

As Reported by the House Finance Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 194

Representatives Greenspan, Kelly

Cosponsors: Representatives Edwards, Rogers, West

A BILL

To amend sections 109.572, 718.031, 3770.01, 1
3770.02, 3770.03, 3770.99, 3772.03, 5703.21, 2
5747.02, 5747.063, 5747.064, 5747.08, 5747.20, 3
5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 4
5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 5
and to enact sections 3770.30, 3770.31, 3770.32, 6
3770.33, 3770.331, 3770.34, 3770.35, 3770.36, 7
3770.37, 3770.38, 3770.39, 3770.40, 5753.021, 8
and 5753.031 of the Revised Code to legalize and 9
regulate sports gaming in this state, to levy a 10
tax on businesses that provide sports gaming, 11
to create a Sports Gaming Advisory Board, 12
and to require the State Lottery Commission to 13
make certain lottery games available in Ohio. 14

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

Section 1. That sections 109.572, 718.031, 3770.01, 15
3770.02, 3770.03, 3770.99, 3772.03, 5703.21, 5747.02, 5747.063, 16
5747.064, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 17
5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 be 18
amended and sections 3770.30, 3770.31, 3770.32, 3770.33, 19

3770.331, 3770.34, 3770.35, 3770.36, 3770.37, 3770.38, 3770.39, 20
3770.40, 5753.021, and 5753.031 of the Revised Code be enacted 21
to read as follows: 22

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 23
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 24
Code, a completed form prescribed pursuant to division (C) (1) of 25
this section, and a set of fingerprint impressions obtained in 26
the manner described in division (C) (2) of this section, the 27
superintendent of the bureau of criminal identification and 28
investigation shall conduct a criminal records check in the 29
manner described in division (B) of this section to determine 30
whether any information exists that indicates that the person 31
who is the subject of the request previously has been convicted 32
of or pleaded guilty to any of the following: 33

(a) A violation of section 2903.01, 2903.02, 2903.03, 34
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 35
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 36
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 37
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 38
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 39
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 40
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 41
sexual penetration in violation of former section 2907.12 of the 42
Revised Code, a violation of section 2905.04 of the Revised Code 43
as it existed prior to July 1, 1996, a violation of section 44
2919.23 of the Revised Code that would have been a violation of 45
section 2905.04 of the Revised Code as it existed prior to July 46
1, 1996, had the violation been committed prior to that date, or 47
a violation of section 2925.11 of the Revised Code that is not a 48
minor drug possession offense; 49

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

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

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

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

(b) An existing or former law of this state, any other 80
state, or the United States that is substantially equivalent to 81
any of the offenses listed in division (A) (2) (a) of this 82
section. 83

(3) On receipt of a request pursuant to section 173.27, 84
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 85
5123.081, or 5123.169 of the Revised Code, a completed form 86
prescribed pursuant to division (C) (1) of this section, and a 87
set of fingerprint impressions obtained in the manner described 88
in division (C) (2) of this section, the superintendent of the 89
bureau of criminal identification and investigation shall 90
conduct a criminal records check of the person for whom the 91
request is made. The superintendent shall conduct the criminal 92
records check in the manner described in division (B) of this 93
section to determine whether any information exists that 94
indicates that the person who is the subject of the request 95
previously has been convicted of, has pleaded guilty to, or 96
(except in the case of a request pursuant to section 5164.34, 97
5164.341, or 5164.342 of the Revised Code) has been found 98
eligible for intervention in lieu of conviction for any of the 99
following, regardless of the date of the conviction, the date of 100
entry of the guilty plea, or (except in the case of a request 101
pursuant to section 5164.34, 5164.341, or 5164.342 of the 102
Revised Code) the date the person was found eligible for 103
intervention in lieu of conviction: 104

(a) A violation of section 959.13, 959.131, 2903.01, 105
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 106
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 107
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 108
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 109
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 110

