## As Introduced

131st General Assembly Regular Session 2015-2016

S. B. No. 356

**Senator Coley** 

## A BILL

Τ	Fo amend sections 2915.01 and 3772.03 of the	1
	Revised Code to classify fantasy sports and	2
	betting on the outcome of an E sports contest as	3
	schemes of chance, and to grant the Ohio Casino	4
	Control Commission authority to regulate pools	5
	not conducted for profit.	6

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

Section 1. That sections 2915.01 and 3772.03 of the	7
Revised Code be amended to read as follows:	8
Sec. 2915.01. As used in this chapter:	9
(A) "Bookmaking" means the business of receiving or paying	10
off bets.	11
(B) "Bet" means the hazarding of anything of value upon	12
the result of an event, undertaking, or contingency, but does	13
not include a bona fide business risk.	14
(C) "Scheme of chance" means a slot machine unless	15
authorized under Chapter 3772. of the Revised Code, lottery	16
unless authorized under Chapter 3770. of the Revised Code,	17
numbers game, pool conducted for profit, <u>a fantasy sports</u>	18

contest, or other scheme in which a participant gives a valuable 19 consideration for a chance to win a prize, but does not include 20 bingo, a skill-based amusement machine, or a pool not conducted 21 for profit. "Scheme of chance" includes any activity in which a 22 person bets on the outcome of an E sports contest and includes 23 the use of an electronic device to reveal the results of a game 24 entry if valuable consideration is paid, directly or indirectly, 25 for a chance to win a prize. Valuable consideration is deemed to 26 be paid for a chance to win a prize in the following instances: 27

(1) Less than fifty per cent of the goods or services sold 28 29 by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location; 30

(2) Less than fifty per cent of participants who purchase 31 goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;

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

(4) The good or service sold by a scheme of chance 38 operator in exchange for a game entry cannot be used or redeemed 39 in the manner advertised; 40

(5) A participant pays more than fair market value for 41 goods or services offered by a scheme of chance operator in 42 order to receive one or more game entries; 43

(6) A participant may use the electronic device to 44 purchase additional game entries; 45

(7) A participant may purchase additional game entries by 46 using points or credits won as prizes while using the electronic 47

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device;	48
(8) A scheme of chance operator pays out in prize money	49
more than twenty per cent of the gross revenue received at one	50
location; or	51
(9) A participant makes a purchase or exchange in order to	52
obtain any good or service that may be used to facilitate play	53
on the electronic device.	54
As used in this division, "electronic device" means a	55
mechanical, video, digital, or electronic machine or device that	56
is capable of displaying information on a screen or other	57
mechanism and that is owned, leased, or otherwise possessed by	58
any person conducting a scheme of chance, or by that person's	59
partners, affiliates, subsidiaries, or contractors.	60
(D) "Game of chance" means poker, craps, roulette, or	61
other game in which a player gives anything of value in the hope	62
of gain, the outcome of which is determined largely by chance,	63
but does not include bingo.	64
(E) "Game of chance conducted for profit" means any game	65
of chance designed to produce income for the person who conducts	66
or operates the game of chance, but does not include bingo.	67
(F) "Gambling device" means any of the following:	68
(1) A book, totalizer, or other equipment for recording	69
bets;	70
(2) A ticket, token, or other device representing a	71
chance, share, or interest in a scheme of chance or evidencing a	72
bet;	73
(3) A deck of cards, dice, gaming table, roulette wheel,	74
slot machine, or other apparatus designed for use in connection	75

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with a game of chance;	76
(4) Any equipment, device, apparatus, or paraphernalia	77
specially designed for gambling purposes;	78
(5) Bingo supplies sold or otherwise provided, or used, in	79
violation of this chapter.	80
(G) "Gambling offense" means any of the following:	81
(1) A violation of section 2915.02, 2915.03, 2915.04,	82
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,	83
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	84
(2) A violation of an existing or former municipal	85
ordinance or law of this or any other state or the United States	86
substantially equivalent to any section listed in division (G)	87
(1) of this section or a violation of section 2915.06 of the	88
Revised Code as it existed prior to July 1, 1996;	89
(3) An offense under an existing or former municipal	90
ordinance or law of this or any other state or the United	91
States, of which gambling is an element;	92
(4) A conspiracy or attempt to commit, or complicity in	93
committing, any offense under division (G)(1), (2), or (3) of	94
this section.	95
(H) Except as otherwise provided in this chapter,	96
"charitable organization" means either of the following:	97
(1) An organization that is, and has received from the	98
internal revenue service a determination letter that currently	99
is in effect stating that the organization is, exempt from	100
federal income taxation under subsection 501(a) and described in	101
subsection 501(c)(3) of the Internal Revenue Code;	102

