section 18052  
641(c) of the Internal Revenue Code to the extent that amount is 18053  
not included in federal taxable income. 18054

(14) Deduct the amount the taxpayer would be required to 18055  
deduct under division (A)(18) of this section if the taxpayer's 18056  
Ohio taxable income ~~were~~was computed in the same manner as an 18057  
individual's Ohio adjusted gross income is computed under this 18058  
section. 18059

(15) Add, to the extent not otherwise included in 18060  
computing taxable income or Ohio taxable income for any taxable 18061  
year, the taxpayer's proportionate share of the amount of the 18062  
tax levied under section 5747.38 of the Revised Code and paid by 18063  
an electing pass-through entity for the taxable year. 18064

(16) Add any income taxes deducted in computing federal 18065  
taxable income or Ohio taxable income to the extent the income 18066  
taxes were derived from income subject to a tax levied in 18067  
another state or the District of Columbia when such tax was 18068  
enacted for purposes of complying with internal revenue service 18069

notice 2020-75. 18070

(T) "School district income" and "school district income 18071  
tax" have the same meanings as in section 5748.01 of the Revised 18072  
Code. 18073

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 18074  
(7) of this section, "public obligations," "purchase 18075  
obligations," and "interest or interest equivalent" have the 18076  
same meanings as in section 5709.76 of the Revised Code. 18077

(V) "Limited liability company" means any limited 18078  
liability company formed under former Chapter 1705. of the 18079  
Revised Code as that chapter existed prior to February 11, 2022, 18080  
Chapter 1706. of the Revised Code, or the laws of any other 18081  
state. 18082

(W) "Pass-through entity investor" means any person who, 18083  
during any portion of a taxable year of a pass-through entity, 18084  
is a partner, member, shareholder, or equity investor in that 18085  
pass-through entity. 18086

(X) "Banking day" has the same meaning as in section 18087  
1304.01 of the Revised Code. 18088

(Y) "Month" means a calendar month. 18089

(Z) "Quarter" means the first three months, the second 18090  
three months, the third three months, or the last three months 18091  
of the taxpayer's taxable year. 18092

(AA) (1) "Modified business income" means the business 18093  
income included in a trust's Ohio taxable income after such 18094  
taxable income is first reduced by the qualifying trust amount, 18095  
if any. 18096

(2) "Qualifying trust amount" of a trust means capital 18097

gains and losses from the sale, exchange, or other disposition 18098  
of equity or ownership interests in, or debt obligations of, a 18099  
qualifying investee to the extent included in the trust's Ohio 18100  
taxable income, but only if the following requirements are 18101  
satisfied: 18102

(a) The book value of the qualifying investee's physical 18103  
assets in this state and everywhere, as of the last day of the 18104  
qualifying investee's fiscal or calendar year ending immediately 18105  
prior to the date on which the trust recognizes the gain or 18106  
loss, is available to the trust. 18107

(b) The requirements of section 5747.011 of the Revised 18108  
Code are satisfied for the trust's taxable year in which the 18109  
trust recognizes the gain or loss. 18110

Any gain or loss that is not a qualifying trust amount is 18111  
modified business income, qualifying investment income, or 18112  
modified nonbusiness income, as the case may be. 18113

(3) "Modified nonbusiness income" means a trust's Ohio 18114  
taxable income other than modified business income, other than 18115  
the qualifying trust amount, and other than qualifying 18116  
investment income, as defined in section 5747.012 of the Revised 18117  
Code, to the extent such qualifying investment income is not 18118  
otherwise part of modified business income. 18119

(4) "Modified Ohio taxable income" applies only to trusts, 18120  
and means the sum of the amounts described in divisions (AA) (4) 18121  
(a) to (c) of this section: 18122

(a) The fraction, calculated under section 5747.013, and 18123  
applying section 5747.231 of the Revised Code, multiplied by the 18124  
sum of the following amounts: 18125

(i) The trust's modified business income; 18126

(ii) The trust's qualifying investment income, as defined 18127  
in section 5747.012 of the Revised Code, but only to the extent 18128  
the qualifying investment income does not otherwise constitute 18129  
modified business income and does not otherwise constitute a 18130  
qualifying trust amount. 18131

(b) The qualifying trust amount multiplied by a fraction, 18132  
the numerator of which is the sum of the book value of the 18133  
qualifying investee's physical assets in this state on the last 18134  
day of the qualifying investee's fiscal or calendar year ending 18135  
immediately prior to the day on which the trust recognizes the 18136  
qualifying trust amount, and the denominator of which is the sum 18137  
of the book value of the qualifying investee's total physical 18138  
assets everywhere on the last day of the qualifying investee's 18139  
fiscal or calendar year ending immediately prior to the day on 18140  
which the trust recognizes the qualifying trust amount. If, for 18141  
a taxable year, the trust recognizes a qualifying trust amount 18142  
with respect to more than one qualifying investee, the amount 18143  
described in division (AA) (4) (b) of this section shall equal the 18144  
sum of the products so computed for each such qualifying 18145  
investee. 18146

(c) (i) With respect to a trust or portion of a trust that 18147  
is a resident as ascertained in accordance with division (I) (3) 18148  
(d) of this section, its modified nonbusiness income. 18149

(ii) With respect to a trust or portion of a trust that is 18150  
not a resident as ascertained in accordance with division (I) (3) 18151  
(d) of this section, the amount of its modified nonbusiness 18152  
income satisfying the descriptions in divisions (B) (2) to (5) of 18153  
section 5747.20 of the Revised Code, except as otherwise 18154  
provided in division (AA) (4) (c) (ii) of this section. With 18155  
respect to a trust or portion of a trust that is not a resident 18156

as ascertained in accordance with division (I) (3) (d) of this 18157  
section, the trust's portion of modified nonbusiness income 18158  
recognized from the sale, exchange, or other disposition of a 18159  
debt interest in or equity interest in a section 5747.212 18160  
entity, as defined in section 5747.212 of the Revised Code, 18161  
without regard to division (A) of that section, shall not be 18162  
allocated to this state in accordance with section 5747.20 of 18163  
the Revised Code but shall be apportioned to this state in 18164  
accordance with division (B) of section 5747.212 of the Revised 18165  
Code without regard to division (A) of that section. 18166

If the allocation and apportionment of a trust's income 18167  
under divisions (AA) (4) (a) and (c) of this section do not fairly 18168  
represent the modified Ohio taxable income of the trust in this 18169  
state, the alternative methods described in division (C) of 18170  
section 5747.21 of the Revised Code may be applied in the manner 18171  
and to the same extent provided in that section. 18172

(5) (a) Except as set forth in division (AA) (5) (b) of this 18173  
section, "qualifying investee" means a person in which a trust 18174  
has an equity or ownership interest, or a person or unit of 18175  
government the debt obligations of either of which are owned by 18176  
a trust. For the purposes of division (AA) (2) (a) of this section 18177  
and for the purpose of computing the fraction described in 18178  
division (AA) (4) (b) of this section, all of the following apply: 18179

(i) If the qualifying investee is a member of a qualifying 18180  
controlled group on the last day of the qualifying investee's 18181  
fiscal or calendar year ending immediately prior to the date on 18182  
which the trust recognizes the gain or loss, then "qualifying 18183  
investee" includes all persons in the qualifying controlled 18184  
group on such last day. 18185

(ii) If the qualifying investee, or if the qualifying 18186



investee and any members of the qualifying controlled group of 18187  
which the qualifying investee is a member on the last day of the 18188  
qualifying investee's fiscal or calendar year ending immediately 18189  
prior to the date on which the trust recognizes the gain or 18190  
loss, separately or cumulatively own, directly or indirectly, on 18191  
the last day of the qualifying investee's fiscal or calendar 18192  
year ending immediately prior to the date on which the trust 18193  
recognizes the qualifying trust amount, more than fifty per cent 18194  
of the equity of a pass-through entity, then the qualifying 18195  
investee and the other members are deemed to own the 18196  
proportionate share of the pass-through entity's physical assets 18197  
which the pass-through entity directly or indirectly owns on the 18198  
last day of the pass-through entity's calendar or fiscal year 18199  
ending within or with the last day of the qualifying investee's 18200  
fiscal or calendar year ending immediately prior to the date on 18201  
which the trust recognizes the qualifying trust amount. 18202

(iii) For the purposes of division (AA) (5) (a) (iii) of this 18203  
section, "upper level pass-through entity" means a pass-through 18204  
entity directly or indirectly owning any equity of another pass- 18205  
through entity, and "lower level pass-through entity" means that 18206  
other pass-through entity. 18207

An upper level pass-through entity, whether or not it is 18208  
also a qualifying investee, is deemed to own, on the last day of 18209  
the upper level pass-through entity's calendar or fiscal year, 18210  
the proportionate share of the lower level pass-through entity's 18211  
physical assets that the lower level pass-through entity 18212  
directly or indirectly owns on the last day of the lower level 18213  
pass-through entity's calendar or fiscal year ending within or 18214  
with the last day of the upper level pass-through entity's 18215  
fiscal or calendar year. If the upper level pass-through entity 18216  
directly and indirectly owns less than fifty per cent of the 18217

equity of the lower level pass-through entity on each day of the 18218  
upper level pass-through entity's calendar or fiscal year in 18219  
which or with which ends the calendar or fiscal year of the 18220  
lower level pass-through entity and if, based upon clear and 18221  
convincing evidence, complete information about the location and 18222  
cost of the physical assets of the lower pass-through entity is 18223  
not available to the upper level pass-through entity, then 18224  
solely for purposes of ascertaining if a gain or loss 18225  
constitutes a qualifying trust amount, the upper level pass- 18226  
through entity shall be deemed as owning no equity of the lower 18227  
level pass-through entity for each day during the upper level 18228  
pass-through entity's calendar or fiscal year in which or with 18229  
which ends the lower level pass-through entity's calendar or 18230  
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 18231  
shall be construed to provide for any deduction or exclusion in 18232  
computing any trust's Ohio taxable income. 18233

(b) With respect to a trust that is not a resident for the 18234  
taxable year and with respect to a part of a trust that is not a 18235  
resident for the taxable year, "qualifying investee" for that 18236  
taxable year does not include a C corporation if both of the 18237  
following apply: 18238

(i) During the taxable year the trust or part of the trust 18239  
recognizes a gain or loss from the sale, exchange, or other 18240  
disposition of equity or ownership interests in, or debt 18241  
obligations of, the C corporation. 18242

(ii) Such gain or loss constitutes nonbusiness income. 18243

(6) "Available" means information is such that a person is 18244  
able to learn of the information by the due date plus 18245  
extensions, if any, for filing the return for the taxable year 18246  
in which the trust recognizes the gain or loss. 18247

(BB) "Qualifying controlled group" has the same meaning as 18248  
in section 5733.04 of the Revised Code. 18249

(CC) "Related member" has the same meaning as in section 18250  
5733.042 of the Revised Code. 18251

(DD) (1) For the purposes of division (DD) of this section: 18252

(a) "Qualifying person" means any person other than a 18253  
qualifying corporation. 18254

(b) "Qualifying corporation" means any person classified 18255  
for federal income tax purposes as an association taxable as a 18256  
corporation, except either of the following: 18257

(i) A corporation that has made an election under 18258  
subchapter S, chapter one, subtitle A, of the Internal Revenue 18259  
Code for its taxable year ending within, or on the last day of, 18260  
the investor's taxable year; 18261

(ii) A subsidiary that is wholly owned by any corporation 18262  
that has made an election under subchapter S, chapter one, 18263  
subtitle A of the Internal Revenue Code for its taxable year 18264  
ending within, or on the last day of, the investor's taxable 18265  
year. 18266

(2) For the purposes of this chapter, unless expressly 18267  
stated otherwise, no qualifying person indirectly owns any asset 18268  
directly or indirectly owned by any qualifying corporation. 18269

(EE) For purposes of this chapter and Chapter 5751. of the 18270  
Revised Code: 18271

(1) "Trust" does not include a qualified pre-income tax 18272  
trust. 18273

(2) A "qualified pre-income tax trust" is any pre-income 18274

tax trust that makes a qualifying pre-income tax trust election 18275  
as described in division (EE) (3) of this section. 18276

(3) A "qualifying pre-income tax trust election" is an 18277  
election by a pre-income tax trust to subject to the tax imposed 18278  
by section 5751.02 of the Revised Code the pre-income tax trust 18279  
and all pass-through entities of which the trust owns or 18280  
controls, directly, indirectly, or constructively through 18281  
related interests, five per cent or more of the ownership or 18282  
equity interests. The trustee shall notify the tax commissioner 18283  
in writing of the election on or before April 15, 2006. The 18284  
election, if timely made, shall be effective on and after 18285  
January 1, 2006, and shall apply for all tax periods and tax 18286  
years until revoked by the trustee of the trust. 18287

(4) A "pre-income tax trust" is a trust that satisfies all 18288  
of the following requirements: 18289

(a) The document or instrument creating the trust was 18290  
executed by the grantor before January 1, 1972; 18291

(b) The trust became irrevocable upon the creation of the 18292  
trust; and 18293

(c) The grantor was domiciled in this state at the time 18294  
the trust was created. 18295

(FF) "Uniformed services" means all of the following: 18296

(1) "Armed forces of the United States" as defined in 18297  
section 5907.01 of the Revised Code; 18298

(2) The commissioned corps of the national oceanic and 18299  
atmospheric administration; 18300

(3) The commissioned corps of the public health service. 18301

(GG) "Taxable business income" means the amount by which  
an individual's business income that is included in federal  
adjusted gross income exceeds the amount of business income the  
individual is authorized to deduct under division (A) (28) of  
this section for the taxable year.

(HH) "Employer" does not include a franchisor with respect  
to the franchisor's relationship with a franchisee or an  
employee of a franchisee, unless the franchisor agrees to assume  
that role in writing or a court of competent jurisdiction  
determines that the franchisor exercises a type or degree of  
control over the franchisee or the franchisee's employees that  
is not customarily exercised by a franchisor for the purpose of  
protecting the franchisor's trademark, brand, or both. For  
purposes of this division, "franchisor" and "franchisee" have  
the same meanings as in 16 C.F.R. 436.1.

(II) "Modified adjusted gross income" means Ohio adjusted  
gross income plus any amount deducted under divisions (A) (28)  
and (34) of this section for the taxable year.

(JJ) "Qualifying Ohio educator" means an individual who,  
for a taxable year, qualifies as an eligible educator, as that  
term is defined in section 62 of the Internal Revenue Code, and  
who holds a certificate, license, or permit described in Chapter  
3319. or section 3301.071 of the Revised Code.

(KK) (1) "Charitable gaming" has the same meaning as in  
section 3768.01 of the Revised Code.

(2) "Permit holder" and "track" have the same meanings as  
in section 3769.01 of the Revised Code.