2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	111
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	112
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	113
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	114
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	115
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	116
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	117
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	118
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	119
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	120
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	121
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	122
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	123
(b) Felonious sexual penetration in violation of former	124
section 2907.12 of the Revised Code;	125
(c) A violation of section 2905.04 of the Revised Code as	126
it existed prior to July 1, 1996;	127
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	128
the Revised Code when the underlying offense that is the object	129
of the conspiracy, attempt, or complicity is one of the offenses	130
listed in divisions (A) (3) (a) to (c) of this section;	131
(e) A violation of an existing or former municipal	132
ordinance or law of this state, any other state, or the United	133
States that is substantially equivalent to any of the offenses	134
listed in divisions (A) (3) (a) to (d) of this section.	135
(4) On receipt of a request pursuant to section 2151.86 or	136
2151.904 of the Revised Code, a completed form prescribed	137
pursuant to division (C) (1) of this section, and a set of	138
fingerprint impressions obtained in the manner described in	139

division (C)(2) of this section, the superintendent of the 140
bureau of criminal identification and investigation shall 141
conduct a criminal records check in the manner described in 142
division (B) of this section to determine whether any 143
information exists that indicates that the person who is the 144
subject of the request previously has been convicted of or 145
pleaded guilty to any of the following: 146

(a) A violation of section 959.13, 2903.01, 2903.02, 147
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 148
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 149
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 150
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 151
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 152
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 153
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 154
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 155
2927.12, or 3716.11 of the Revised Code, a violation of section 156
2905.04 of the Revised Code as it existed prior to July 1, 1996, 157
a violation of section 2919.23 of the Revised Code that would 158
have been a violation of section 2905.04 of the Revised Code as 159
it existed prior to July 1, 1996, had the violation been 160
committed prior to that date, a violation of section 2925.11 of 161
the Revised Code that is not a minor drug possession offense, 162
two or more OVI or OVUAC violations committed within the three 163
years immediately preceding the submission of the application or 164
petition that is the basis of the request, or felonious sexual 165
penetration in violation of former section 2907.12 of the 166
Revised Code; 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) (4) (a) of this section.	171
(5) Upon receipt of a request pursuant to section 5104.013	172
of the Revised Code, a completed form prescribed pursuant to	173
division (C) (1) of this section, and a set of fingerprint	174
impressions obtained in the manner described in division (C) (2)	175
of this section, the superintendent of the bureau of criminal	176
identification and investigation shall conduct a criminal	177
records check in the manner described in division (B) of this	178
section to determine whether any information exists that	179
indicates that the person who is the subject of the request has	180
been convicted of or pleaded guilty to any of the following:	181
(a) A violation of section 2151.421, 2903.01, 2903.02,	182
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,	183
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,	184
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	185
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25,	186
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,	187
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12,	188
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11,	189
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41,	190
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,	191
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	192
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11,	193
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13,	194
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	195
3716.11 of the Revised Code, felonious sexual penetration in	196
violation of former section 2907.12 of the Revised Code, a	197
violation of section 2905.04 of the Revised Code as it existed	198
prior to July 1, 1996, a violation of section 2919.23 of the	199
Revised Code that would have been a violation of section 2905.04	200
of the Revised Code as it existed prior to July 1, 1996, had the	201

violation been committed prior to that date, a violation of 202
section 2925.11 of the Revised Code that is not a minor drug 203
possession offense, a violation of section 2923.02 or 2923.03 of 204
the Revised Code that relates to a crime specified in this 205
division, or a second violation of section 4511.19 of the 206
Revised Code within five years of the date of application for 207
licensure or certification. 208

(b) A violation of an existing or former law of this 209
state, any other state, or the United States that is 210
substantially equivalent to any of the offenses or violations 211
described in division (A) (5) (a) of this section. 212

(6) Upon receipt of a request pursuant to section 5153.111 213
of the Revised Code, a completed form prescribed pursuant to 214
division (C) (1) of this section, and a set of fingerprint 215
impressions obtained in the manner described in division (C) (2) 216
of this section, the superintendent of the bureau of criminal 217
identification and investigation shall conduct a criminal 218
records check in the manner described in division (B) of this 219
section to determine whether any information exists that 220
indicates that the person who is the subject of the request 221
previously has been convicted of or pleaded guilty to any of the 222
following: 223

(a) A violation of section 2903.01, 2903.02, 2903.03, 224
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 225
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 226
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 227
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 228
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 229
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 230
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 231