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

To qualify as a "charitable organization," an organization 108 shall have been in continuous existence as such in this state 109 for a period of two years immediately preceding either the 110 making of an application for a bingo license under section 111 2915.08 of the Revised Code or the conducting of any game of 112 chance as provided in division (D) of section 2915.02 of the 113 Revised Code. 114

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

(J) "Veteran's organization" means any individual post or 119 state headquarters of a national veteran's association or an 120 auxiliary unit of any individual post of a national veteran's 121 association, which post, state headquarters, or auxiliary unit 122 is incorporated as a nonprofit corporation and either has 123 received a letter from the state headquarters of the national 124 veteran's association indicating that the individual post or 125 auxiliary unit is in good standing with the national veteran's 126 association or has received a letter from the national veteran's 127 association indicating that the state headquarters is in good 128 standing with the national veteran's association. As used in 129 this division, "national veteran's association" means any 130 veteran's association that has been in continuous existence as 131 such for a period of at least five years and either is 132

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incorporated by an act of the United States congress or has a 133 national dues-paying membership of at least five thousand 134 persons. 135

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

(L) "Fraternal organization" means any society, order, 142
state headquarters, or association within this state, except a 143
college or high school fraternity, that is not organized for 144
profit, that is a branch, lodge, or chapter of a national or 145
state organization, that exists exclusively for the common 146
business or sodality of its members. 147

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

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

(O) "Bingo" means either of the following: 157

(1) A game with all of the following characteristics: 158

(a) The participants use bingo cards or sheets, including
paper formats and electronic representation or image formats,
that are divided into twenty-five spaces arranged in five
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horizontal and five vertical rows of spaces, with each space, 162 except the central space, being designated by a combination of a 163 letter and a number and with the central space being designated 164 as a free space. 165

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

(c) A bingo game operator announces combinations of 169 letters and numbers that appear on objects that a bingo game 170 operator selects by chance, either manually or mechanically, 171 from a receptacle that contains seventy-five objects at the 172 beginning of each game, each object marked by a different 173 combination of a letter and a number that corresponds to one of 174 the seventy-five possible combinations of a letter and a number 175 that can appear on the bingo cards or sheets. 176

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

(2) Instant bingo, punch boards, and raffles.

(P) "Conduct" means to back, promote, organize, manage, 184
carry on, sponsor, or prepare for the operation of bingo or a 185
game of chance, a scheme of chance, or a sweepstakes. 186

(Q) "Bingo game operator" means any person, except
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security personnel, who performs work or labor at the site of
bingo, including, but not limited to, collecting money from
participants, handing out bingo cards or sheets or objects to
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the following:

cover spaces on bingo cards or sheets, selecting from a 191 receptacle the objects that contain the combination of letters 192 and numbers that appear on bingo cards or sheets, calling out 193 the combinations of letters and numbers, distributing prizes, 194 selling or redeeming instant bingo tickets or cards, supervising 195 the operation of a punch board, selling raffle tickets, 196 selecting raffle tickets from a receptacle and announcing the 197 winning numbers in a raffle, and preparing, selling, and serving 198 food or beverages. 199 (R) "Participant" means any person who plays bingo. 200 (S) "Bingo session" means a period that includes both of 201

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

(2) A period for the conduct of instant bingo and seal
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cards for not more than two hours before and not more than two
hours after the period described in division (S) (1) of this
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section.

(T) "Gross receipts" means all money or assets, including 210 admission fees, that a person receives from bingo without the 211 deduction of any amounts for prizes paid out or for the expenses 212 of conducting bingo. "Gross receipts" does not include any money 213 directly taken in from the sale of food or beverages by a 214 charitable organization conducting bingo, or by a bona fide 215 auxiliary unit or society of a charitable organization 216 conducting bingo, provided all of the following apply: 217

(1) The auxiliary unit or society has been in existence asa bona fide auxiliary unit or society of the charitable219

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organization for at least two years prior to conducting bingo.	220
(2) The person who purchases the food or beverage receives	221
nothing of value except the food or beverage and items	222
customarily received with the purchase of that food or beverage.	223
(3) The food and beverages are sold at customary and	224
reasonable prices.	225
(U) "Security personnel" includes any person who either is	226
a sheriff, deputy sheriff, marshal, deputy marshal, township	227
constable, or member of an organized police department of a	228
municipal corporation or has successfully completed a peace	229
officer's training course pursuant to sections 109.71 to 109.79	230
of the Revised Code and who is hired to provide security for the	231
premises on which bingo is conducted.	232
(V) "Charitable purpose" means that the net profit of	233
bingo, other than instant bingo, is used by, or is given,	234
donated, or otherwise transferred to, any of the following:	235
(1) Any organization that is described in subsection	236
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code	237
and is either a governmental unit or an organization that is tax	238
exempt under subsection 501(a) and described in subsection	239
501(c)(3) of the Internal Revenue Code;	240
(2) A veteran's organization that is a post, chapter, or	241
organization of veterans, or an auxiliary unit or society of, or	242
a trust or foundation for, any such post, chapter, or	243
organization organized in the United States or any of its	244
possessions, at least seventy-five per cent of the members of	245
which are veterans and substantially all of the other members of	246
which are individuals who are spouses, widows, or widowers of	247