(3) "Lottery sports gaming," "transferee," "video lottery  
sales agent," and "video lottery terminal" have the same

meanings as in section 3770.01 of the Revised Code. 18331

(4) "Lottery prize award" has the same meaning as in 18332  
section 3770.01 of the Revised Code, except that "lottery prize 18333  
award" does not include a prize award from a video lottery 18334  
terminal and does not include winnings from lottery sports 18335  
gaming from which, under the rules of the state lottery 18336  
commission, the type C sports gaming proprietor is responsible 18337  
for withholding amounts. 18338

(5) "Internet gambling" and "internet gambling operator" 18339  
have the same meanings as in section 3771.01 of the Revised 18340  
Code. 18341

(6) "Casino facility," "casino gaming," "casino operator," 18342  
and "management company" have the same meanings as in section 18343  
3772.01 of the Revised Code. 18344

(7) "Sports gaming," "sports gaming proprietor," "sports 18345  
gaming facility," and "type C sports gaming proprietor" have the 18346  
same meanings as in section 3775.01 of the Revised Code. 18347

**Sec. 5747.02.** (A) For the purpose of providing revenue for 18348  
the support of schools and local government functions, to 18349  
provide relief to property taxpayers, to provide revenue for the 18350  
general revenue fund, and to meet the expenses of administering 18351  
the tax levied by this chapter, there is hereby levied on every 18352  
individual, trust, and estate residing in or earning or 18353  
receiving income in this state, on every individual, trust, and 18354  
estate earning or receiving ~~lottery gambling~~ winnings, ~~prizes,~~ 18355  
~~or awards pursuant to Chapter 3770. of the Revised Code, on~~ 18356  
~~every individual, trust, and estate earning or receiving~~ 18357  
~~winnings on casino or sports gaming, and on every individual,~~ 18358  
trust, and estate otherwise having nexus with or in this state 18359

under the Constitution of the United States, an annual tax 18360  
measured as prescribed in divisions (A) (1) to (4) of this 18361  
section. 18362

(1) In the case of trusts, the tax imposed by this section 18363  
shall be measured by modified Ohio taxable income under division 18364  
(D) of this section and levied in the same amount as the tax is 18365  
imposed on estates as prescribed in division (A) (2) of this 18366  
section. 18367

(2) In the case of estates, the tax imposed by this 18368  
section shall be measured by Ohio taxable income. The tax shall 18369  
be levied at the rate of 1.38462% for the first twenty-six 18370  
thousand fifty dollars of such income and, for income in excess 18371  
of that amount, the tax shall be levied at the same rates 18372  
prescribed in division (A) (3) of this section for individuals. 18373

(3) In the case of individuals, the tax imposed by this 18374  
section on income other than taxable business income shall be 18375  
measured by Ohio adjusted gross income, less taxable business 18376  
income and less an exemption for the taxpayer, the taxpayer's 18377  
spouse, and each dependent as provided in section 5747.025 of 18378  
the Revised Code. If the balance thus obtained is equal to or 18379  
less than twenty-six thousand fifty dollars, no tax shall be 18380  
imposed on that balance. If the balance thus obtained is greater 18381  
than twenty-six thousand fifty dollars, the tax is hereby levied 18382  
as follows: 18383

(a) For taxable years beginning in 2023: 18384  
18385

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A OHIO ADJUSTED GROSS INCOME LESS TAX  
TAXABLE BUSINESS INCOME AND EXEMPTIONS

(INDIVIDUALS) OR MODIFIED OHIO TAXABLE  
INCOME (TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

- |   |  |  |
|---|--|--|
| B | More than \$26,050 but not more than<br>\$100,000  | \$360.69 plus 2.75% of the<br>amount in excess of \$26,050     |
| C | More than \$100,000 but not more than<br>\$115,300 | \$2,394.32 plus 3.688% of the<br>amount in excess of \$100,000 |
| D | More than \$115,300                                | \$2,958.58 plus 3.75% of the<br>amount in excess of \$115,300  |

(b) For taxable years beginning in 2024 and thereafter:	18386
	18387
	18388

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A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX  
BUSINESS INCOME AND EXEMPTIONS  
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE  
INCOME (TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

- |   |   |   |
|---|---|---|
| B | More than \$26,050 but not more than<br>\$100,000 | \$360.69 plus 2.75% of the<br>amount in excess of<br>\$26,050   |
| C | More than \$100,000                               | \$2,394.32 plus 3.5% of<br>the amount in excess of<br>\$100,000 |

(4) (a) In the case of individuals, the tax imposed by this	18389
---	-------



section on taxable business income shall equal three per cent of 18390  
the result obtained by subtracting any amount allowed under 18391  
division (A) (4) (b) of this section from the individual's taxable 18392  
business income. 18393

(b) If the exemptions allowed to an individual under 18394  
division (A) (3) of this section exceed the taxpayer's Ohio 18395  
adjusted gross income less taxable business income, the excess 18396  
shall be deducted from taxable business income before computing 18397  
the tax under division (A) (4) (a) of this section. 18398

(5) Except as otherwise provided in this division, in 18399  
August of each year, the tax commissioner shall make a new 18400  
adjustment to the income amounts prescribed in divisions (A) (2) 18401  
and (3) of this section by multiplying the percentage increase 18402  
in the gross domestic product deflator computed that year under 18403  
section 5747.025 of the Revised Code by each of the income 18404  
amounts resulting from the adjustment under this division in the 18405  
preceding year, adding the resulting product to the 18406  
corresponding income amount resulting from the adjustment in the 18407  
preceding year, and rounding the resulting sum to the nearest 18408  
multiple of fifty dollars. The tax commissioner also shall 18409  
recompute each of the tax dollar amounts to the extent necessary 18410  
to reflect the new adjustment of the income amounts. To 18411  
recompute the tax dollar amount corresponding to the lowest tax 18412  
rate in division (A) (3) of this section, the commissioner shall 18413  
multiply the tax rate prescribed in division (A) (2) of this 18414  
section by the income amount specified in that division and as 18415  
adjusted according to this paragraph. The rates of taxation 18416  
shall not be adjusted. 18417

The adjusted amounts apply to taxable years beginning in 18418  
the calendar year in which the adjustments are made and to 18419

taxable years beginning in each ensuing calendar year until a 18420  
calendar year in which a new adjustment is made pursuant to this 18421  
division. The tax commissioner shall not make a new adjustment 18422  
in any year in which the amount resulting from the adjustment 18423  
would be less than the amount resulting from the adjustment in 18424  
the preceding year. 18425

(B) If the director of budget and management makes a 18426  
certification to the tax commissioner under division (B) of 18427  
section 131.44 of the Revised Code, the amount of tax as 18428  
determined under divisions (A) (1) to (3) of this section shall 18429  
be reduced by the percentage prescribed in that certification 18430  
for taxable years beginning in the calendar year in which that 18431  
certification is made. 18432

(C) (1) The tax imposed by this section on a trust shall be 18433  
computed by multiplying the Ohio modified taxable income of the 18434  
trust by the rates prescribed by division (A) of this section. 18435

(2) A resident trust may claim a credit against the tax 18436  
computed under division (C) of this section equal to the lesser 18437  
of (a) the tax paid to another state or the District of Columbia 18438  
on the resident trust's modified nonbusiness income, other than 18439  
the portion of the resident trust's nonbusiness income that is 18440  
qualifying investment income as defined in section 5747.012 of 18441  
the Revised Code, or (b) the effective tax rate, based on 18442  
modified Ohio taxable income, multiplied by the resident trust's 18443  
modified nonbusiness income other than the portion of the 18444  
resident trust's nonbusiness income that is qualifying 18445  
investment income. The credit applies before any other 18446  
applicable credits. 18447

(3) Any credit authorized against the tax imposed by this 18448  
section applies to a trust subject to division (C) of this 18449

section only if the trust otherwise qualifies for the credit. To 18450  
the extent that the trust distributes income for the taxable 18451  
year for which a credit is available to the trust, the credit 18452  
shall be shared by the trust and its beneficiaries. The tax 18453  
commissioner and the trust shall be guided by applicable 18454  
regulations of the United States treasury regarding the sharing 18455  
of credits. 18456

(D) For the purposes of this section, "trust" means any 18457  
trust described in Subchapter J of Chapter 1 of the Internal 18458  
Revenue Code, excluding trusts that are not irrevocable as 18459  
defined in division (I)(3)(b) of section 5747.01 of the Revised 18460  
Code and that have no modified Ohio taxable income for the 18461  
taxable year, charitable remainder trusts, qualified funeral 18462  
trusts and preneed funeral contract trusts established pursuant 18463  
to sections 4717.31 to 4717.38 of the Revised Code that are not 18464  
qualified funeral trusts, endowment and perpetual care trusts, 18465  
qualified settlement trusts and funds, designated settlement 18466  
trusts and funds, and trusts exempted from taxation under 18467  
section 501(a) of the Internal Revenue Code. 18468

(E) Nothing in division (A)(3) of this section shall 18469  
prohibit an individual with an Ohio adjusted gross income, less 18470  
taxable business income and exemptions, of twenty-six thousand 18471  
fifty dollars or less from filing a return under this chapter to 18472  
receive a refund of taxes withheld or to claim any refundable 18473  
credit allowed under this chapter. 18474

**Sec. 5747.062.** As used in this section, ~~"transferee" has~~ 18475  
~~the same meaning as in section 3770.10 of the Revised Code, and~~ 18476  
"recipient" includes a transferee. 18477

(A)(1) Before making any other deduction required by 18478  
Chapter 3770. of the Revised Code, the state lottery commission 18479

shall deduct and withhold an amount equal to four per cent of 18480  
the payment from each lottery prize award payment that is of an 18481  
amount for which reporting to the internal revenue service of 18482  
the amount is required by section 6041 of the Internal Revenue 18483  
Code, as amended. 18484

(2) On or before the tenth day of each month, the state 18485  
lottery commission, and each transferee required to deduct and 18486  
withhold amounts pursuant to section 3770.072 of the Revised 18487  
Code, shall file a return and remit to the tax commissioner all 18488  
amounts deducted and withheld pursuant to this section during 18489  
the preceding month. 18490

(3) On or before the thirty-first day of January of each 18491  
year, the state lottery commission, and each transferee required 18492  
to deduct and withhold amounts pursuant to section 3770.072 of 18493  
the Revised Code, shall file with the commissioner an annual 18494  
return, in the form prescribed by the tax commissioner, 18495  
indicating the total amount deducted and withheld pursuant to 18496  
this section or section 3770.072 of the Revised Code during the 18497  
preceding calendar year. At the time of filing that return, the 18498  
state lottery commission or transferee shall remit any amount 18499  
deducted and withheld during the preceding calendar year that 18500  
was not previously remitted. 18501

(4) The state lottery commission, and each transferee 18502  
required to deduct and withhold amounts pursuant to section 18503  
3770.072 of the Revised Code, shall issue to each person with 18504  
respect to whom tax has been deducted and withheld by the 18505  
commission or transferee pursuant to this section or section 18506  
3770.072 of the Revised Code during the preceding calendar year, 18507  
an information return in the form prescribed by the 18508  
commissioner. 18509

(B) (1) Division (B) (1) of this section does not apply to 18510  
persons classified for federal income tax purposes as 18511  
associations taxable as corporations. 18512

Amounts withheld pursuant to this section or section 18513  
3770.072 of the Revised Code shall be allowed as a credit 18514  
against payment of the tax imposed pursuant to section 5747.02 18515  
of the Revised Code upon the lottery prize award recipient, upon 18516  
a beneficiary of such a recipient, or upon any investor in such 18517  
a recipient if the recipient is a pass-through entity or 18518  
disregarded entity, and shall be treated as taxes paid by the 18519  
recipient, beneficiary, or investor for purposes of section 18520  
5747.09 of the Revised Code. The credit is available to the 18521  
recipient, beneficiary, or investor even if the commission or 18522  
transferee does not remit to the tax commissioner the amount 18523  
withheld. 18524

(2) Division (B) (2) of this section applies only to 18525  
persons classified for federal income tax purposes as 18526  
associations taxable as corporations. 18527

Amounts withheld pursuant to this section or section 18528  
3770.072 of the Revised Code shall be treated as a credit 18529  
against the tax imposed pursuant to section 5733.06 of the 18530  
Revised Code for the tax year immediately following the date on 18531  
which those amounts are deducted and withheld, upon the lottery 18532  
prize award recipient, upon a beneficiary of such a recipient, 18533  
or upon an investor in such a recipient if the recipient is a 18534  
pass-through entity or disregarded entity, and shall be treated 18535  
as paid by the recipient, beneficiary, or investor on the date 18536  
on which those amounts are deducted and withheld. The credit is 18537  
a refundable credit and shall be claimed in the order required 18538  
under section 5733.98 of the Revised Code. The credit is 18539

available to the recipient, beneficiary, or investor even if the 18540  
commission or transferee does not remit to the tax commissioner 18541  
the amount withheld. 18542

(3) Nothing in division (B) (1) or (2) of this section 18543  
shall be construed to allow more than one person to claim the 18544  
credit for any portion of each amount deducted and withheld. 18545

(C) Failure of the commission or any transferee to deduct 18546  
and withhold the required amounts from lottery prize awards or 18547  
to remit amounts withheld as required by this section and 18548  
section 3770.072 of the Revised Code shall not relieve a 18549  
taxpayer described in division (B) of this section from 18550  
liability for the tax imposed by section 5733.06 or 5747.02 of 18551  
the Revised Code. 18552

**Sec. 5747.063.** The requirements imposed under this section 18553  
are in addition to ~~the~~ any applicable municipal income tax 18554  
withholding requirements under section 718.031 of the Revised 18555  
Code. ~~As used in this section, "sports gaming proprietor" and~~ 18556  
~~"sports gaming facility" have the same meanings as in section~~ 18557  
~~3775.01 of the Revised Code.~~ 18558

(A) (1) If a ~~person's patron's~~ person's winnings from ~~casino gaming~~ 18559  
~~or from sports gaming~~ any of the following are an amount for 18560  
which reporting to the internal revenue service of the amount is 18561  
required by section 6041 of the Internal Revenue Code, as 18562  
amended, ~~a casino operator or sports gaming proprietor the~~ 18563  
applicable person shall deduct and withhold Ohio income tax from 18564  
the person's winnings at a rate of four per cent of the amount 18565  
won: 18566

(a) A permit holder, with respect to winnings from pari- 18567  
mutuel wagering on horse racing; 18568

(b) A video lottery sales agent, with respect to winnings 18569  
from a video lottery terminal; 18570

(c) An internet gambling operator, with respect to 18571  
winnings from internet gambling; 18572

(d) A casino operator or management company, with respect 18573  
to casino winnings; 18574

(e) A sports gaming proprietor, with respect to winnings 18575  
from sports gaming, except as otherwise provided regarding a 18576  
type C sports gaming proprietor by rule of the state lottery 18577  
commission adopted under section 3770.03 of the Revised Code. A 18578  
person's amount of winnings from casino gaming shall be 18579  
determined each time the person exchanges amounts won in tokens, 18580  
chips, casino credit, or other prepaid representations of value 18581  
for cash or a cash equivalent. The casino operator or sports 18582  
gaming proprietor 18583

(2) The person conducting the withholding shall issue, to 18584  
a person patron from whose winnings an amount has been deducted 18585  
and withheld, a receipt for the amount deducted and withheld, 18586  
and also shall obtain from the person additional information 18587  
that will be necessary for the casino operator or sports gaming 18588  
proprietor person conducting the withholding to prepare the 18589  
returns required by this section. 18590

~~(2) If a person's winnings from casino gaming or sports~~ 18591  
~~gaming require reporting to the internal revenue service under~~ 18592  
~~division (A) (1) of this section, the casino operator or sports~~ 18593  
~~gaming proprietor also shall require the person to state in~~ 18594  
~~writing, under penalty of falsification, whether the person is~~ 18595  
~~in default under a support order.~~ 18596

~~(B) Amounts deducted and withheld by a casino operator or~~ 18597

~~sports gaming proprietor~~ under this section are held in trust 18598  
for the benefit of the state. 18599