Code, felonious sexual penetration in violation of former 232
section 2907.12 of the Revised Code, a violation of section 233
2905.04 of the Revised Code as it existed prior to July 1, 1996, 234
a violation of section 2919.23 of the Revised Code that would 235
have been a violation of section 2905.04 of the Revised Code as 236
it existed prior to July 1, 1996, had the violation been 237
committed prior to that date, or a violation of section 2925.11 238
of the Revised Code that is not a minor drug possession offense; 239

(b) A violation of an existing or former law of this 240
state, any other state, or the United States that is 241
substantially equivalent to any of the offenses listed in 242
division (A) (6) (a) of this section. 243

(7) On receipt of a request for a criminal records check 244
from an individual pursuant to section 4749.03 or 4749.06 of the 245
Revised Code, accompanied by a completed copy of the form 246
prescribed in division (C) (1) of this section and a set of 247
fingerprint impressions obtained in a manner described in 248
division (C) (2) of this section, the superintendent of the 249
bureau of criminal identification and investigation shall 250
conduct a criminal records check in the manner described in 251
division (B) of this section to determine whether any 252
information exists indicating that the person who is the subject 253
of the request has been convicted of or pleaded guilty to a 254
felony in this state or in any other state. If the individual 255
indicates that a firearm will be carried in the course of 256
business, the superintendent shall require information from the 257
federal bureau of investigation as described in division (B) (2) 258
of this section. Subject to division (F) of this section, the 259
superintendent shall report the findings of the criminal records 260
check and any information the federal bureau of investigation 261
provides to the director of public safety. 262

(8) On receipt of a request pursuant to section 1321.37, 263
1321.53, or 4763.05 of the Revised Code, a completed form 264
prescribed pursuant to division (C)(1) of this section, and a 265
set of fingerprint impressions obtained in the manner described 266
in division (C)(2) of this section, the superintendent of the 267
bureau of criminal identification and investigation shall 268
conduct a criminal records check with respect to any person who 269
has applied for a license, permit, or certification from the 270
department of commerce or a division in the department. The 271
superintendent shall conduct the criminal records check in the 272
manner described in division (B) of this section to determine 273
whether any information exists that indicates that the person 274
who is the subject of the request previously has been convicted 275
of or pleaded guilty to any of the following: a violation of 276
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 277
Revised Code; any other criminal offense involving theft, 278
receiving stolen property, embezzlement, forgery, fraud, passing 279
bad checks, money laundering, or drug trafficking, or any 280
criminal offense involving money or securities, as set forth in 281
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 282
the Revised Code; or any existing or former law of this state, 283
any other state, or the United States that is substantially 284
equivalent to those offenses. 285

(9) On receipt of a request for a criminal records check 286
from the treasurer of state under section 113.041 of the Revised 287
Code or from an individual under section 928.03, 4701.08, 288
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 289
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 290
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 291
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 292
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 293

4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 294
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 295
Code, accompanied by a completed form prescribed under division 296
(C) (1) of this section and a set of fingerprint impressions 297
obtained in the manner described in division (C) (2) of this 298
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 criminal offense in 304
this state or any other state. Subject to division (F) of this 305
section, the superintendent shall send the results of a check 306
requested under section 113.041 of the Revised Code to the 307
treasurer of state and shall send the results of a check 308
requested under any of the other listed sections to the 309
licensing board specified by the individual in the request. 310

(10) On receipt of a request pursuant to section 124.74, 311
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 312
Code, a completed form prescribed pursuant to division (C) (1) of 313
this section, and a set of fingerprint impressions obtained in 314
the manner described in division (C) (2) of this section, the 315
superintendent of the bureau of criminal identification and 316
investigation shall conduct a criminal records check in the 317
manner described in division (B) of this section to determine 318
whether any information exists that indicates that the person 319
who is the subject of the request previously has been convicted 320
of or pleaded guilty to any criminal offense under any existing 321
or former law of this state, any other state, or the United 322
States. 323