veterans, or such individuals, provided that no part of the net

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earnings of such post, chapter, or organization inures to the 249 benefit of any private shareholder or individual, and further 250 provided that the net profit is used by the post, chapter, or 251 organization for the charitable purposes set forth in division 252 (B) (12) of section 5739.02 of the Revised Code, is used for 2.5.3 awarding scholarships to or for attendance at an institution 254 mentioned in division (B)(12) of section 5739.02 of the Revised 255 Code, is donated to a governmental agency, or is used for 256 nonprofit youth activities, the purchase of United States or 257 Ohio flags that are donated to schools, youth groups, or other 258 bona fide nonprofit organizations, promotion of patriotism, or 259 disaster relief; 260

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

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

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

(X) "Youth athletic organization" means any organization, 274
not organized for profit, that is organized and operated 275
exclusively to provide financial support to, or to operate, 276
athletic activities for persons who are twenty-one years of age 277
or younger by means of sponsoring, organizing, operating, or 278

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or association. 280 (Y) "Youth athletic park organization" means any 281 organization, not organized for profit, that satisfies both of 282 the following: 283 (1) It owns, operates, and maintains playing fields that 284 satisfy both of the following: 285 286 (a) The playing fields are used at least one hundred days per year for athletic activities by one or more organizations, 287 not organized for profit, each of which is organized and 288 289 operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years 290 of age or younger by means of sponsoring, organizing, operating, 291 or contributing to the support of an athletic team, club, 292 league, or association. 293 (b) The playing fields are not used for any profit-making 294 activity at any time during the year. 295 (2) It uses the proceeds of bingo it conducts exclusively 296 for the operation, maintenance, and improvement of its playing 297 fields of the type described in division (Y)(1) of this section. 298 (Z) "Bingo supplies" means bingo cards or sheets; instant 299

contributing to the support of an athletic team, club, league,

bingo tickets or cards; electronic bingo aids; raffle tickets; 300 punch boards; seal cards; instant bingo ticket dispensers; and 301 devices for selecting or displaying the combination of bingo 302 letters and numbers or raffle tickets. Items that are "bingo 303 supplies" are not gambling devices if sold or otherwise 304 provided, and used, in accordance with this chapter. For 305 purposes of this chapter, "bingo supplies" are not to be 306 considered equipment used to conduct a bingo game. 307

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(AA) "Instant bingo" means a form of bingo that shall use 308 folded or banded tickets or paper cards with perforated break-309 open tabs, a face of which is covered or otherwise hidden from 310 view to conceal a number, letter, or symbol, or set of numbers, 311 letters, or symbols, some of which have been designated in 312 advance as prize winners, and may also include games in which 313 some winners are determined by the random selection of one or 314 more bingo numbers by the use of a seal card or bingo blower. In 315 all "instant bingo" the prize amount and structure shall be 316 predetermined. "Instant bingo" does not include any device that 317 is activated by the insertion of a coin, currency, token, or an 318 equivalent, and that contains as one of its components a video 319 display monitor that is capable of displaying numbers, letters, 320 symbols, or characters in winning or losing combinations. 321

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

(CC) "Raffle" means a form of bingo in which the one or 326 more prizes are won by one or more persons who have purchased a 327 raffle ticket. The one or more winners of the raffle are 328 determined by drawing a ticket stub or other detachable section 329 from a receptacle containing ticket stubs or detachable sections 330 corresponding to all tickets sold for the raffle. "Raffle" does 331 not include the drawing of a ticket stub or other detachable 332 section of a ticket purchased to attend a professional sporting 333 event if both of the following apply: 334