(1) On or before the tenth day of each month, the ~~casino-~~ 18600  
~~operator person~~ conducting the withholding shall file a return 18601  
electronically with the tax commissioner identifying the ~~persons~~ 18602  
patrons from whose winnings amounts were deducted and withheld, 18603  
the amount of each such deduction and withholding during the 18604  
preceding calendar month, the amount of the winnings from which 18605  
each such amount was withheld, the type of ~~casino-gaming or~~ 18606  
~~sports gaming~~ that resulted in such winnings, and any other 18607  
information required by the tax commissioner. With the return, 18608  
the ~~casino operator or sports gaming proprietor person~~ 18609  
conducting the withholding shall remit electronically to the 18610  
commissioner all the amounts deducted and withheld during the 18611  
preceding month. 18612

(2) (a) A ~~casino operator or sports gaming proprietor~~ shall 18613  
~~maintain a record of each written statement provided under~~ 18614  
~~division (A) (2) of this section in which a person admits to~~ 18615  
~~being in default under a support order. The casino operator or~~ 18616  
~~sports gaming proprietor shall make these records available to~~ 18617  
~~the director of job and family services upon request.~~ 18618

~~(b)~~ A ~~casino operator or sports gaming proprietor person~~ 18619  
conducting withholding under this section shall maintain copies 18620  
of receipts issued under division ~~(A) (1)~~ (A) (2) of this section 18621  
and of written statements provided under division ~~(A) (2)~~ of this 18622  
~~section~~ and shall make these copies available to the tax 18623  
commissioner upon request. 18624

~~(c)~~ ~~(b)~~ A ~~casino operator or sports gaming proprietor~~ 18625  
person conducting withholding under this section shall maintain 18626  
the information described in ~~divisions~~ division (B) (2) (a) and- 18627



~~(b)~~ of this section in accordance with section 5747.17 of the 18628  
Revised Code and any rules adopted pursuant thereto. 18629

(3) Annually, on or before the thirty-first day of 18630  
January, a ~~casino operator or sports gaming proprietor~~ person 18631  
conducting withholding under this section shall file an annual 18632  
return electronically with the tax commissioner indicating the 18633  
total amount deducted and withheld during the preceding calendar 18634  
year. The ~~casino operator or sports gaming proprietor~~ person 18635  
conducting the withholding shall remit electronically with the 18636  
annual return any amount that was deducted and withheld and that 18637  
was not previously remitted. If the identity of a ~~person~~ patron 18638  
and the amount deducted and withheld with respect to that ~~person~~ 18639  
patron were omitted on a monthly return, that information shall 18640  
be indicated on the annual return. 18641

(4) (a) A ~~casino operator or sports gaming proprietor~~ 18642  
person described in division (A) (1) of this section who fails to 18643  
file a return and remit the amounts deducted and withheld is 18644  
personally liable for the amount deducted and withheld and not 18645  
remitted. The commissioner may impose a penalty up to one 18646  
thousand dollars if a return is filed late, if amounts deducted 18647  
and withheld are remitted late, if a return is not filed, or if 18648  
amounts deducted and withheld are not remitted. Interest accrues 18649  
on past due amounts deducted and withheld at the rate prescribed 18650  
in section 5703.47 of the Revised Code. The commissioner may 18651  
collect past due amounts deducted and withheld and penalties and 18652  
interest thereon by assessment under section 5747.13 of the 18653  
Revised Code as if they were income taxes collected by an 18654  
employer. 18655

(b) If a ~~casino operator or sports gaming proprietor~~ 18656  
person described in division (A) (1) of this section sells the 18657

person's casino facility ~~or,~~ sports gaming facility, or track 18658  
or otherwise quits the ~~casino or sports~~ applicable gaming 18659  
business, the amounts deducted and withheld and any penalties 18660  
and interest thereon are immediately due and payable. The 18661  
successor shall withhold an amount of the purchase money that is 18662  
sufficient to cover the amounts deducted and withheld and 18663  
penalties and interest thereon until the predecessor ~~casino-~~ 18664  
~~operator or sports gaming proprietor~~ produces either a receipt 18665  
from the commissioner showing that the amounts deducted and 18666  
withheld and penalties and interest thereon have been paid or a 18667  
certificate from the commissioner indicating that no amounts 18668  
deducted and withheld or penalties and interest thereon are due. 18669  
If the successor fails to withhold purchase money, the successor 18670  
is personally liable for payment of the amounts deducted and 18671  
withheld and penalties and interest thereon, up to the amount of 18672  
the purchase money. 18673

(C) (1) Annually, on or before the thirty-first day of 18674  
January, a ~~casino operator or sports gaming proprietor~~ person 18675  
conducting withholding under this section shall issue an 18676  
information return to each ~~person~~ patron with respect to whom an 18677  
amount has been deducted and withheld during the preceding 18678  
calendar year. The information return shall show the total 18679  
amount deducted from the ~~person's~~ patron's winnings by the 18680  
~~casino operator or sports gaming proprietor~~ person conducting 18681  
the withholding during the preceding calendar year. 18682

(2) Annually, on or before the thirty-first day of 18683  
January, a ~~casino operator or sports gaming proprietor~~ person 18684  
conducting withholding under this section shall provide to the 18685  
commissioner a copy of each information return issued under 18686  
division (C) (1) of this section for the preceding calendar year. 18687  
The commissioner may require that the copies be transmitted 18688

electronically. 18689

(D) Amounts deducted and withheld shall be allowed as a 18690  
credit against payment of the tax imposed by section 5747.02 of 18691  
the Revised Code and shall be treated as taxes paid for purposes 18692  
of section 5747.09 of the Revised Code. This division applies 18693  
only to the ~~person~~ patron for whom the amount is deducted and 18694  
withheld. 18695

(E) The failure of a ~~casino operator or sports gaming~~ 18696  
~~proprietor~~ person described in division (A) (1) of this section 18697  
to deduct and withhold the required amount from a ~~person's~~ 18698  
patron's winnings does not relieve the ~~person~~ patron from 18699  
liability for the tax imposed by section 5747.02 of the Revised 18700  
Code with respect to those winnings. And compliance with this 18701  
section does not relieve a ~~casino operator or sports gaming~~ 18702  
~~proprietor~~ person described in division (A) (1) of this section 18703  
or a ~~person~~ patron who has winnings ~~from casino gaming or sports~~ 18704  
~~gaming~~ from compliance with relevant provisions of federal tax 18705  
laws. 18706

(F) The commissioner shall prescribe the form of the 18707  
receipt and returns required by this section. ~~The director of~~ 18708  
~~job and family services shall prescribe the form of the~~ 18709  
~~statement required by this section.~~ 18710

(G) The commissioner may adopt rules that are necessary to 18711  
administer this section. 18712

**Sec. 5747.08.** An annual return with respect to the tax 18713  
imposed by section 5747.02 of the Revised Code and each tax 18714  
imposed under Chapter 5748. of the Revised Code shall be made by 18715  
every taxpayer for any taxable year for which the taxpayer is 18716  
liable for the tax imposed by that section or under that 18717

chapter, unless the total credits allowed under division (E) of 18718  
section 5747.05 and divisions (F) and (G) of section 5747.055 of 18719  
the Revised Code for the year are equal to or exceed the tax 18720  
imposed by section 5747.02 of the Revised Code, in which case no 18721  
return shall be required unless the taxpayer is liable for a tax 18722  
imposed pursuant to Chapter 5748. of the Revised Code. 18723

(A) If an individual is deceased, any return or notice 18724  
required of that individual under this chapter shall be made and 18725  
filed by that decedent's executor, administrator, or other 18726  
person charged with the property of that decedent. 18727

(B) If an individual is unable to make a return or notice 18728  
required by this chapter, the return or notice required of that 18729  
individual shall be made and filed by the individual's duly 18730  
authorized agent, guardian, conservator, fiduciary, or other 18731  
person charged with the care of the person or property of that 18732  
individual. 18733

(C) Returns or notices required of an estate or a trust 18734  
shall be made and filed by the fiduciary of the estate or trust. 18735

(D) (1) (a) Except as otherwise provided in division (D) (1) 18736  
(b) of this section, any pass-through entity may file a single 18737  
return on behalf of one or more of the entity's investors other 18738  
than an investor that is a person subject to the tax imposed 18739  
under section 5733.06 of the Revised Code. The single return 18740  
shall set forth the name, address, and social security number or 18741  
other identifying number of each of those pass-through entity 18742  
investors and shall indicate the distributive share of each of 18743  
those pass-through entity investor's income taxable in this 18744  
state in accordance with sections 5747.20 to 5747.231 of the 18745  
Revised Code. Such pass-through entity investors for whom the 18746  
pass-through entity elects to file a single return are not 18747

entitled to the exemption or credit provided for by sections 18748  
5747.02 and 5747.022 of the Revised Code; shall calculate the 18749  
tax before business credits at the highest rate of tax set forth 18750  
in section 5747.02 of the Revised Code for the taxable year for 18751  
which the return is filed; and are entitled to only their 18752  
distributive share of the business credits as defined in 18753  
division (D) (2) of this section. A single check drawn by the 18754  
pass-through entity shall accompany the return in full payment 18755  
of the tax due, as shown on the single return, for such 18756  
investors, other than investors who are persons subject to the 18757  
tax imposed under section 5733.06 of the Revised Code. 18758

(b) (i) A pass-through entity shall not include in such a 18759  
single return any investor that is a trust to the extent that 18760  
any direct or indirect current, future, or contingent 18761  
beneficiary of the trust is a person subject to the tax imposed 18762  
under section 5733.06 of the Revised Code. 18763

(ii) A pass-through entity shall not include in such a 18764  
single return any investor that is itself a pass-through entity 18765  
to the extent that any direct or indirect investor in the second 18766  
pass-through entity is a person subject to the tax imposed under 18767  
section 5733.06 of the Revised Code. 18768

(c) Except as provided by division (L) of this section, 18769  
nothing in division (D) of this section precludes the tax 18770  
commissioner from requiring such investors to file the return 18771  
and make the payment of taxes and related interest, penalty, and 18772  
interest penalty required by this section or section 5747.02, 18773  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 18774  
of this section precludes such an investor from filing the 18775  
annual return under this section, utilizing the refundable 18776  
credit equal to the investor's proportionate share of the tax 18777

paid by the pass-through entity on behalf of the investor under 18778  
division (I) of this section, and making the payment of taxes 18779  
imposed under section 5747.02 of the Revised Code. Nothing in 18780  
division (D) of this section shall be construed to provide to 18781  
such an investor or pass-through entity any additional deduction 18782  
or credit, other than the credit provided by division (I) of 18783  
this section, solely on account of the entity's filing a return 18784  
in accordance with this section. Such a pass-through entity also 18785  
shall make the filing and payment of estimated taxes on behalf 18786  
of the pass-through entity investors other than an investor that 18787  
is a person subject to the tax imposed under section 5733.06 of 18788  
the Revised Code. 18789

(2) For the purposes of this section, "business credits" 18790  
means the credits listed in section 5747.98 of the Revised Code 18791  
excluding the following credits: 18792

(a) The retirement income credit under division (B) of 18793  
section 5747.055 of the Revised Code; 18794

(b) The senior citizen credit under division (F) of 18795  
section 5747.055 of the Revised Code; 18796

(c) The lump sum distribution credit under division (G) of 18797  
section 5747.055 of the Revised Code; 18798

(d) The dependent care credit under section 5747.054 of 18799  
the Revised Code; 18800

(e) The lump sum retirement income credit under division 18801  
(C) of section 5747.055 of the Revised Code; 18802

(f) The lump sum retirement income credit under division 18803  
(D) of section 5747.055 of the Revised Code; 18804

(g) The lump sum retirement income credit under division 18805

(E) of section 5747.055 of the Revised Code;	18806
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	18807 18808
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	18809 18810
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	18811 18812
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	18813 18814
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	18815 18816
(m) The earned income tax credit under section 5747.71 of the Revised Code;	18817 18818
(n) The lead abatement credit under section 5747.26 of the Revised Code;	18819 18820
(o) The credit for education expenses under section 5747.72 of the Revised Code;	18821 18822
(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code.	18823 18824
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	18825 18826 18827 18828 18829 18830 18831 18832

(4) If a pass-through entity makes the election provided 18833  
for under division (D) of this section, the pass-through entity 18834  
shall be liable for any additional taxes, interest, interest 18835  
penalty, or penalties imposed by this chapter if the tax 18836  
commissioner finds that the single return does not reflect the 18837  
correct tax due by the pass-through entity investors covered by 18838  
that return. Nothing in this division shall be construed to 18839  
limit or alter the liability, if any, imposed on pass-through 18840  
entity investors for unpaid or underpaid taxes, interest, 18841  
interest penalty, or penalties as a result of the pass-through 18842  
entity's making the election provided for under division (D) of 18843  
this section. For the purposes of division (D) of this section, 18844  
"correct tax due" means the tax that would have been paid by the 18845  
pass-through entity had the single return been filed in a manner 18846  
reflecting the commissioner's findings. Nothing in division (D) 18847  
of this section shall be construed to make or hold a pass- 18848  
through entity liable for tax attributable to a pass-through 18849  
entity investor's income from a source other than the pass- 18850  
through entity electing to file the single return. 18851

(E) If a husband and wife file a joint federal income tax 18852  
return for a taxable year, they shall file a joint return under 18853  
this section for that taxable year, and their liabilities are 18854  
joint and several, but, if the federal income tax liability of 18855  
either spouse is determined on a separate federal income tax 18856  
return, they shall file separate returns under this section. 18857

If either spouse is not required to file a federal income 18858  
tax return and either or both are required to file a return 18859  
pursuant to this chapter, they may elect to file separate or 18860  
joint returns, and, pursuant to that election, their liabilities 18861  
are separate or joint and several. If a husband and wife file 18862  
separate returns pursuant to this chapter, each must claim the 18863



taxpayer's own exemption, but not both, as authorized under 18864  
section 5747.02 of the Revised Code on the taxpayer's own 18865  
return. 18866

(F) Each return or notice required to be filed under this 18867  
section shall contain the signature of the taxpayer or the 18868  
taxpayer's duly authorized agent and of the person who prepared 18869  
the return for the taxpayer, and shall include the taxpayer's 18870  
social security number. Each return shall be verified by a 18871  
declaration under the penalties of perjury. The tax commissioner 18872  
shall prescribe the form that the signature and declaration 18873  
shall take. 18874

(G) Each return or notice required to be filed under this 18875  
section shall be made and filed as required by section 5747.04 18876  
of the Revised Code, on or before the fifteenth day of April of 18877  
each year, on forms that the tax commissioner shall prescribe, 18878  
together with remittance made payable to the treasurer of state 18879  
in the combined amount of the state and all school district 18880  
income taxes shown to be due on the form. 18881

Upon good cause shown, the commissioner may extend the 18882  
period for filing any notice or return required to be filed 18883  
under this section and may adopt rules relating to extensions. 18884  
If the extension results in an extension of time for the payment 18885  
of any state or school district income tax liability with 18886  
respect to which the return is filed, the taxpayer shall pay at 18887  
the time the tax liability is paid an amount of interest 18888  
computed at the rate per annum prescribed by section 5703.47 of 18889  
the Revised Code on that liability from the time that payment is 18890  
due without extension to the time of actual payment. Except as 18891  
provided in section 5747.132 of the Revised Code, in addition to 18892  
all other interest charges and penalties, all taxes imposed 18893

under this chapter or Chapter 5748. of the Revised Code and 18894  
remaining unpaid after they become due, except combined amounts 18895  
due of one dollar or less, bear interest at the rate per annum 18896  
prescribed by section 5703.47 of the Revised Code until paid or 18897  
until the day an assessment is issued under section 5747.13 of 18898  
the Revised Code, whichever occurs first. 18899