(1) The ticket stub or other detachable section is used to
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 select the winner of a free prize given away at the professional
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 sporting event; and
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(2) The cost of the ticket is the same as the cost of a	338
ticket to the professional sporting event on days when no free	339
prize is given away.	340
(DD) "Punch board" means a board containing a number of	341
holes or receptacles of uniform size in which are placed,	342
mechanically and randomly, serially numbered slips of paper that	343
may be punched or drawn from the hole or receptacle when used in	344
conjunction with instant bingo. A player may punch or draw the	345
numbered slips of paper from the holes or receptacles and obtain	346
the prize established for the game if the number drawn	347
corresponds to a winning number or, if the punch board includes	348
the use of a seal card, a potential winning number.	349
(EE) "Gross profit" means gross receipts minus the amount	350
actually expended for the payment of prize awards.	351
(FF) "Net profit" means gross profit minus expenses.	352
(GG) "Expenses" means the reasonable amount of gross	353
profit actually expended for all of the following:	354
(1) The purchase or lease of bingo supplies;	355
(2) The annual license fee required under section 2915.08	356
of the Revised Code;	357
(3) Bank fees and service charges for a bingo session or	358
game account described in section 2915.10 of the Revised Code;	359
(4) Audits and accounting services;	360
(5) Safes;	361
(6) Cash registers;	362
(7) Hiring security personnel;	363
(8) Advertising bingo;	364

(9) Renting premises in which to conduct a bingo session;	365
(10) Tables and chairs;	366
(11) Expenses for maintaining and operating a charitable	367
organization's facilities, including, but not limited to, a post	368
home, club house, lounge, tavern, or canteen and any grounds	369
attached to the post home, club house, lounge, tavern, or	370
canteen;	371
(12) Payment of real property taxes and assessments that	372
are levied on a premises on which bingo is conducted;	373
(13) Any other product or service directly related to the	374
conduct of bingo that is authorized in rules adopted by the	375
attorney general under division (B)(1) of section 2915.08 of the	376
Revised Code.	377
(HH) "Person" has the same meaning as in section 1.59 of	378
the Revised Code and includes any firm or any other legal	379
entity, however organized.	380
(II) "Revoke" means to void permanently all rights and	381
privileges of the holder of a license issued under section	382
2915.08, 2915.081, or 2915.082 of the Revised Code or a	383
charitable gaming license issued by another jurisdiction.	384
(JJ) "Suspend" means to interrupt temporarily all rights	385
and privileges of the holder of a license issued under section	386
2915.08, 2915.081, or 2915.082 of the Revised Code or a	387
charitable gaming license issued by another jurisdiction.	388
(KK) "Distributor" means any person who purchases or	389
obtains bingo supplies and who does either of the following:	390
(1) Sells, offers for sale, or otherwise provides or	391
offers to provide the bingo supplies to another person for use	392

in this state; 393 (2) Modifies, converts, adds to, or removes parts from the 394 bingo supplies to further their promotion or sale for use in 395 this state. 396 (LL) "Manufacturer" means any person who assembles 397 completed bingo supplies from raw materials, other items, or 398 399 subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale. 400 (MM) "Gross annual revenues" means the annual gross 401 receipts derived from the conduct of bingo described in division 402 (0) (1) of this section plus the annual net profit derived from 403 the conduct of bingo described in division (0)(2) of this 404 405 section. (NN) "Instant bingo ticket dispenser" means a mechanical 406 device that dispenses an instant bingo ticket or card as the 407 sole item of value dispensed and that has the following 408 characteristics: 409 (1) It is activated upon the insertion of United States 410 411 currency. (2) It performs no gaming functions. 412 (3) It does not contain a video display monitor or 413 generate noise. 414 (4) It is not capable of displaying any numbers, letters, 415 symbols, or characters in winning or losing combinations. 416 (5) It does not simulate or display rolling or spinning 417 reels. 418 (6) It is incapable of determining whether a dispensed 419 bingo ticket or card is a winning or nonwinning ticket or card 420 and requires a winning ticket or card to be paid by a bingo game 421 operator. 422 (7) It may provide accounting and security features to aid 423 in accounting for the instant bingo tickets or cards it 424 425 dispenses. (8) It is not part of an electronic network and is not 426 427 interactive. (OO) (1) "Electronic bingo aid" means an electronic device 428 used by a participant to monitor bingo cards or sheets purchased 429 at the time and place of a bingo session and that does all of 430 the following: 431 (a) It provides a means for a participant to input numbers 432 and letters announced by a bingo caller. 433 (b) It compares the numbers and letters entered by the 434 participant to the bingo faces previously stored in the memory 435 of the device. 436 (c) It identifies a winning bingo pattern. 437 (2) "Electronic bingo aid" does not include any device 438 into which a coin, currency, token, or an equivalent is inserted 439 440 to activate play. (PP) "Deal of instant bingo tickets" means a single game 441 of instant bingo tickets all with the same serial number. 442 (QQ)(1) "Slot machine" means either of the following: 443 (a) Any mechanical, electronic, video, or digital device 444 that is capable of accepting anything of value, directly or 445 indirectly, from or on behalf of a player who gives the thing of 446

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(b) Any mechanical, electronic, video, or digital device	448
that is capable of accepting anything of value, directly or	449
indirectly, from or on behalf of a player to conduct bingo or a	450
scheme or game of chance.	451

(2) "Slot machine" does not include a skill-based
amusement machine, a device used to conduct fantasy sports
contests, a device used to conduct E sports contests, or an
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instant bingo ticket dispenser.