If the commissioner considers it necessary in order to 18900  
ensure the payment of the tax imposed by section 5747.02 of the 18901  
Revised Code or any tax imposed under Chapter 5748. of the 18902  
Revised Code, the commissioner may require returns and payments 18903  
to be made otherwise than as provided in this section. 18904

To the extent that any provision in this division 18905  
conflicts with any provision in section 5747.026 of the Revised 18906  
Code, the provision in that section prevails. 18907

(H) The amounts withheld pursuant to section 5747.06, 18908  
5747.062, 5747.063, ~~5747.064~~, 5747.065, or 5747.071 of the 18909  
Revised Code shall be allowed to the ultimate recipient of the 18910  
income as credits against payment of the appropriate taxes 18911  
imposed on the ultimate recipient by section 5747.02 and under 18912  
Chapter 5748. of the Revised Code. As used in this division, 18913  
"ultimate recipient" means the person who is required to report 18914  
income from which amounts are withheld pursuant to section 18915  
5747.06, 5747.062, 5747.063, ~~5747.064~~, 5747.065, or 5747.071 of 18916  
the Revised Code on the annual return required to be filed under 18917  
this section. 18918

(I) If a pass-through entity elects to file a single 18919  
return under division (D) of this section and if any investor is 18920  
required to file the annual return and make the payment of taxes 18921  
required by this chapter on account of the investor's other 18922  
income that is not included in a single return filed by a pass- 18923

through entity or any other investor elects to file the annual 18924  
return, the investor is entitled to a refundable credit equal to 18925  
the investor's proportionate share of the tax paid by the pass- 18926  
through entity on behalf of the investor. The investor shall 18927  
claim the credit for the investor's taxable year in which or 18928  
with which ends the taxable year of the pass-through entity. 18929  
Nothing in this chapter shall be construed to allow any credit 18930  
provided in this chapter to be claimed more than once. For the 18931  
purpose of computing any interest, penalty, or interest penalty, 18932  
the investor shall be deemed to have paid the refundable credit 18933  
provided by this division on the day that the pass-through 18934  
entity paid the estimated tax or the tax giving rise to the 18935  
credit. 18936

(J) The tax commissioner shall ensure that each return 18937  
required to be filed under this section includes a box that the 18938  
taxpayer may check to authorize a paid tax preparer who prepared 18939  
the return to communicate with the department of taxation about 18940  
matters pertaining to the return. The return or instructions 18941  
accompanying the return shall indicate that by checking the box 18942  
the taxpayer authorizes the department of taxation to contact 18943  
the preparer concerning questions that arise during the 18944  
processing of the return and authorizes the preparer only to 18945  
provide the department with information that is missing from the 18946  
return, to contact the department for information about the 18947  
processing of the return or the status of the taxpayer's refund 18948  
or payments, and to respond to notices about mathematical 18949  
errors, offsets, or return preparation that the taxpayer has 18950  
received from the department and has shown to the preparer. 18951

(K) The tax commissioner shall permit individual taxpayers 18952  
to instruct the department of taxation to cause any refund of 18953  
overpaid taxes to be deposited directly into a checking account, 18954

savings account, or an individual retirement account or 18955  
individual retirement annuity, or preexisting college savings 18956  
plan or program account offered by the Ohio tuition trust 18957  
authority under Chapter 3334. of the Revised Code, as designated 18958  
by the taxpayer, when the taxpayer files the annual return 18959  
required by this section electronically. 18960

(L) If, for the taxable year, a nonresident or trust that 18961  
is the owner of an electing pass-through entity, as defined in 18962  
section 5747.38 of the Revised Code, does not have Ohio adjusted 18963  
gross income or, in the case of a trust, modified Ohio taxable 18964  
income other than from one or more electing pass-through 18965  
entities, the nonresident or trust shall not be required to file 18966  
an annual return under this section. Nothing in this division 18967  
precludes such an owner from filing the annual return under this 18968  
section, utilizing the refundable credit under section 5747.39 18969  
of the Revised Code equal to the owner's proportionate share of 18970  
the tax levied under section 5747.38 of the Revised Code and 18971  
paid by the electing pass-through entity, and making the payment 18972  
of taxes imposed under section 5747.02 of the Revised Code. 18973

(M) The tax commissioner may adopt rules to administer 18974  
this section. 18975

**Sec. 5747.12.** (A) If a person entitled to a refund under 18976  
section 5747.11 or 5747.13 of the Revised Code is indebted for 18977  
any of the following, the amount refundable may be applied in 18978  
satisfaction of the debt: 18979

(1) To this state for any tax, workers' compensation 18980  
premium due under section 4123.35 of the Revised Code, or 18981  
unemployment compensation contribution due under section 4141.25 18982  
of the Revised Code; 18983

(2) To the state or a political subdivision for a 18984  
certified claim under section 131.02 or 131.021 of the Revised 18985  
Code or a finding for recovery included in a certified report 18986  
that has been filed with the attorney general pursuant to 18987  
sections 117.28 and 117.30 of the Revised Code; 18988

(3) For a fee that is paid to the state or to the clerk of 18989  
courts pursuant to section 4505.06 of the Revised Code; 18990

(4) For any charge, penalty, collection cost, or interest 18991  
arising from a debt listed in divisions (A) (1) to (3) of this 18992  
section. 18993

(B) If the amount refundable is less than the amount of 18994  
the debt owed under division (A) of this section, it may be 18995  
applied in partial satisfaction of the debt. If the amount 18996  
refundable is greater than the amount of that debt, the amount 18997  
remaining after satisfaction of the debt shall be refunded. If 18998  
the person has more than one debt listed in division (A) of this 18999  
section, any debt subject to section 5739.33 or division (G) of 19000  
section 5747.07 of the Revised Code or arising under section 19001  
5747.063 ~~or 5747.064~~ of the Revised Code shall be satisfied 19002  
first. 19003

(C) Except as provided in section 131.021 of the Revised 19004  
Code, this section applies only to debts that have become final. 19005

(D) The tax commissioner may charge each respective agency 19006  
of the state for the commissioner's cost in applying refunds to 19007  
debts due to the state and may charge the attorney general for 19008  
the commissioner's cost in applying refunds to certified claims. 19009

(E) The commissioner may promulgate rules to implement 19010  
this section. The rules may address, among other things, 19011  
situations such as those where persons may jointly be entitled 19012

to a refund but do not jointly owe a debt or certified claim. 19013

(F) The commissioner may, with the consent of the 19014  
taxpayer, provide for the crediting, against tax imposed under 19015  
this chapter or Chapter 5748. of the Revised Code and due for 19016  
any taxable year, of the amount of any refund due the taxpayer 19017  
under this chapter or Chapter 5748. of the Revised Code, as 19018  
appropriate, for a preceding taxable year. 19019

**Sec. 5747.20.** This section applies solely for the purposes 19020  
of computing the credit allowed under division (A) of section 19021  
5747.05 of the Revised Code and computing income taxable in this 19022  
state under division (D) of section 5747.08 of the Revised Code. 19023

All items of nonbusiness income or deduction shall be 19024  
allocated in this state as follows: 19025

(A) All items of nonbusiness income or deduction taken 19026  
into account in the computation of adjusted gross income for the 19027  
taxable year by a resident shall be allocated to this state. 19028

(B) All items of nonbusiness income or deduction taken 19029  
into account in the computation of adjusted gross income for the 19030  
taxable year by a nonresident shall be allocated to this state 19031  
as follows: 19032

(1) All items of compensation paid to an individual for 19033  
personal services performed in this state who was a nonresident 19034  
at the time of payment and all items of deduction directly 19035  
allocated thereto shall be allocated to this state. 19036

(2) All gains or losses from the sale of real property, 19037  
tangible personal property, or intangible property shall be 19038  
allocated as follows: 19039

(a) Capital gains or losses from the sale or other 19040

transfer of real property are allocable to this state if the 19041  
property is located physically in this state. 19042

(b) Capital gains or losses from the sale or other 19043  
transfer of tangible personal property are allocable to this 19044  
state if, at the time of such sale or other transfer, the 19045  
property had its physical location in this state. 19046

(c) Capital gains or losses from the sale or other 19047  
transfer of intangible personal property are allocable to this 19048  
state if the taxpayer's domicile was in this state at the time 19049  
of such sale or other transfer. 19050

(3) All rents and royalties of real or tangible personal 19051  
property shall be allocated to this state as follows: 19052

(a) Rents and royalties derived from real property are 19053  
allocable to this state if the property is physically located in 19054  
this state. 19055

(b) Rents and royalties derived from tangible personal 19056  
property are allocable to this state to the extent that such 19057  
property is utilized in this state. 19058

The extent of utilization of tangible personal property in 19059  
a state is determined by multiplying the rents or royalties 19060  
derived from such property by a fraction, the numerator of which 19061  
is the number of days of physical location of the property in 19062  
this state during the rental or royalty period in the taxable 19063  
year and the denominator of which is the number of days of 19064  
physical location of the property everywhere during all rental 19065  
or royalty periods in the taxable year. If the physical location 19066  
of the property during the rental or royalty period is unknown 19067  
or unascertainable by the nonresident, tangible personal 19068  
property is utilized in the state in which the property was 19069

located at the time the rental or royalty payor obtained 19070  
possession. 19071

(4) All patent and copyright royalties shall be allocated 19072  
to this state to the extent the patent or copyright was utilized 19073  
by the payor in this state. 19074

A patent is utilized in a state to the extent that it is 19075  
employed in production, fabrication, manufacturing, or other 19076  
processing in the state, or to the extent that a patented 19077  
product is produced in the state. If the basis of receipts from 19078  
patent royalties does not permit allocation to states or if the 19079  
accounting procedures do not reflect states of utilization, the 19080  
patent is utilized in this state if the taxpayer's domicile was 19081  
in this state at the time such royalties were paid or accrued. 19082

A copyright is utilized in a state to the extent that 19083  
printing or other publication originates in the state. If the 19084  
basis of receipts from copyright royalties does not permit 19085  
allocation to states or if the accounting procedures do not 19086  
reflect states of utilization, the copyright is utilized in this 19087  
state if the taxpayer's domicile was in this state at the time 19088  
such royalties were paid or accrued. 19089

(5) (a) All lottery prize awards paid by the state lottery 19090  
commission pursuant to Chapter 3770. of the Revised Code shall 19091  
be allocated to this state. 19092

(b) All earnings, profit, income, and gain from the sale, 19093  
exchange, or other disposition of lottery prize awards paid or 19094  
to be paid to any person by the state lottery commission 19095  
pursuant to Chapter 3770. of the Revised Code shall be allocated 19096  
to this state. 19097

(c) All earnings, profit, income, and gain from the direct 19098



or indirect ownership of lottery prize awards paid or to be paid 19099  
to any person by the state lottery commission pursuant to 19100  
Chapter 3770. of the Revised Code shall be allocated to this 19101  
state. 19102

(d) All earnings, profit, income, and gain from the direct 19103  
or indirect interest in any right in or to any lottery prize 19104  
awards paid or to be paid to any person by the state lottery 19105  
commission pursuant to Chapter 3770. of the Revised Code shall 19106  
be allocated to this state. 19107

(6) Any item of income or deduction which has been taken 19108  
into account in the computation of adjusted gross income for the 19109  
taxable year by a nonresident and which is not otherwise 19110  
specifically allocated or apportioned pursuant to sections 19111  
5747.20 to 5747.23 of the Revised Code, including, without 19112  
limitation, interest, dividends and distributions, items of 19113  
income taken into account under the provisions of sections 401 19114  
to 425 of the Internal Revenue Code, and benefit payments 19115  
received by a beneficiary of a supplemental unemployment trust 19116  
which is referred to in section 501(c)(17) of the Internal 19117  
Revenue Code, shall not be allocated to this state unless the 19118  
taxpayer's domicile was in this state at the time such income 19119  
was paid or accrued. 19120

(7) All winnings from charitable gaming, pari-mutuel 19121  
wagering on horse racing, lottery gaming, internet gambling, 19122  
casino gaming, or sports gaming conducted in this state shall be 19123  
allocated to the state. 19124

(C) If an individual is a resident for part of the taxable 19125  
year and a nonresident for the remainder of the taxable year, 19126  
all items of nonbusiness income or deduction shall be allocated 19127  
under division (A) of this section for the part of the taxable 19128

year that the individual is a resident and under division (B) of 19129  
this section for the part of the taxable year that the 19130  
individual is a nonresident. 19131

**Sec. 5751.01.** As used in this chapter: 19132

(A) "Person" means, but is not limited to, individuals, 19133  
combinations of individuals of any form, receivers, assignees, 19134  
trustees in bankruptcy, firms, companies, joint-stock companies, 19135  
business trusts, estates, partnerships, limited liability 19136  
partnerships, limited liability companies, associations, joint 19137  
ventures, clubs, societies, for-profit corporations, S 19138  
corporations, qualified subchapter S subsidiaries, qualified 19139  
subchapter S trusts, trusts, entities that are disregarded for 19140  
federal income tax purposes, and any other entities. 19141

(B) "Consolidated elected taxpayer" means a group of two 19142  
or more persons treated as a single taxpayer for purposes of 19143  
this chapter as the result of an election made under section 19144  
5751.011 of the Revised Code. 19145

(C) "Combined taxpayer" means a group of two or more 19146  
persons treated as a single taxpayer for purposes of this 19147  
chapter under section 5751.012 of the Revised Code. 19148

(D) "Taxpayer" means any person, or any group of persons 19149  
in the case of a consolidated elected taxpayer or combined 19150  
taxpayer treated as one taxpayer, required to register or pay 19151  
tax under this chapter. "Taxpayer" does not include excluded 19152  
persons. 19153

(E) "Excluded person" means any of the following: 19154

(1) Any person with not more than one hundred fifty 19155  
thousand dollars of taxable gross receipts during the calendar 19156  
year. Division (E) (1) of this section does not apply to a person 19157

that is a member of a consolidated elected taxpayer. 19158

(2) A public utility that paid the excise tax imposed by 19159  
section 5727.24 or 5727.30 of the Revised Code based on one or 19160  
more measurement periods that include the entire tax period 19161  
under this chapter, except in the following circumstances: 19162

(a) A public utility that is a combined company is a 19163  
taxpayer with regard to the following gross receipts: 19164

(i) Taxable gross receipts directly attributed to a public 19165  
utility activity, but not directly attributed to an activity 19166  
that is subject to the excise tax imposed by section 5727.24 or 19167  
5727.30 of the Revised Code; 19168

(ii) Taxable gross receipts that cannot be directly 19169  
attributed to any activity, multiplied by a fraction whose 19170  
numerator is the taxable gross receipts described in division 19171  
(E) (2) (a) (i) of this section and whose denominator is the total 19172  
taxable gross receipts that can be directly attributed to any 19173  
activity; 19174

(iii) Except for any differences resulting from the use of 19175  
an accrual basis method of accounting for purposes of 19176  
determining gross receipts under this chapter and the use of the 19177  
cash basis method of accounting for purposes of determining 19178  
gross receipts under section 5727.24 of the Revised Code, the 19179  
gross receipts directly attributed to the activity of a natural 19180  
gas company shall be determined in a manner consistent with 19181  
division (D) of section 5727.03 of the Revised Code. 19182

(b) A heating company that became exempt from the excise 19183  
tax imposed by section 5727.30 of the Revised Code on May 1, 19184  
2023, shall not be an excluded person for tax periods beginning 19185  
on or after July 1, 2023. 19186

As used in division (E) (2) of this section, "combined  
company" and "public utility" have the same meanings as in  
section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01  
of the Revised Code, that paid the tax imposed by section  
5726.02 of the Revised Code based on one or more taxable years  
that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more  
financial institutions, as defined in section 5726.01 of the  
Revised Code, that paid the tax imposed by section 5726.02 of  
the Revised Code based on one or more taxable years that include  
the entire tax period under this chapter.

For the purposes of division (E) (4) of this section, a  
person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one  
corporation owns another corporation if it owns fifty per cent  
or more of the other corporation's capital stock with current  
voting rights;

(b) In the case of a limited liability company, one person  
owns the company if that person's membership interest, as  
defined in section 1706.01 of the Revised Code, is fifty per  
cent or more of the combined membership interests of all persons  
owning such interests in the company;

(c) In the case of a partnership, trust, or other  
unincorporated business organization other than a limited  
liability company, one person owns the organization if, under  
the articles of organization or other instrument governing the  
affairs of the organization, that person has a beneficial  
interest in the organization's profits, surpluses, losses, or

distributions of fifty per cent or more of the combined 19216  
beneficial interests of all persons having such an interest in 19217  
the organization. 19218

(5) A domestic insurance company or foreign insurance 19219  
company, as defined in section 5725.01 of the Revised Code, that 19220  
paid the insurance company premiums tax imposed by section 19221  
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 19222  
insurance company whose gross premiums are subject to tax under 19223  
section 3905.36 of the Revised Code based on one or more 19224  
measurement periods that include the entire tax period under 19225  
this chapter; 19226

(6) A person that solely facilitates or services one or 19227  
more securitizations of phase-in-recovery property pursuant to a 19228  
final financing order as those terms are defined in section 19229  
4928.23 of the Revised Code. For purposes of this division, 19230  
"securitization" means transferring one or more assets to one or 19231  
more persons and then issuing securities backed by the right to 19232  
receive payment from the asset or assets so transferred. 19233

(7) Except as otherwise provided in this division, a pre- 19234  
income tax trust as defined in section 5747.01 of the Revised 19235  
Code and any pass-through entity of which such pre-income tax 19236  
trust owns or controls, directly, indirectly, or constructively 19237  
through related interests, more than five per cent of the 19238  
ownership or equity interests. If the pre-income tax trust has 19239  
made a qualifying pre-income tax trust election under division 19240  
(EE) of section 5747.01 of the Revised Code, then the trust and 19241  
the pass-through entities of which it owns or controls, 19242  
directly, indirectly, or constructively through related 19243  
interests, more than five per cent of the ownership or equity 19244  
interests, shall not be excluded persons for purposes of the tax 19245

imposed under section 5751.02 of the Revised Code. 19246

(8) Nonprofit organizations or the state and its agencies, 19247  
instrumentalities, or political subdivisions. 19248

(F) Except as otherwise provided in divisions (F) (2), (3), 19249  
and (4) of this section, "gross receipts" means the total amount 19250  
realized by a person, without deduction for the cost of goods 19251  
sold or other expenses incurred, that contributes to the 19252  
production of gross income of the person, including the fair 19253  
market value of any property and any services received, and any 19254  
debt transferred or forgiven as consideration. 19255

(1) The following are examples of gross receipts: 19256

(a) Amounts realized from the sale, exchange, or other 19257  
disposition of the taxpayer's property to or with another; 19258

(b) Amounts realized from the taxpayer's performance of 19259  
services for another; 19260

(c) Amounts realized from another's use or possession of 19261  
the taxpayer's property or capital; 19262

(d) Any combination of the foregoing amounts. 19263

(2) "Gross receipts" excludes the following amounts: 19264

(a) Interest income except interest on credit sales; 19265

(b) Dividends and distributions from corporations, and 19266  
distributive or proportionate shares of receipts and income from 19267  
a pass-through entity as defined under section 5733.04 of the 19268  
Revised Code; 19269

(c) Receipts from the sale, exchange, or other disposition 19270  
of an asset described in section 1221 or 1231 of the Internal 19271  
Revenue Code, without regard to the length of time the person 19272

held the asset. Notwithstanding section 1221 of the Internal 19273  
Revenue Code, receipts from hedging transactions also are 19274  
excluded to the extent the transactions are entered into 19275  
primarily to protect a financial position, such as managing the 19276  
risk of exposure to (i) foreign currency fluctuations that 19277  
affect assets, liabilities, profits, losses, equity, or 19278  
investments in foreign operations; (ii) interest rate 19279  
fluctuations; or (iii) commodity price fluctuations. As used in 19280  
division (F)(2)(c) of this section, "hedging transaction" has 19281  
the same meaning as used in section 1221 of the Internal Revenue 19282  
Code and also includes transactions accorded hedge accounting 19283  
treatment under statement of financial accounting standards 19284  
number 133 of the financial accounting standards board. For the 19285  
purposes of division (F)(2)(c) of this section, the actual 19286  
transfer of title of real or tangible personal property to 19287  
another entity is not a hedging transaction. 19288

(d) Proceeds received attributable to the repayment, 19289  
maturity, or redemption of the principal of a loan, bond, mutual 19290  
fund, certificate of deposit, or marketable instrument; 19291

(e) The principal amount received under a repurchase 19292  
agreement or on account of any transaction properly 19293  
characterized as a loan to the person; 19294

(f) Contributions received by a trust, plan, or other 19295  
arrangement, any of which is described in section 501(a) of the 19296  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 19297  
1, Subchapter (D) of the Internal Revenue Code applies; 19298

(g) Compensation, whether current or deferred, and whether 19299  
in cash or in kind, received or to be received by an employee, 19300  
former employee, or the employee's legal successor for services 19301  
rendered to or for an employer, including reimbursements 19302

received by or for an individual for medical or education 19303  
expenses, health insurance premiums, or employee expenses, or on 19304  
account of a dependent care spending account, legal services 19305  
plan, any cafeteria plan described in section 125 of the 19306  
Internal Revenue Code, or any similar employee reimbursement; 19307

(h) Proceeds received from the issuance of the taxpayer's 19308  
own stock, options, warrants, puts, or calls, or from the sale 19309  
of the taxpayer's treasury stock; 19310

(i) Proceeds received on the account of payments from 19311  
insurance policies, except those proceeds received for the loss 19312  
of business revenue; 19313

(j) Gifts or charitable contributions received; membership 19314  
dues received by trade, professional, homeowners', or 19315  
condominium associations; payments received for educational 19316  
courses, meetings, meals, or similar payments to a trade, 19317  
professional, or other similar association; and fundraising 19318  
receipts received by any person when any excess receipts are 19319  
donated or used exclusively for charitable purposes; 19320

(k) Damages received as the result of litigation in excess 19321  
of amounts that, if received without litigation, would be gross 19322  
receipts; 19323

(l) Property, money, and other amounts received or 19324  
acquired by an agent on behalf of another in excess of the 19325  
agent's commission, fee, or other remuneration; 19326

(m) Tax refunds, other tax benefit recoveries, and 19327  
reimbursements for the tax imposed under this chapter made by 19328  
entities that are part of the same combined taxpayer or 19329  
consolidated elected taxpayer group, and reimbursements made by 19330  
entities that are not members of a combined taxpayer or 19331



consolidated elected taxpayer group that are required to be made 19332  
for economic parity among multiple owners of an entity whose tax 19333  
obligation under this chapter is required to be reported and 19334  
paid entirely by one owner, pursuant to the requirements of 19335  
sections 5751.011 and 5751.012 of the Revised Code; 19336

(n) Pension reversions; 19337

(o) Contributions to capital; 19338

(p) Sales or use taxes collected as a vendor or an out-of- 19339  
state seller on behalf of the taxing jurisdiction from a 19340  
consumer or other taxes the taxpayer is required by law to 19341  
collect directly from a purchaser and remit to a local, state, 19342  
or federal tax authority; 19343

(q) In the case of receipts from the sale of cigarettes, 19344  
tobacco products, or vapor products by a wholesale dealer, 19345  
retail dealer, distributor, manufacturer, vapor distributor, or 19346  
seller, all as defined in section 5743.01 of the Revised Code, 19347  
an amount equal to the federal and state excise taxes paid by 19348  
any person on or for such cigarettes, tobacco products, or vapor 19349  
products under subtitle E of the Internal Revenue Code or 19350  
Chapter 5743. of the Revised Code; 19351

(r) In the case of receipts from the sale, transfer, 19352  
exchange, or other disposition of motor fuel as "motor fuel" is 19353  
defined in section 5736.01 of the Revised Code, an amount equal 19354  
to the value of the motor fuel, including federal and state 19355  
motor fuel excise taxes and receipts from billing or invoicing 19356  
the tax imposed under section 5736.02 of the Revised Code to 19357  
another person; 19358

(s) In the case of receipts from the sale of beer or 19359  
intoxicating liquor, as defined in section 4301.01 of the 19360

Revised Code, by a person holding a permit issued under Chapter 19361  
4301. or 4303. of the Revised Code, an amount equal to federal 19362  
and state excise taxes paid by any person on or for such beer or 19363  
intoxicating liquor under subtitle E of the Internal Revenue 19364  
Code or Chapter 4301. or 4305. of the Revised Code; 19365

(t) Receipts realized by a new motor vehicle dealer or 19366  
used motor vehicle dealer, as defined in section 4517.01 of the 19367  
Revised Code, from the sale or other transfer of a motor 19368  
vehicle, as defined in that section, to another motor vehicle 19369  
dealer for the purpose of resale by the transferee motor vehicle 19370  
dealer, but only if the sale or other transfer was based upon 19371  
the transferee's need to meet a specific customer's preference 19372  
for a motor vehicle; 19373

(u) Receipts from a financial institution described in 19374  
division (E)(3) of this section for services provided to the 19375  
financial institution in connection with the issuance, 19376  
processing, servicing, and management of loans or credit 19377  
accounts, if such financial institution and the recipient of 19378  
such receipts have at least fifty per cent of their ownership 19379  
interests owned or controlled, directly or constructively 19380  
through related interests, by common owners; 19381

(v) Receipts realized from administering anti-neoplastic 19382  
drugs and other cancer chemotherapy, biologicals, therapeutic 19383  
agents, and supportive drugs in a physician's office to patients 19384  
with cancer; 19385

(w) Funds received or used by a mortgage broker that is 19386  
not a dealer in intangibles, other than fees or other 19387  
consideration, pursuant to a table-funding mortgage loan or 19388  
warehouse-lending mortgage loan. Terms used in division (F)(2) 19389  
(w) of this section have the same meanings as in section 1322.01 19390

of the Revised Code, except "mortgage broker" means a person 19391  
assisting a buyer in obtaining a mortgage loan for a fee or 19392  
other consideration paid by the buyer or a lender, or a person 19393  
engaged in table-funding or warehouse-lending mortgage loans 19394  
that are first lien mortgage loans. 19395

(x) Property, money, and other amounts received by a 19396  
professional employer organization, as defined in section 19397  
4125.01 of the Revised Code, or an alternate employer 19398  
organization, as defined in section 4133.01 of the Revised Code, 19399  
from a client employer, as defined in either of those sections 19400  
as applicable, in excess of the administrative fee charged by 19401  
the professional employer organization or the alternate employer 19402  
organization to the client employer; 19403

(y) In the case of amounts retained as commissions by a 19404  
permit holder under Chapter 3769. of the Revised Code, an amount 19405  
equal to the amounts specified under that chapter that must be 19406  
paid to or collected by the tax commissioner as a tax and the 19407  
amounts specified under that chapter to be used as purse money; 19408

(z) Qualifying distribution center receipts as determined 19409  
under section 5751.40 of the Revised Code; 19410

(aa) Receipts of an employer from payroll deductions 19411  
relating to the reimbursement of the employer for advancing 19412  
moneys to an unrelated third party on an employee's behalf; 19413

(bb) Cash discounts allowed and taken; 19414

(cc) Returns and allowances; 19415

(dd) Bad debts from receipts on the basis of which the tax 19416  
imposed by this chapter was paid in a prior quarterly tax 19417  
payment period. For the purpose of this division, "bad debts" 19418  
means any debts that have become worthless or uncollectible 19419

between the preceding and current quarterly tax payment periods, 19420  
have been uncollected for at least six months, and that may be 19421  
claimed as a deduction under section 166 of the Internal Revenue 19422  
Code and the regulations adopted under that section, or that 19423  
could be claimed as such if the taxpayer kept its accounts on 19424  
the accrual basis. "Bad debts" does not include repossessed 19425  
property, uncollectible amounts on property that remains in the 19426  
possession of the taxpayer until the full purchase price is 19427  
paid, or expenses in attempting to collect any account 19428  
receivable or for any portion of the debt recovered. 19429

(ee) Any amount realized from the sale of an account 19430  
receivable to the extent the receipts from the underlying 19431  
transaction giving rise to the account receivable were included 19432  
in the gross receipts of the taxpayer; 19433

(ff) Any receipts directly attributed to a transfer 19434  
agreement or to the enterprise transferred under that agreement 19435  
under section 4313.02 of the Revised Code; 19436

(gg) Qualified uranium receipts as determined under 19437  
section 5751.41 of the Revised Code; 19438

(hh) In the case of amounts collected by a licensed casino 19439  
operator from casino gaming, amounts in excess of the casino 19440  
operator's gross casino revenue. In this division, "casino 19441  
operator" and "casino gaming" have the meanings defined in 19442  
section 3772.01 of the Revised Code, and "gross casino revenue" 19443  
has the meaning defined in section 5753.01 of the Revised Code. 19444

(ii) Receipts realized from the sale of agricultural 19445  
commodities by an agricultural commodity handler, both as 19446  
defined in section 926.01 of the Revised Code, that is licensed 19447  
by the director of agriculture to handle agricultural 19448

commodities in this state; 19449

(jj) Qualifying integrated supply chain receipts as 19450  
determined under section 5751.42 of the Revised Code; 19451

(kk) In the case of a railroad company described in 19452  
division (D) (9) of section 5727.01 of the Revised Code that 19453  
purchases dyed diesel fuel directly from a supplier as defined 19454  
by section 5736.01 of the Revised Code, an amount equal to the 19455  
product of the number of gallons of dyed diesel fuel purchased 19456  
directly from such a supplier multiplied by the average 19457  
wholesale price for a gallon of diesel fuel as determined under 19458  
section 5736.02 of the Revised Code for the period during which 19459  
the fuel was purchased multiplied by a fraction, the numerator 19460  
of which equals the rate of tax levied by section 5736.02 of the 19461  
Revised Code less the rate of tax computed in section 5751.03 of 19462  
the Revised Code, and the denominator of which equals the rate 19463  
of tax computed in section 5751.03 of the Revised Code; 19464

(ll) Receipts realized by an out-of-state disaster 19465  
business from disaster work conducted in this state during a 19466  
disaster response period pursuant to a qualifying solicitation 19467  
received by the business. Terms used in division (F) (2) (ll) of 19468  
this section have the same meanings as in section 5703.94 of the 19469  
Revised Code. 19470

(mm) In the case of receipts from the sale or transfer of 19471  
a mortgage-backed security or a mortgage loan by a mortgage 19472  
lender holding a valid certificate of registration issued under 19473  
Chapter 1322. of the Revised Code or by a person that is a 19474  
member of the mortgage lender's consolidated elected taxpayer 19475  
group, an amount equal to the principal balance of the mortgage 19476  
loan; 19477

(nn) Amounts of excess surplus of the state insurance fund 19478  
received by the taxpayer from the Ohio bureau of workers' 19479  
compensation pursuant to rules adopted under section 4123.321 of 19480  
the Revised Code; 19481

(oo) Except as otherwise provided in division (B) of 19482  
section 5751.091 of the Revised Code, receipts of a megaproject 19483  
supplier from sales of tangible personal property directly to a 19484  
megaproject operator in this state for use at the site of the 19485  
megaproject operator's megaproject, provided that the sale 19486  
occurs during the period that the megaproject operator has an 19487  
agreement with the tax credit authority for the megaproject 19488  
under division (D) of section 122.17 of the Revised Code that 19489  
remains in effect and has not expired or been terminated, and 19490  
provided the megaproject supplier holds a certificate for such 19491  
megaproject issued under section 5751.052 of the Revised Code 19492  
for the calendar year in which the sales are made and, if the 19493  
megaproject supplier meets the requirements described in 19494  
division (A) (13) (b) of section 122.17 of the Revised Code, the 19495  
megaproject supplier holds a certificate for such megaproject 19496  
issued under division (D) (11) of section 122.17 of the Revised 19497  
Code on the first day of that calendar year; 19498

(pp) Receipts from the sale of each new piece of capital 19499  
equipment that has a cost in excess of one hundred million 19500  
dollars and that is used at the site of a megaproject that 19501  
satisfies the criteria described in division (A) (11) (a) (ii) of 19502  
section 122.17 of the Revised Code, provided that the sale 19503  
occurs during the period that a megaproject operator has an 19504  
agreement for that megaproject with the tax credit authority 19505  
under division (D) of section 122.17 of the Revised Code that 19506  
remains in effect and has not expired or been terminated; 19507

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;

(ii) A railroad company, as that term is defined in section 5727.01 of the Revised Code;

(iii) Any subsidiary, insurer, or agent of a railroad company or any related person.