(RR) "Net profit from the proceeds of the sale of instant 456 457 bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo 458 supplies, and, in the case of instant bingo conducted by a 459 veteran's, fraternal, or sporting organization, minus the 460 payment by that organization of real property taxes and 461 assessments levied on a premises on which instant bingo is 462 conducted. 463

(SS) "Charitable instant bingo organization" means an 464 organization that is exempt from federal income taxation under 465 subsection 501(a) and described in subsection 501(c)(3) of the 466 467 Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo 468 organization" does not include a charitable organization that is 469 exempt from federal income taxation under subsection 501(a) and 470 described in subsection 501(c)(3) of the Internal Revenue Code 471 and that is created by a veteran's organization, a fraternal 472 organization, or a sporting organization in regards to bingo 473 conducted or assisted by a veteran's organization, a fraternal 474 organization, or a sporting organization pursuant to section 475 2915.13 of the Revised Code. 476

(TT) "Game flare" means the board or placard that 477 accompanies each deal of instant bingo tickets and that has 478 printed on or affixed to it the following information for the 479 480 game: (1) The name of the game; 481 (2) The manufacturer's name or distinctive logo; 482 (3) The form number; 483 484 (4) The ticket count; (5) The prize structure, including the number of winning 485 instant bingo tickets by denomination and the respective winning 486 symbol or number combinations for the winning instant bingo 487 tickets; 488 (6) The cost per play; 489 (7) The serial number of the game. 490 (UU) (1) "Skill-based amusement machine" means a 491 mechanical, video, digital, or electronic device that rewards 492 the player or players, if at all, only with merchandise prizes 493 or with redeemable vouchers redeemable only for merchandise 494 prizes, provided that with respect to rewards for playing the 495 game all of the following apply: 496 (a) The wholesale value of a merchandise prize awarded as 497 a result of the single play of a machine does not exceed ten 498 dollars; 499 (b) Redeemable vouchers awarded for any single play of a 500 machine are not redeemable for a merchandise prize with a 501 wholesale value of more than ten dollars; 502 (c) Redeemable vouchers are not redeemable for a 503

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merchandise prize that has a wholesale value of more than ten 504 dollars times the fewest number of single plays necessary to 505 accrue the redeemable vouchers required to obtain that prize; 506 and 507

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

A card for the purchase of gasoline is a redeemable 511 voucher for purposes of division (UU)(1) of this section even if 512 the skill-based amusement machine for the play of which the card 513 is awarded is located at a place where gasoline may not be 514 legally distributed to the public or the card is not redeemable 515 at the location of, or at the time of playing, the skill-based 516 amusement machine. 517

(2) A device shall not be considered a skill-based
amusement machine and shall be considered a slot machine if it
pays cash or one or more of the following apply:
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(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely
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 on the player achieving the object of the game or the player's
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 score;
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(c) The outcome of the game, or the value of the
redeemable voucher or merchandise prize awarded for winning the
game, can be controlled by a source other than any player
playing the game.

(d) The success of any player is or may be determined by a531chance event that cannot be altered by player actions.532

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(e) The ability of any player to succeed at the game is533determined by game features not visible or known to the player.534

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

(3) All of the following apply to any machine that is538operated as described in division (UU) (1) of this section:539

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

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

(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.

(4) For purposes of division (UU) (1) of this section, the 559
mere presence of a device, such as a pin-setting, ball- 560
releasing, or scoring mechanism, that does not contribute to or 561

affect the outcome of the play of the game does not make the	562
device a skill-based amusement machine.	563
(VV) "Merchandise prize" means any item of value, but	564
shall not include any of the following:	565
(1) Cash, gift cards, or any equivalent thereof;	566
(2) Plays on games of chance, state lottery tickets,	567
bingo, or instant bingo;	568
(3) Firearms, tobacco, or alcoholic beverages; or	569
(4) A redeemable voucher that is redeemable for any of the	570
items listed in division (VV)(1), (2), or (3) of this section.	571
(WW) "Redeemable voucher" means any ticket, token, coupon,	572
receipt, or other noncash representation of value.	573
(XX) "Pool not conducted for profit" means a scheme in	574
which a participant gives a valuable consideration for a chance	575
to win a prize and the total amount of consideration wagered is	576
distributed to a participant or participants.	577
(YY) "Sporting organization" means a hunting, fishing, or	578
trapping organization, other than a college or high school	579
fraternity or sorority, that is not organized for profit, that	580
is affiliated with a state or national sporting organization,	581
including but not limited to, the league of Ohio sportsmen, and	582
that has been in continuous existence in this state for a period	583
of three years.	584
(ZZ) "Community action agency" has the same meaning as in	585
section 122.66 of the Revised Code.	586
(AAA)(1) "Sweepstakes terminal device" means a mechanical,	587
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video, digital, or electronic machine or device that is owned,