(tt) An amount equal to the fee imposed by section 3743.22 of the Revised Code billed to the purchaser, collected by the taxpayer, and remitted to the fire marshal during the tax period, provided that the fee is separately stated on the invoice, bill of sale, or similar document given to the purchaser of 1.4G fireworks in this state-;

(uu) In the case of amounts collected by an internet gambling operator from internet gambling, amounts in excess of the operator's internet gambling receipts. As used in this

division, "internet gambling" and "internet gambling operator" 19537  
have the same meanings as in section 3771.01 of the Revised Code 19538  
and "internet gambling receipts" has the same meaning as in 19539  
section 5753.01 of the Revised Code. 19540

(vv) Any receipts for which the tax imposed by this 19541  
chapter is prohibited by the constitution or laws of the United 19542  
States or the constitution of this state; 19543

~~(vv)~~ (ww) Receipts from fees imposed under sections 128.41 19544  
and 128.42 of the Revised Code. 19545

(3) In the case of a taxpayer when acting as a real estate 19546  
broker, "gross receipts" includes only the portion of any fee 19547  
for the service of a real estate broker, or service of a real 19548  
estate salesperson associated with that broker, that is retained 19549  
by the broker and not paid to an associated real estate 19550  
salesperson or another real estate broker. For the purposes of 19551  
this division, "real estate broker" and "real estate 19552  
salesperson" have the same meanings as in section 4735.01 of the 19553  
Revised Code. 19554

(4) A taxpayer's method of accounting for gross receipts 19555  
for a tax period shall be the same as the taxpayer's method of 19556  
accounting for federal income tax purposes for the taxpayer's 19557  
federal taxable year that includes the tax period. If a 19558  
taxpayer's method of accounting for federal income tax purposes 19559  
changes, its method of accounting for gross receipts under this 19560  
chapter shall be changed accordingly. 19561

(G) "Taxable gross receipts" means gross receipts sitused 19562  
to this state under section 5751.033 of the Revised Code. 19563

(H) A person has "substantial nexus with this state" if 19564  
any of the following applies. The person: 19565



(1) Owns or uses a part or all of its capital in this state; 19566  
19567

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state; 19568  
19569

(3) Has bright-line presence in this state; 19570

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States. 19571  
19572  
19573

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person: 19574  
19575  
19576

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I) (1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge. 19577  
19578  
19579  
19580  
19581

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following: 19582  
19583  
19584

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code; 19585  
19586

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and 19587  
19588  
19589

(c) Any amount the person pays for services performed in this state on its behalf by another. 19590  
19591

(3) Has during the calendar year taxable gross receipts of 19592

at least five hundred thousand dollars; 19593

(4) Has at any time during the calendar year within this 19594  
state at least twenty-five per cent of the person's total 19595  
property, total payroll, or total gross receipts; 19596

(5) Is domiciled in this state as an individual or for 19597  
corporate, commercial, or other business purposes. 19598

(J) "Tangible personal property" has the same meaning as 19599  
in section 5739.01 of the Revised Code. 19600

(K) "Internal Revenue Code" means the Internal Revenue 19601  
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 19602  
used in this chapter that is not otherwise defined has the same 19603  
meaning as when used in a comparable context in the laws of the 19604  
United States relating to federal income taxes unless a 19605  
different meaning is clearly required. Any reference in this 19606  
chapter to the Internal Revenue Code includes other laws of the 19607  
United States relating to federal income taxes. 19608

(L) "Calendar quarter" means a three-month period ending 19609  
on the thirty-first day of March, the thirtieth day of June, the 19610  
thirtieth day of September, or the thirty-first day of December. 19611

(M) "Tax period" means the calendar quarter on the basis 19612  
of which a taxpayer is required to pay the tax imposed under 19613  
this chapter. 19614

(N) "Agent" means a person authorized by another person to 19615  
act on its behalf to undertake a transaction for the other, 19616  
including any of the following: 19617

(1) A person receiving a fee to sell financial 19618  
instruments; 19619

(2) A person retaining only a commission from a 19620

transaction with the other proceeds from the transaction being	19621
remitted to another person;	19622
(3) A person issuing licenses and permits under section	19623
1533.13 of the Revised Code;	19624
(4) A lottery sales agent holding a valid license issued	19625
under section 3770.05 of the Revised Code;	19626
(5) A person acting as an agent of the division of liquor	19627
control under section 4301.17 of the Revised Code.	19628
(O) "Received" includes amounts accrued under the accrual	19629
method of accounting.	19630
(P) "Reporting person" means a person in a consolidated	19631
elected taxpayer or combined taxpayer group that is designated	19632
by that group to legally bind the group for all filings and tax	19633
liabilities and to receive all legal notices with respect to	19634
matters under this chapter, or, for the purposes of section	19635
5751.04 of the Revised Code, a separate taxpayer that is not a	19636
member of such a group.	19637
(Q) "Megaproject," "megaproject operator," and	19638
"megaproject supplier" have the same meanings as in section	19639
122.17 of the Revised Code.	19640
(R) "Exclusion amount" means three million dollars	19641
beginning in 2024 and six million dollars beginning in 2025.	19642
<b>Sec. 5753.01.</b> As used in Chapter 5753. of the Revised Code	19643
and for no other purpose under Title LVII of the Revised Code:	19644
(A) "Casino facility" has the same meaning as in section	19645
3772.01 of the Revised Code.	19646
(B) "Casino gaming" has the same meaning as in section	19647

3772.01 of the Revised Code. 19648

(C) "Casino operator" has the same meaning as in section 19649  
3772.01 of the Revised Code. 19650

(D) "Gross casino revenue" means the total amount of money 19651  
exchanged for the purchase of chips, tokens, tickets, electronic 19652  
cards, or similar objects by casino patrons, less winnings paid 19653  
to wagerers. "Gross casino revenue" does not include either of 19654  
the following: 19655

(1) The issuance to casino patrons or wagering by casino 19656  
patrons of any promotional gaming credit as defined in section 19657  
3772.01 of the Revised Code. When issuance of the promotional 19658  
gaming credit requires money exchanged as a match from the 19659  
patron, the excludible portion of the promotional gaming credit 19660  
does not include the portion of the wager purchased by the 19661  
patron. 19662

(2) Sports gaming receipts or internet gambling receipts. 19663

(E) "Person" has the same meaning as in section 3772.01 of 19664  
the Revised Code. 19665

(F) "Slot machine" has the same meaning as in section 19666  
3772.01 of the Revised Code. 19667

(G) "Sports gaming facility" and "sports gaming 19668  
proprietor" have the same meanings as in section 3775.01 of the 19669  
Revised Code. 19670

(H) "Sports gaming receipts" means the total gross 19671  
receipts received by a sports gaming proprietor from the 19672  
operation of sports gaming in this state, including any 19673  
promotional gaming credit, as defined in section 3775.01 of the 19674  
Revised Code, less the total of the following: 19675

(1) All cash and cash equivalents paid as winnings to sports gaming patrons; 19676  
19677

(2) The dollar amount of all voided wagers. 19678

(3) Receipts received from the operation of lottery sports gaming on behalf of the state under sections ~~3770.23 to 3770.24~~ and 3770.25 of the Revised Code. 19679  
19680  
19681

~~(4) (a) On and after January 1, 2027, but before January 1, 2032, ten per cent of the promotional gaming credits wagered by patrons;~~ 19682  
19683  
19684

~~(b) On and after January 1, 2032, twenty per cent of the promotional gaming credits wagered by patrons.~~ 19685  
19686

~~As used in division (H) of this section, "promotional gaming credit" has the same meaning as in section 3775.01 of the Revised Code. When issuance of a promotional gaming credit requires money exchanged as a match from the patron, the deductible portion of the promotional gaming credit does not include the portion of the wager purchased by the patron.~~ 19687  
19688  
19689  
19690  
19691  
19692

(I) "Table game" has the same meaning as in section 3772.01 of the Revised Code. 19693  
19694

(J) "Taxpayer" means a casino operator subject to the tax levied under section 5753.02 of the Revised Code ~~or, a sports gaming proprietor subject to the tax levied under section 5753.021 of the Revised Code, or an internet gambling operator subject to the tax levied under section 5753.022 of the Revised Code.~~ 19695  
19696  
19697  
19698  
19699  
19700

(K) "Tax period" means one twenty-four-hour period with regard to which a casino operator is required to pay the tax levied by section 5753.02 of the Revised Code and one calendar 19701  
19702  
19703

month with regard to which a sports gaming proprietor is 19704  
required to pay the tax levied by section 5753.021 of the 19705  
Revised Code or an internet gambling operator is required to pay 19706  
the tax levied by section 5753.022 of the Revised Code. 19707

(L) "Gross internet gambling revenue" means the total 19708  
gross receipts received by an internet gambling operator from 19709  
the operation of internet gambling in this state, including any 19710  
promotional gaming credit, as defined in section 3771.01 of the 19711  
Revised Code, less winnings paid to wagerers. 19712

(M) "Internet gambling," "internet gambling operator," and 19713  
"internet gambling management company" have the same meanings as 19714  
in section 3771.01 of the Revised Code. 19715

**Sec. 5753.021.** (A) For the purposes of funding the 19716  
education needs of this state, funding efforts to alleviate 19717  
problem sports gaming, and defraying the costs of enforcing and 19718  
administering the law governing sports gaming and the tax levied 19719  
by this section, a tax is hereby levied on the sports gaming 19720  
receipts of a sports gaming proprietor at the ~~rate of twenty~~ 19721  
following applicable rate: 19722

(1) Ten per cent of the sports gaming receipts received by 19723  
a proprietor from the operation of a sports gaming facility; 19724

(2) Twenty per cent of ~~the~~ any other sports gaming 19725  
receipts received by ~~the~~ a proprietor from the operation of 19726  
sports gaming in this state. 19727

(B) The tax imposed under this section is in addition to 19728  
any other taxes or fees imposed under the Revised Code. 19729

**Sec. 5753.022.** (A) For the purpose of funding the needs of 19730  
this state, funding efforts to alleviate problem internet 19731  
gambling, and defraying the costs of administering the tax 19732

levied by this section, a tax is hereby levied on the internet 19733  
gambling receipts of an internet gambling operator or internet 19734  
gambling management company at the following applicable rate: 19735

(1) Except as otherwise provided in division (A) (2) of 19736  
this section, thirty-six per cent of the internet gambling 19737  
receipts received by the operator or management company from the 19738  
operation of internet gambling in this state; 19739

(2) If the internet gambling operator contracts with an 19740  
internet gambling management company under section 3771.05 of 19741  
the Revised Code and the same person does not own or control at 19742  
least fifty per cent of both the internet gambling operator and 19743  
the internet gambling management company, forty per cent of the 19744  
internet gambling receipts received by the operator and the 19745  
management company from the operation of internet gambling in 19746  
this state. 19747

(B) The tax imposed under this section is in addition to 19748  
any other taxes or fees imposed under the Revised Code. 19749

**Sec. 5753.03.** (A) For the purpose of receiving and 19750  
distributing, and accounting for, revenue received from the tax 19751  
levied by section 5753.02 of the Revised Code, the following 19752  
funds are created in the state treasury: 19753

(1) The casino tax revenue fund; 19754

(2) The gross casino revenue county fund; 19755

(3) The gross casino revenue county student fund; 19756

(4) The gross casino revenue host city fund; 19757

(5) The Ohio state racing commission fund; 19758

(6) The Ohio law enforcement training fund; 19759

(7) The problem casino gambling and addictions fund;	19760
(8) The casino control commission fund;	19761
(9) The casino tax administration fund;	19762
(10) The peace officer training academy fund;	19763
(11) The criminal justice services casino tax revenue fund.	19764 19765
(B) All moneys collected from the tax levied under section 5753.02 of the Revised Code shall be deposited into the casino tax revenue fund.	19766 19767 19768
(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.02 of the Revised Code.	19769 19770 19771 19772 19773 19774
(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows:	19775 19776 19777 19778 19779
(1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C) (3) (a) of Article XV, Ohio Constitution;	19780 19781 19782
(2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C) (3) (b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;	19783 19784 19785 19786



(3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;

(4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio ~~state-racing~~ casino control commission to promote horse racing in this state at which the pari-mutuel system of wagering is conducted;

(5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;

(6) Two per cent to the problem casino gambling and addictions fund to support efforts of the department of mental health and addiction services to alleviate problem gambling and substance abuse and related research in the state under section 5119.47 of the Revised Code;

(7) Three per cent to the casino control commission fund to support the operations of the Ohio casino control commission and to defray the cost of administering the tax levied under section 5753.02 of the Revised Code.

Payments under divisions (D) (1) and (3) of this section shall be made by the end of the month following the end of the quarterly period. The tax commissioner shall make the data available to the director of budget and management for this purpose.

Money in the Ohio state racing commission fund shall be distributed at the discretion of the Ohio ~~state-racing~~ casino control commission for the purpose stated in division (D) (4) of this section by the end of the month following the end of the quarterly period. The commission may retain up to ten per cent of the amount transferred to the fund under division (D) (4) of

this section for operating expenses necessary for the 19816  
administration of the fund. 19817

Payments from the gross casino revenue county student fund 19818  
as required under section 5753.11 of the Revised Code shall be 19819  
made by the last day of January and by the last day of August of 19820  
each year, beginning in 2013. The tax commissioner shall make 19821  
the data available to the director of budget and management for 19822  
this purpose. 19823

Of the money credited to the Ohio law enforcement training 19824  
fund, the director of budget and management shall distribute 19825  
eighty-five per cent of the money to the police officer training 19826  
academy fund for the purpose of supporting the law enforcement 19827  
training efforts of the Ohio peace officer training academy and 19828  
fifteen per cent of the money to the criminal justice services 19829  
casino tax revenue fund for the purpose of supporting the law 19830  
enforcement training efforts of the division of criminal justice 19831  
services. 19832

(E) (1) The tax commissioner shall serve as an agent of the 19833  
counties of this state only for the purposes of this division 19834  
and solely to make payments directly to municipal corporations 19835  
and school districts, as applicable, on the counties' behalf. 19836

(2) On or before the last day of the month following the 19837  
end of each calendar quarter, the tax commissioner shall provide 19838  
for payment from the funds referenced in divisions (D) (1) and 19839  
(3) of this section to each county and municipal corporation as 19840  
prescribed in those divisions. 19841

(3) On or before the last day of January and the last day 19842  
of August each year, the commissioner shall provide for payments 19843  
from the fund referenced in division (D) (2) of this section to 19844

each school district as prescribed in that division. 19845

(F) The director of budget and management shall transfer 19846  
one per cent of the money credited to the casino control 19847  
commission fund to the casino tax administration fund. The tax 19848  
commissioner shall use the casino tax administration fund to 19849  
defray the costs incurred in administering the tax levied under 19850  
section 5753.02 of the Revised Code. 19851

(G) All investment earnings of the gross casino revenue 19852  
county student fund shall be credited to the fund. 19853

**Sec. 5753.031.** (A) For the purpose of receiving and 19854  
distributing, and accounting for, revenue received from the tax 19855  
levied by section 5753.021 of the Revised Code and from fines 19856  
imposed under Chapter 3775. of the Revised Code, the following 19857  
funds are created in the state treasury: 19858

(1) The sports gaming revenue fund; 19859

(2) The sports gaming tax administration fund, which the 19860  
tax commissioner shall use to defray the costs incurred in 19861  
administering the tax levied by section 5753.021 of the Revised 19862  
Code; 19863

(3) The sports gaming profits education fund, which shall 19864  
be used for the support of public and nonpublic education for 19865  
students in grades kindergarten through twelve as determined in 19866  
appropriations made by the general assembly. 19867

(4) The problem ~~sports gaming~~ gambling fund. 19868

(B) (1) All of the following shall be deposited into the 19869  
sports gaming revenue fund: 19870

(a) All money collected from the tax levied under section 19871  
5753.021 of the Revised Code; 19872

(b) The remainder of the fees described in division (G) (2) 19873  
of section 3775.02 of the Revised Code, after the Ohio casino 19874  
control commission deposits the required amount in the sports 19875  
gaming profits veterans fund under that division; 19876

(c) Unclaimed winnings collected under division ~~(F)~~ (E) of 19877  
section 3775.10 of the Revised Code; 19878

(d) Any fines collected under Chapter 3775. of the Revised 19879  
Code. 19880

(2) All other fees collected under Chapter 3775. of the 19881  
Revised Code shall be deposited into the casino control 19882  
commission fund created under section 5753.03 of the Revised 19883  
Code. 19884

(C) (1) From the sports gaming revenue fund, the director 19885  
of budget and management shall transfer as needed to the tax 19886  
refund fund amounts equal to the refunds certified by the tax 19887  
commissioner under section 5753.06 of the Revised Code and 19888  
attributable to the tax levied under section 5753.021 of the 19889  
Revised Code. 19890

(2) Not later than the fifteenth day of each month, the 19891  
director of budget and management shall transfer from the sports 19892  
gaming revenue fund to the sports gaming tax administration fund 19893  
the amount necessary to reimburse the department of taxation's 19894  
actual expenses incurred in administering the tax levied under 19895  
section 5753.021 of the Revised Code. 19896

(3) Of the amount in the sports gaming revenue fund 19897  
remaining after making the transfers required by divisions (C) 19898  
(1) and (2) of this section, the director of budget and 19899  
management shall transfer, on or before the fifteenth day of the 19900  
month following the end of each calendar quarter, amounts to 19901

each fund as follows: 19902

(a) Ninety-eight per cent to the sports gaming profits 19903  
education fund; 19904

(b) Two per cent to the problem ~~sports gaming gambling~~ 19905  
fund. 19906

(D) All interest generated by the funds created under this 19907  
section shall be credited back to them. 19908

**Sec. 5753.032.** (A) For the purpose of receiving and 19909  
distributing, and accounting for, revenue received from the tax 19910  
levied by section 5753.022 of the Revised Code, the following 19911  
funds are created in the state treasury: 19912

(1) The internet gambling revenue fund; 19913

(2) The internet gambling tax administration fund, which 19914  
the tax commissioner shall use to defray the costs incurred in 19915  
administering the tax levied by section 5753.022 of the Revised 19916  
Code. 19917

(B) All money collected from the tax levied under section 19918  
5753.022 of the Revised Code shall be deposited in the internet 19919  
gambling revenue fund. 19920

(C) (1) From the internet gambling revenue fund, the 19921  
director of budget and management shall transfer as needed to 19922  
the tax refund fund amounts equal to the refunds certified by 19923  
the tax commissioner under section 5753.06 of the Revised Code 19924  
and attributable to the tax levied under section 5753.022 of the 19925  
Revised Code. 19926

(2) Not later than the fifteenth day of each month, the 19927  
director of budget and management shall transfer from the 19928  
internet gambling revenue fund to the internet gambling tax 19929

administration fund the amount necessary to reimburse the 19930  
department of taxation's actual expenses incurred in 19931  
administering the tax levied under section 5753.022 of the 19932  
Revised Code. 19933

(3) Of the amount in the internet gambling revenue fund 19934  
remaining after making the transfers required by divisions (C) 19935  
(1) and (2) of this section, the director of budget and 19936  
management shall transfer, on or before the fifteenth day of the 19937  
month following the end of each calendar quarter, amounts to 19938  
each fund as follows: 19939

(a) Ninety-nine per cent to the general revenue fund; 19940

(b) One per cent to the problem gambling fund created 19941  
under section 5753.031 of the Revised Code. 19942

**Section 2.** That existing sections 109.32, 109.572, 119.12, 19943  
121.95, 131.02, 173.121, 718.031, 959.05, 1309.109, 1711.09, 19944  
1716.21, 2915.01, 2915.02, 2915.06, 2915.061, 2915.07, 2915.08, 19945  
2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.093, 19946  
2915.094, 2915.095, 2915.10, 2915.101, 2915.11, 2915.12, 19947  
2915.13, 2915.14, 2915.15, 2923.121, 2927.21, 2933.51, 3123.89, 19948  
3123.90, 3517.091, 3763.01, 3769.01, 3769.03, 3769.031, 3769.04, 19949  
3769.041, 3769.05, 3769.06, 3769.07, 3769.071, 3769.072, 19950  
3769.08, 3769.082, 3769.083, 3769.084, 3769.085, 3769.087, 19951  
3769.089, 3769.0810, 3769.09, 3769.091, 3769.10, 3769.101, 19952  
3769.12, 3769.13, 3769.131, 3769.14, 3769.20, 3769.201, 3769.21, 19953  
3769.22, 3769.25, 3769.26, 3769.27, 3770.01, 3770.02, 3770.03, 19954  
3770.05, 3770.06, 3770.07, 3770.071, 3770.072, 3770.073, 19955  
3770.08, 3770.10, 3770.13, 3770.21, 3770.24, 3770.25, 3770.99, 19956  
3772.01, 3772.02, 3772.03, 3772.031, 3772.04, 3772.062, 3772.07, 19957  
3772.09, 3772.091, 3772.10, 3772.13, 3772.131, 3772.15, 3772.16, 19958  
3772.17, 3772.18, 3772.23, 3772.31, 3772.37, 3772.99, 3774.01, 19959

3774.02, 3774.03, 3774.04, 3774.09, 3775.01, 3775.02, 3775.03, 19960  
3775.06, 3775.09, 3775.10, 3775.11, 3775.13, 3775.99, 4301.03, 19961  
4301.58, 4303.17, 5701.11, 5747.01, 5747.02, 5747.062, 5747.063, 19962  
5747.08, 5747.12, 5747.20, 5751.01, 5753.01, 5753.021, 5753.03, 19963  
5753.031, and 5907.18 of the Revised Code are hereby repealed. 19964

**Section 3.** That sections 3769.02, 3769.021, 3770.23, 19965  
3772.25, 3775.16, and 5747.064 of the Revised Code are hereby 19966  
repealed. 19967

**Section 4.** (A) (1) Notwithstanding any contrary provision 19968  
of this act, during the period beginning on the effective date 19969  
of this section and ending on December 31, 2026, all of the 19970  
following apply: 19971

(a) The Attorney General, and not the Ohio Casino Control 19972  
Commission, has the authority to regulate bingo and games of 19973  
chance conducted by charitable organizations and to regulate 19974  
sweepstakes terminal devices, in accordance with the provisions 19975  
of Chapters 2915., 3768., and 3777. of the Revised Code, as 19976  
amended and enacted by this act. 19977

(b) The Attorney General has the sole authority to issue, 19978  
deny, suspend, or revoke licenses under those chapters and to 19979  
adopt, amend, or rescind rules under Chapter 119. of the Revised 19980  
Code with respect to those matters. 19981

(c) All fees received under Chapters 3768. and 3777. of 19982  
the Revised Code, as enacted by this act, shall be deposited in 19983  
the state treasury to the credit of the charitable law fund 19984  
established under section 109.32 of the Revised Code. 19985

(2) As soon as practicable after the effective date of 19986  
this section, the Attorney General, in cooperation with the Ohio 19987  
Casino Control Commission, shall issue guidance to persons who 19988

currently hold licenses issued under Chapter 2915. of the 19989  
Revised Code, as it existed immediately before the effective 19990  
date of this section, explaining the transition of authority 19991  
required by this act. 19992

(3) On January 1, 2027, the authority to regulate bingo 19993  
and games of chance conducted by charitable organizations and to 19994  
regulate sweepstakes terminal devices is transferred from the 19995  
Attorney General to the Ohio Casino Control Commission. All 19996  
records of the Attorney General with respect to the regulation 19997  
of those matters shall be transferred to the Commission. The 19998  
Commission is successor to, and assumes the obligations of, the 19999  
Attorney General with respect to the regulation of those 20000  
matters. 20001

(B) Any valid license, endorsement, registration, or 20002  
certificate issued by the Attorney General under Chapter 2915. 20003  
of the Revised Code before January 1, 2027, remains valid 20004  
according to the terms of the license, endorsement, 20005  
registration, or certificate and is considered to be a license, 20006  
endorsement, registration, or certificate issued by the Ohio 20007  
Casino Control Commission under Chapter 3768. or 3777. of the 20008  
Revised Code, as applicable. 20009

(C) (1) All rules of the Attorney General with respect to 20010  
bingo and games of chance conducted by charitable organizations 20011  
and with respect to sweepstakes terminal devices that are in 20012  
effect immediately before January 1, 2027, and that are not in 20013  
conflict with the requirements of this act, continue in effect 20014  
until rescinded or amended by the Commission. The Director of 20015  
the Legislative Service Commission shall renumber rules adopted 20016  
under Chapter 2915. of the Revised Code to reflect the transfer 20017  
of authority to Chapters 3768. and 3777. of the Revised Code, as 20018



amended by this act. 20019

(2) Any rules that are pending before the Common Sense 20020  
Initiative Office or the Joint Committee on Agency Rule Review 20021  
on January 1, 2027, that were proposed by the Attorney General 20022  
under Chapter 2915. of the Revised Code, as that chapter existed 20023  
immediately before the effective date of this section, shall be 20024  
treated as having been proposed by the Ohio Casino Control 20025  
Commission under Chapter 3768. or 3777. of the Revised Code, as 20026  
applicable. 20027

(D) Any business commenced, but not completed, by the 20028  
Attorney General on January 1, 2027, with respect to the 20029  
regulation of bingo and games of chance conducted by charitable 20030  
organizations or the regulation of sweepstakes terminal devices 20031  
shall be completed by the Commission in the same manner, and 20032  
with the same effect, as if completed by the Attorney General. 20033  
No validation, cure, right, privilege, remedy, obligation, or 20034  
liability is lost or impaired by reason of the transfer required 20035  
by this section. 20036

(E) On and after January 1, 2027, wherever the Attorney 20037  
General is referred to in any law, contract, or other document 20038  
with respect to the regulation of bingo and games of chance 20039  
conducted by charitable organizations or with respect to 20040  
sweepstakes terminal devices, the reference shall be deemed to 20041  
refer to the Commission. 20042

(F) No action or proceeding pending on January 1, 2027, is 20043  
affected by the transfer, and any such action or proceeding with 20044  
respect to the regulation of bingo and games of chance conducted 20045  
by charitable organizations or with respect to sweepstakes 20046  
terminal devices shall be prosecuted or defended in the name of 20047  
the Commission. In all such actions and proceedings, the 20048

Commission, on application to the court, shall be substituted as a party. 20049  
20050

**Section 5.** (A) (1) Notwithstanding any contrary provision 20051  
of this act, during the period beginning on the effective date 20052  
of this section and ending on March 30, 2026, all of the 20053  
following apply: 20054

(a) The State Racing Commission continues to exist in 20055  
accordance with the versions of sections 3769.02 and 3769.021 of 20056  
the Revised Code that were in effect immediately before the 20057  
effective date of this section. 20058

(b) The State Racing Commission, and not the Ohio Casino 20059  
Control Commission, has the authority to regulate horse racing 20060  
and pari-mutuel wagering on horse racing, in accordance with the 20061  
provisions of Chapters 3769. and 3772. of the Revised Code, as 20062  
amended by this act. 20063

(c) The State Racing Commission has the sole authority to 20064  
issue, deny, suspend, or revoke permits and licenses under 20065  
Chapter 3769. of the Revised Code, as amended by this act. 20066

(d) The Ohio Casino Control Commission may adopt, amend, 20067  
or rescind rules under Chapter 119. of the Revised Code with 20068  
respect to horse racing and pari-mutuel wagering on horse 20069  
racing. The State Racing Commission may adopt, amend, or rescind 20070  
rules under Chapter 119. of the Revised Code that are not in 20071  
conflict with the rules of the Ohio Casino Control Commission. 20072

(e) All fees received under Chapter 3769. of the Revised 20073  
Code, as amended by this act, shall be deposited in the state 20074  
treasury to the credit of the State Racing Commission Operating 20075  
Fund (Fund 5650). 20076

(2) The State Racing Commission shall take all necessary 20077

actions to allow permit holders to begin accepting pari-mutuel 20078  
wagers on horse racing over the internet, in accordance with 20079  
Chapters 3769. and 3772. of the Revised Code, as amended by this 20080  
act, as soon as practicable after the effective date of this 20081  
section. 20082

(3) As soon as practicable after the effective date of 20083  
this section, the State Racing Commission, in cooperation with 20084  
the Ohio Casino Control Commission, shall issue guidance to 20085  
persons who currently hold permits and licenses issued under 20086  
Chapter 3769. of the Revised Code, as it existed immediately 20087  
before the effective date of this section, explaining the 20088  
transition of authority required by this act and the other 20089  
requirements of this act that apply to those permit holders and 20090  
licensees. 20091

(4) On March 31, 2026, the State Racing Commission is 20092  
abolished. All records of the State Racing Commission shall be 20093  
transferred to the Ohio Casino Control Commission, and all of 20094  
its other assets and liabilities shall be transferred to the 20095  
Ohio Casino Control Commission. The Ohio Casino Control 20096  
Commission is successor to, and assumes the obligations of, the 20097  
State Racing Commission. 20098

(B) Subject to Section 8 of this act, any valid permit or 20099  
license issued by the State Racing Commission before March 31, 20100  
2026, remains valid according to the terms of the permit or 20101  
license and is considered to be a permit or license issued by 20102  
the Ohio Casino Control Commission. 20103

(C) (1) All rules of the State Racing Commission that are 20104  
in effect immediately before March 31, 2026, continue in effect 20105  
until rescinded or amended by the Ohio Casino Control 20106  
Commission. 20107

(2) Any rules that are pending before the Common Sense Initiative Office or the Joint Committee on Agency Rule Review on March 31, 2026, that were proposed by the State Racing Commission shall be treated as having been proposed by the Ohio Casino Control Commission.