leased, or otherwise possessed by any person conducting a 589 sweepstakes, or by that person's partners, affiliates, 590 subsidiaries, or contractors, that is intended to be used by a 591 sweepstakes participant, and that is capable of displaying 592 information on a screen or other mechanism. A device is a 593 sweepstakes terminal device if any of the following apply: 594 (a) The device uses a simulated game terminal as a 595 representation of the prizes associated with the results of the 596 sweepstakes entries. 597 (b) The device utilizes software such that the simulated 598 game influences or determines the winning of or value of the 599 prize. 600 (c) The device selects prizes from a predetermined finite 601 pool of entries. 602 (d) The device utilizes a mechanism that reveals the 603 content of a predetermined sweepstakes entry. 604 (e) The device predetermines the prize results and stores 605 those results for delivery at the time the sweepstakes entry 606 results are revealed. 607 (f) The device utilizes software to create a game result. 608 (g) The device reveals the prize incrementally, even 609 though the device does not influence the awarding of the prize 610 or the value of any prize awarded. 611 (h) The device determines and associates the prize with an 612 entry or entries at the time the sweepstakes is entered. 613 (2) As used in this division and in section 2915.02 of the 614 Revised Code: 615 (a) "Enter" means the act by which a person becomes616eligible to receive any prize offered in a sweepstakes.617

(b) "Entry" means one event from the initial activation of618the sweepstakes terminal device until all the sweepstakes prize619results from that activation are revealed.620

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

(d) "Sweepstakes terminal device facility" means any
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location in this state where a sweepstakes terminal device is
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provided to a sweepstakes participant, except as provided in
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division (G) of section 2915.02 of the Revised Code.
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(BBB) "Sweepstakes" means any game, contest, advertising 630 scheme or plan, or other promotion where consideration is not 631 required for a person to enter to win or become eligible to 632 receive any prize, the determination of which is based upon 633 chance. "Sweepstakes" does not include bingo as authorized under 634 635 this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state 636 lottery commission as authorized by Chapter 3770. of the Revised 637 Code, and casino gaming as authorized by Chapter 3772. of the 638 Revised Code. 639

(CCC) "Fantasy sports contest" means any game or contest640conducted in which an entry fee is charged, a prize is awarded,641less than one hundred per cent of the entry fees for a fantasy642sports contest is awarded as a prize to a player or players, and643the outcome is dependent, in whole or in part, upon the644

accumulated statistical performance of an athlete or team of	645
athletes in a sporting event.	646
(DDD) "E sports contest" means any game or contest in	647
which persons compete against each other on an electronic,	648
virtual, or digital platform, and the outcome of which is	649
determined at least in part by a person's performance as	650
compared to the performance of another person in the contest or	651
the platform itself.	652
Sec. 3772.03. (A) To ensure the integrity of casino	653
gaming, the commission shall have authority to complete the	654
functions of licensing, regulating, investigating, and	655
penalizing casino operators, management companies, holding	656
companies, key employees, casino gaming employees, and gaming-	657
related vendors. The commission also shall have jurisdiction	658
over all persons participating in casino gaming authorized by	659
Section 6(C) of Article XV, Ohio Constitution, and this chapter.	660
(B) All rules adopted by the commission under this chapter	661
shall be adopted under procedures established in Chapter 119. of	662
the Revised Code. The commission may contract for the services	663
of experts and consultants to assist the commission in carrying	664
out its duties under this section.	665
(C) The commission shall adopt rules as are necessary for	666
completing the functions stated in division (A) of this section	667
and for addressing the subjects enumerated in division (D) of	668
this section.	669
(D) The commission shall adopt, and as advisable and	670
necessary shall amend or repeal, rules that include all of the	671
following:	672
(1) The prevention of practices detrimental to the public	673

of this state;