(D) Any business commenced, but not completed by the State Racing Commission or the Director of that agency on March 31, 2026, shall be completed by the Executive Director of the Ohio Casino Control Commission in the same manner, and with the same effect, as if completed by the State Racing Commission or by the Director of that agency. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section.

(E) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all of the State Racing Commission's employees are transferred to the Ohio Casino Control Commission on March 31, 2026, and retain their positions and all of the benefits accruing thereto.

(F) On March 31, 2026, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the State Racing Commission Operating Fund (Fund 5650) to the Casino Control Commission Fund (Fund 5HS0). Upon completion of the transfer, Fund 5650 is abolished. The Director shall cancel any existing encumbrances against appropriation item 875604, Racing Commission Operating, and reestablish them against appropriation item 955321, Operating Expenses. The reestablished encumbrance amounts are hereby appropriated.

(G) (1) On and after March 31, 2026, wherever the Director or the State Racing Commission is referred to in any law, contract, or other document, the reference shall be deemed to

refer to the Executive Director or the Ohio Casino Control Commission, whichever is appropriate.

(2) On or after March 31, 2026, the trustees of the Thoroughbred Horsemen's Health Fund and the trustees of Harness Horsemen's Health and Retirement, Inc., respectively, shall amend the articles of incorporation and bylaws of those corporations to change any reference in those documents to the State Racing Commission to refer instead to the Ohio Casino Control Commission.

(H) No action or proceeding pending on March 31, 2026, is affected by the transfer, and any such action or proceeding shall be prosecuted or defended in the name of the Executive Director or the Ohio Casino Control Commission. In all such actions and proceedings, the Executive Director or the Ohio Casino Control Commission, on application to the court, shall be substituted as a party.

**Section 6.** (A) (1) Notwithstanding any contrary provision of this act, during the period beginning on the effective date of this section and ending on March 30, 2026, all of the following apply:

(a) The State Lottery Commission, and not the Ohio Casino Control Commission, has the authority to license and regulate video lottery sales agents, video lottery sales agent employees, and video lottery technology providers and to regulate the operation of video lottery terminals, in accordance with the provisions of Chapters 3770. and 3772. of the Revised Code, as amended by this act.

(b) The State Lottery Commission has the sole authority to issue, deny, suspend, or revoke video lottery sales agent, video

lottery sales agent employee, and video lottery technology 20167  
provider licenses. 20168

(c) The Ohio Casino Control Commission may adopt, amend, 20169  
or rescind rules under Chapter 119. of the Revised Code with 20170  
respect to the regulation of video lottery sales agents, video 20171  
lottery sales agent employees, video lottery technology 20172  
providers, and the operation of video lottery terminals. The 20173  
State Lottery Commission may adopt, amend, or rescind rules 20174  
under Chapter 119. of the Revised Code that are not in conflict 20175  
with the rules of the Ohio Casino Control Commission. 20176

(d) All fees received under Chapter 3770. of the Revised 20177  
Code, as amended by this act, shall be deposited in the state 20178  
treasury to the credit of the State Lottery Gross Revenue Fund 20179  
established under section 3770.06 of the Revised Code. 20180

(2) As soon as practicable after the effective date of 20181  
this section, the State Lottery Commission, in cooperation with 20182  
the Ohio Casino Control Commission, shall issue guidance to 20183  
video lottery sales agents, video lottery sales agent employees, 20184  
and video lottery technology providers, explaining the 20185  
transition of authority required by this act and the other 20186  
requirements of this act that apply to those persons. 20187

(3) On March 31, 2026, the authority to license and 20188  
regulate video lottery sales agents, video lottery sales agent 20189  
employees, and video lottery technology providers and to 20190  
regulate the operation of video lottery terminals is transferred 20191  
from the State Lottery Commission to the Ohio Casino Control 20192  
Commission. The State Lottery Commission retains the authority 20193  
to conduct video lottery terminal games in accordance with the 20194  
provisions of Chapter 3770. of the Revised Code, as amended by 20195  
this act. All records of the State Lottery Commission with 20196

respect to the licensing and regulation of video lottery sales 20197  
agents, video lottery sales agent employees, and video lottery 20198  
technology providers and the regulation of the operation of 20199  
video lottery terminals shall be transferred to the Commission, 20200  
except as otherwise necessary to facilitate the conduct of video 20201  
lottery terminal games by the State Lottery Commission. The Ohio 20202  
Casino Control Commission is successor to, and assumes the 20203  
obligations of, the State Lottery Commission with respect to the 20204  
licensing and regulation of video lottery sales agents, video 20205  
lottery sales agent employees, and video lottery technology 20206  
providers and the operation of video lottery terminals. 20207

(B) Subject to Section 8 of this act, any valid video 20208  
lottery sales agent, video lottery sales agent employee, or 20209  
video lottery technology provider license issued by the State 20210  
Lottery Commission before March 31, 2026, remains valid 20211  
according to the terms of the license and is considered to be a 20212  
license issued by the Ohio Casino Control Commission. 20213

(C) (1) All rules of the State Lottery Commission with 20214  
respect to the licensing and regulation of video lottery sales 20215  
agents, video lottery sales agent employees, and video lottery 20216  
technology providers and the operation of video lottery 20217  
terminals, other than rules with respect to the conduct of video 20218  
lottery terminal games, that are in effect immediately before 20219  
March 31, 2026, continue in effect until rescinded or amended by 20220  
the Ohio Casino Control Commission. 20221

(2) Any rules that are pending before the Common Sense 20222  
Initiative Office or the Joint Committee on Agency Rule Review 20223  
on March 31, 2026, that were proposed by the State Lottery 20224  
Commission under Chapter 3770. of the Revised Code, as that 20225  
chapter existed immediately before the effective date of this 20226

section, with respect to the licensing and regulation of video 20227  
lottery sales agents, video lottery sales agent employees, and 20228  
video lottery technology providers and the operation of video 20229  
lottery terminals, other than rules with respect to the conduct 20230  
of video lottery terminal games, shall be treated as having been 20231  
proposed by the Ohio Casino Control Commission. 20232

(D) Any business commenced, but not completed, by the 20233  
State Lottery Commission on March 31, 2026, with respect to the 20234  
licensing and regulation of video lottery sales agents, video 20235  
lottery sales agent employees, and video lottery technology 20236  
providers and the operation of video lottery terminals, other 20237  
than with respect to the conduct of video lottery terminal 20238  
games, shall be completed by the Ohio Casino Control Commission 20239  
in the same manner, and with the same effect, as if completed by 20240  
the State Lottery Commission. No validation, cure, right, 20241  
privilege, remedy, obligation, or liability is lost or impaired 20242  
by reason of the transfer required by this section. 20243

(E) On and after March 31, 2026, wherever the State 20244  
Lottery Commission is referred to in any law, contract, or other 20245  
document with respect to the licensing and regulation of video 20246  
lottery sales agents, video lottery sales agent employees, and 20247  
video lottery technology providers and the operation of video 20248  
lottery terminals, other than with respect to the conduct of 20249  
video lottery terminal games, the reference shall be deemed to 20250  
refer to the Ohio Casino Control Commission. 20251

(F) No action or proceeding pending on March 31, 2026, is 20252  
affected by the transfer, and any such action or proceeding with 20253  
respect to the licensing and regulation of video lottery sales 20254  
agents, video lottery sales agent employees, and video lottery 20255  
technology providers and the operation of video lottery 20256



terminals, other than with respect to the conduct of video 20257  
lottery terminal games, shall be prosecuted or defended in the 20258  
name of the Ohio Casino Control Commission. In all such actions 20259  
and proceedings, the Ohio Casino Control Commission, on 20260  
application to the court, shall be substituted as a party. 20261

**Section 7.** (A) Notwithstanding any provision of law to the 20262  
contrary, on or after the effective date of this section, the 20263  
Director of Budget and Management shall make budget and 20264  
accounting changes to implement the transfer of duties, 20265  
functions, and programs to the Ohio Casino Control Commission as 20266  
described in this act, including administrative organization, 20267  
program transfers, renaming of funds, creation of new funds, 20268  
transfer of state funds, and consolidation of funds. 20269

(B) The Director may, if necessary, cancel or establish 20270  
encumbrances or parts of encumbrances in fiscal years 2026 and 20271  
2027 in the appropriate funds and appropriation items for the 20272  
same purposes and for payment to the same vendor. Such 20273  
encumbrances are hereby appropriated. If necessary for the 20274  
continued efficient administration of gambling regulation as 20275  
provided in this act, the Director of Budget and Management may 20276  
transfer appropriations between the Ohio Casino Control 20277  
Commission, the Attorney General, the State Racing Commission, 20278  
and the State Lottery Commission to continue levels of program 20279  
services and efficiently deliver state funding to those 20280  
programs. 20281

**Section 8.** (A) Notwithstanding any contrary provision of 20282  
this act, an individual who holds any of the following licenses 20283  
as of the effective date of this section is considered to hold a 20284  
key gaming employee license under section 3772.13 of the Revised 20285  
Code or a gaming employee license under section 3772.131 of the 20286

Revised Code, as applicable, until the original license expires: 20287

(1) A totalizator company management supervisory employee, 20288  
totalizator company employee, or mutuel employee license issued 20289  
by the State Racing Commission under Chapter 3769. of the 20290  
Revised Code; 20291

(2) A video lottery sales agent employee license issued by 20292  
the State Lottery Commission under Chapter 3770:2 of the Ohio 20293  
Administrative Code; 20294

(3) A key employee license or casino employee license 20295  
issued by the Ohio Casino Control Commission under Chapter 3772. 20296  
of the Revised Code; 20297

(4) A sports gaming occupational license issued by the 20298  
Ohio Casino Control Commission under Chapter 3775. of the 20299  
Revised Code. 20300

(B) The term of any license described in division (A) of 20301  
this section that expired not more than ninety days before the 20302  
effective date of this section, or that would have expired 20303  
within one hundred eighty days after the effective date of this 20304  
section, is extended by one hundred eighty days. 20305

(C) If, as of the effective date of this section, an 20306  
individual holds two or more licenses described in division (A) 20307  
of this section, the existing term of each license is extended 20308  
through the latest expiration date of any such license the 20309  
individual holds, as extended under division (B) of this section 20310  
if applicable. 20311

(D) After a license described in division (A) of this 20312  
section expires, the licensee is required to hold a single key 20313  
gaming employee license issued under section 3772.13 of the 20314  
Revised Code or a single gaming employee license issued under 20315

section 3772.131 of the Revised Code, as applicable, in order to 20316  
perform the licensee's duties. 20317

(E) The Ohio Casino Control Commission, in cooperation 20318  
with the State Racing Commission and the State Lottery 20319  
Commission, shall issue guidance to licensees to facilitate the 20320  
operation of this section. 20321

**Section 9.** (A) The Executive Director of the Ohio Casino 20322  
Control Commission shall designate a launch date for internet 20323  
gambling that is as soon as practicable after the effective date 20324  
of this section and not later than March 31, 2026. No person 20325  
shall offer internet gambling in this state before the launch 20326  
date. 20327

(B) (1) The Executive Director of the Ohio Casino Control 20328  
Commission shall set a series of deadlines by which a person 20329  
must apply for an internet gambling license under Chapter 3771. 20330  
of the Revised Code, as enacted by this act, and meet all other 20331  
requirements for the license, in order to begin operating under 20332  
the license on the launch date. 20333

(2) If a person applies for an internet gambling license 20334  
after the application deadline, the Commission is not required 20335  
to review the application in time to issue the person a license 20336  
before the launch date. If a person applies for an internet 20337  
gambling license on or before the application deadline, but 20338  
fails to meet any other requirement for the license by the 20339  
applicable deadline to do so, the Commission is not required to 20340  
issue the person a license before the launch date. 20341

(C) During the period beginning on the effective date of 20342  
this section and ending on October 1, 2027, all of the following 20343  
apply: 20344

(1) At the request of an applicant for an internet 20345  
gambling license under Chapter 3771. of the Revised Code, as 20346  
enacted by this act, the Executive Director of the Ohio Casino 20347  
Control Commission may issue a provisional internet gambling 20348  
license of the applicable type to the applicant, so long as the 20349  
applicant has submitted a completed application for the license, 20350  
including paying the required application fee. The Commission 20351  
may prescribe by rule the requirements to receive a provisional 20352  
internet gambling license, including additional application and 20353  
license fees. 20354

(2) In evaluating a request for a provisional internet 20355  
gambling license, the Executive Director may consider the 20356  
applicant's apparent eligibility for an internet gambling 20357  
license under Chapter 3771. of the Revised Code, as enacted by 20358  
this act, including whether the applicant has previously 20359  
undergone a suitability investigation similar to the 20360  
investigation the applicant must undergo to receive the internet 20361  
gambling license. 20362

(3) The Executive Director shall determine the period for 20363  
which a provisional internet gambling license is valid, provided 20364  
that the period shall not exceed three months. The Executive 20365  
Director may renew a provisional internet gambling license for 20366  
one additional period not to exceed three months. 20367

**Section 10.** (A) The amendment and enactment by this act of 20368  
sections 718.031, 3123.89, 3123.90, 3770.071, 3770.072, 20369  
3770.073, 3772.37, and 5747.063 of the Revised Code applies to 20370  
amounts deducted and withheld from winnings from pari-mutuel 20371  
wagering on horse racing, video lottery terminal gaming, casino 20372  
gaming, and sports gaming on and after March 31, 2026. 20373

(B) The amendment by this act of section 5753.021 of the 20374

Revised Code applies to sports gaming receipts received on and 20375  
after the first day of January after the effective date of this 20376  
section. 20377

**Section 11.** Notwithstanding any contrary provision of 20378  
division (F) of section 3772.02 of the Revised Code, as amended 20379  
by this act, the change in compensation required by this act 20380  
under that division first applies to a member of the Ohio Casino 20381  
Control Commission when the member begins a new term as a member 20382  
of the Commission on or after the effective date of this 20383  
section. 20384

**Section 12.** The General Assembly, applying the principle 20385  
stated in division (B) of section 1.52 of the Revised Code that 20386  
amendments are to be harmonized if reasonably capable of 20387  
simultaneous operation, finds that the following sections, 20388  
presented in this act as composites of the sections as amended 20389  
by the acts indicated, are the resulting versions of the 20390  
sections in effect prior to the effective date of the sections 20391  
as presented in this act: 20392

Section 119.12 of the Revised Code as amended by both H.B. 20393  
33 and S.B. 21 of the 135th General Assembly. 20394

Section 3772.03 of the Revised Code as amended by H.B. 29 20395  
of the 134th General Assembly and both H.B. 49 and H.B. 132 of 20396  
the 132nd General Assembly. 20397

Section 3772.99 of the Revised Code as amended by both 20398  
H.B. 32 and H.B. 49 of the 132nd General Assembly. 20399

Section 5747.01 of the Revised Code as amended by both 20400  
H.B. 101 and S.B. 154 of the 135th General Assembly. 20401