interest; 674 (2) Prescribing the method of applying, and the form of 675 application, that an applicant for a license under this chapter 676 must follow as otherwise described in this chapter; 677 (3) Prescribing the information to be furnished by an 678 applicant or licensee as described in section 3772.11 of the 679 Revised Code; 680 (4) Describing the certification standards and duties of 681 an independent testing laboratory certified under section 682 3772.31 of the Revised Code and the relationship between the 683 commission, the laboratory, the gaming-related vendor, and the 684 casino operator; 685 (5) The minimum amount of insurance that must be 686 maintained by a casino operator, management company, holding 687 company, or gaming-related vendor; 688 (6) The approval process for a significant change in 689 ownership or transfer of control of a licensee as provided in 690 section 3772.091 of the Revised Code; 691 (7) The design of gaming supplies, devices, and equipment 692 to be distributed by gaming-related vendors; 693 (8) Identifying the casino gaming that is permitted, 694 identifying the gaming supplies, devices, and equipment, that 695 are permitted, defining the area in which the permitted casino 696 gaming may be conducted, and specifying the method of operation 697 according to which the permitted casino gaming is to be 698 conducted as provided in section 3772.20 of the Revised Code, 699 and requiring gaming devices and equipment to meet the standards 700

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(10) Establishing and implementing a voluntary exclusion 703 program that provides all of the following: 704 (a) Except as provided by commission rule, a person who 705 participates in the program shall agree to refrain from entering 706 a casino facility. 707 (b) The name of a person participating in the program 708 shall be included on a list of persons excluded from all casino 709 facilities. 710 (c) Except as provided by commission rule, no person who 711 participates in the program shall petition the commission for 712 admittance into a casino facility. 713 (d) The list of persons participating in the program and 714 the personal information of those persons shall be confidential 715 and shall only be disseminated by the commission to a casino 716 operator and the agents and employees of the casino operator for 717 purposes of enforcement and to other entities, upon request of 718 the participant and agreement by the commission. 719 (e) A casino operator shall make all reasonable attempts 720 as determined by the commission to cease all direct marketing 721 722 efforts to a person participating in the program. (f) A casino operator shall not cash the check of a person 723 participating in the program or extend credit to the person in 724 any manner. However, the program shall not exclude a casino 725 operator from seeking the payment of a debt accrued by a person 726 before participating in the program. 727 (g) Any and all locations at which a person may register 728 as a participant in the program shall be published. 729

(9) Tournament play in any casino facility;

(11) Requiring the commission to adopt standards regarding
(11) Requiring the commission to a licensed casino operator, including
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allowing the commission to prohibit marketing materials that are
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contrary to the adopted standards;
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(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) Permitting a licensed casino operator, management
 company, key employee, or casino gaming employee to question a
 person suspected of violating this chapter;

(14) The chips, tokens, tickets, electronic cards, or 743 similar objects that may be purchased by means of an agreement 744 under which credit is extended to a wagerer by a casino 745 operator; 746

(15) Establishing standards for provisional key employee 747 licenses for a person who is required to be licensed as a key 748 749 employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit 750 751 complete applications and are compliant under an instant 752 background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed 753 one time, at the commission's discretion, for an additional 754 three months. In establishing standards with regard to instant 755 background checks the commission shall take notice of criminal 756 records checks as they are conducted under section 311.41 of the 757 Revised Code using electronic fingerprint reading devices. 758

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(16) Establishing approval procedures for third-party	759
engineering or accounting firms, as described in section 3772.09	760
of the Revised Code;	761
(17) Prescribing the manner in which winnings,	762
compensation from casino gaming, and gross revenue must be	763
computed and reported by a licensee as described in Chapter	764
5753. of the Revised Code;	765
(18) Prescribing conditions under which a licensee's	766
license may be suspended or revoked as described in section	767
3772.04 of the Revised Code;	768
(19) Prescribing the manner and procedure of all hearings	769
to be conducted by the commission or by any hearing examiner;	770
(20) Prescribing technical standards and requirements that	771
are to be met by security and surveillance equipment that is	772
used at and standards and requirements to be met by personnel	773
who are employed at casino facilities, and standards and	774
requirements for the provision of security at and surveillance	775
of casino facilities;	776
(21) Prescribing requirements for a casino operator to	777
provide unarmed security services at a casino facility by	778
licensed casino employees, and the training that shall be	779
completed by these employees;	780
(22) Prescribing standards according to which casino	781
operators shall keep accounts and standards according to which	782
casino accounts shall be audited, and establish means of	783
assisting the tax commissioner in levying and collecting the	784
gross casino revenue tax levied under section 5753.02 of the	785
Revised Code;	786

(23) Defining penalties for violation of commission rules

and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering; (24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal

government;

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

(26) Establishing procedures to ensure that casino
operators, management companies, and holding companies are
compliant with the compulsive and problem gambling plan
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submitted under section 3772.18 of the Revised Code;
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(27) Prescribing, for institutional investors in or 799 holding companies of a casino operator, management company, 800 holding company, or gaming-related vendor that fall below the 801 threshold needed to be considered an institutional investor or a 802 holding company, standards regarding what any employees, 803 members, or owners of those investors or holding companies may 804 do and shall not do in relation to casino facilities and casino 805 gaming in this state, which standards shall rationally relate to 806 807 the need to proscribe conduct that is inconsistent with passive institutional investment status; 808

(28) Providing for any other thing necessary and properfor successful and efficient regulation of casino gaming under810this chapter.811

(E) The commission shall employ and assign gaming agents
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as necessary to assist the commission in carrying out the duties
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of this chapter and Chapter 2915. of the Revised Code. In order
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to maintain employment as a gaming agent, the gaming agent shall
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successfully complete all continuing training programs required
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by the commission and shall not have been convicted of or817pleaded guilty or no contest to a disqualifying offense as818defined in section 3772.07 of the Revised Code.819

(F) The commission, as a law enforcement agency, and its 820 gaming agents, as law enforcement officers as defined in section 821 2901.01 of the Revised Code, shall have authority with regard to 822 the detection and investigation of, the seizure of evidence 823 allegedly relating to, and the apprehension and arrest of 824 persons allegedly committing violations of this chapter or 825 gambling offenses as defined in section 2915.01 of the Revised 826 Code or violations of any other law of this state that may 827 affect the integrity of casino gaming, the integrity of pools 828 not conducted for profit, or the operation of skill-based 829 amusement machines, and shall have access to casino facilities, 830 pools not conducted for profit facilities, and skill-based 831 amusement machine facilities to carry out the requirements of 8.32 this chapter. 833

(G) The commission may eject or exclude or authorize the
ejection or exclusion of and a gaming agent may eject a person
from a casino facility for any of the following reasons:
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(1) The person's name is on the list of persons
voluntarily excluding themselves from all casinos in a program
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established according to rules adopted by the commission;
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(2) The person violates or conspires to violate this840chapter or a rule adopted thereunder; or841

(3) The commission determines that the person's conduct or
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reputation is such that the person's presence within a casino
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facility may call into question the honesty and integrity of the
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casino gaming operations or interfere with the orderly conduct
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of the casino gaming operations.

(H) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a public hearing on the person's ejection or exclusion under this chapter.

(I) A casino operator or management company shall have the
 same authority to eject or exclude a person from the management
 company's casino facilities as authorized in division (G) of
 this section. The licensee shall immediately notify the
 commission of an ejection or exclusion.

(J) The commission shall submit a written annual report
with the governor, president and minority leader of the senate,
speaker and minority leader of the house of representatives, and
goint committee on gaming and wagering before the first day of
September each year. The annual report shall cover the previous
goint shall include all of the following:

(1) A statement describing the receipts and disbursements862of the commission;863

(2) Relevant financial data regarding casino gaming,
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 including gross revenues and disbursements made under this
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 chapter;
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(3) Actions taken by the commission;

(4) An update on casino operators', management companies',
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and holding companies' compulsive and problem gambling plans and
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the voluntary exclusion program and list;
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(5) Information regarding prosecutions for conduct
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described in division (H) of section 3772.99 of the Revised
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Code, including, but not limited to, the total number of
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prosecutions commenced and the name of each person prosecuted; 874 (6) Any additional information that the commission 875 considers useful or that the governor, president or minority 876 leader of the senate, speaker or minority leader of the house of 877 representatives, or joint committee on gaming and wagering 878 879 requests. (K) To ensure the integrity of skill-based amusement 880 machine operations, the commission shall have jurisdiction over 881 all persons conducting or participating in the conduct of skill-882 based amusement machine operations authorized by this chapter 883 and Chapter 2915. of the Revised Code, including the authority 884 to complete the functions of licensing, regulating, 885 investigating, and penalizing those persons in a manner that is 886 consistent with the commission's authority to do the same with 887 respect to casino gaming. To carry out this division, the 888 commission may adopt rules under Chapter 119. of the Revised 889 Code, including rules establishing fees and penalties related to 890 the operation of skill-based amusement machines. 891 (L) To ensure the integrity of pools not conducted for 892 profit and to ensure persons conducting pools not for profit are 893 conducting the pools in a manner consistent with Chapter 2915. 894 of the Revised Code, the commission shall have jurisdiction over 895 all persons conducting or participating in the conduct of pools 896 not conducted for profit as defined in section 2915.01 of the 897 Revised Code, including the authority to complete the functions 898 of licensing, regulating, investigating, and penalizing those 899 persons in a manner that is consistent with the commission's 900 authority to do the same with respect to casino gaming. To carry 901 out this division, the commission may adopt rules under Chapter 902

119. of the Revised Code, including rules establishing fees and

penalties related to the operation of pools not conducted for	904
profit.	905
Section 2. That existing sections 2915.01 and 3772.03 of	906
the Revised Code are hereby repealed.	907