(11) On receipt of a request for a criminal records check 324

from an appointing or licensing authority under section 3772.07 325
of the Revised Code, a completed form prescribed under division 326
(C) (1) of this section, and a set of fingerprint impressions 327
obtained in the manner prescribed in division (C) (2) of this 328
section, the superintendent of the bureau of criminal 329
identification and investigation shall conduct a criminal 330
records check in the manner described in division (B) of this 331
section to determine whether any information exists that 332
indicates that the person who is the subject of the request 333
previously has been convicted of or pleaded guilty or no contest 334
to any offense under any existing or former law of this state, 335
any other state, or the United States that is a disqualifying 336
offense as defined in section 3772.07 of the Revised Code or 337
substantially equivalent to such an offense. 338

(12) On receipt of a request pursuant to section 2151.33 339
or 2151.412 of the Revised Code, a completed form prescribed 340
pursuant to division (C) (1) of this section, and a set of 341
fingerprint impressions obtained in the manner described in 342
division (C) (2) of this section, the superintendent of the 343
bureau of criminal identification and investigation shall 344
conduct a criminal records check with respect to any person for 345
whom a criminal records check is required under that section. 346
The superintendent shall conduct the criminal records check in 347
the manner described in division (B) of this section to 348
determine whether any information exists that indicates that the 349
person who is the subject of the request previously has been 350
convicted of or pleaded guilty to any of the following: 351

(a) A violation of section 2903.01, 2903.02, 2903.03, 352
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 353
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 354
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 355

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 356
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 357
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 358
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 359
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 360

(b) An existing or former law of this state, any other 361
state, or the United States that is substantially equivalent to 362
any of the offenses listed in division (A) (12) (a) of this 363
section. 364

(13) On receipt of a request pursuant to section 3796.12 365
of the Revised Code, a completed form prescribed pursuant to 366
division (C) (1) of this section, and a set of fingerprint 367
impressions obtained in a manner described in division (C) (2) of 368
this section, the superintendent of the bureau of criminal 369
identification and investigation shall conduct a criminal 370
records check in the manner described in division (B) of this 371
section to determine whether any information exists that 372
indicates that the person who is the subject of the request 373
previously has been convicted of or pleaded guilty to the 374
following: 375

(a) A disqualifying offense as specified in rules adopted 376
under division (B) (2) (b) of section 3796.03 of the Revised Code 377
if the person who is the subject of the request is an 378
administrator or other person responsible for the daily 379
operation of, or an owner or prospective owner, officer or 380
prospective officer, or board member or prospective board member 381
of, an entity seeking a license from the department of commerce 382
under Chapter 3796. of the Revised Code; 383

(b) A disqualifying offense as specified in rules adopted 384
under division (B) (2) (b) of section 3796.04 of the Revised Code 385

if the person who is the subject of the request is an 386
administrator or other person responsible for the daily 387
operation of, or an owner or prospective owner, officer or 388
prospective officer, or board member or prospective board member 389
of, an entity seeking a license from the state board of pharmacy 390
under Chapter 3796. of the Revised Code. 391

(14) On receipt of a request required by section 3796.13 392
of the Revised Code, a completed form prescribed pursuant to 393
division (C)(1) of this section, and a set of fingerprint 394
impressions obtained in a manner described in division (C)(2) of 395
this section, the superintendent of the bureau of criminal 396
identification and investigation shall conduct a criminal 397
records check in the manner described in division (B) of this 398
section to determine whether any information exists that 399
indicates that the person who is the subject of the request 400
previously has been convicted of or pleaded guilty to the 401
following: 402

(a) A disqualifying offense as specified in rules adopted 403
under division (B)(8)(a) of section 3796.03 of the Revised Code 404
if the person who is the subject of the request is seeking 405
employment with an entity licensed by the department of commerce 406
under Chapter 3796. of the Revised Code; 407

(b) A disqualifying offense as specified in rules adopted 408
under division (B)(14)(a) of section 3796.04 of the Revised Code 409
if the person who is the subject of the request is seeking 410
employment with an entity licensed by the state board of 411
pharmacy under Chapter 3796. of the Revised Code. 412

(15) On receipt of a request pursuant to section 4768.06 413
of the Revised Code, a completed form prescribed under division 414
(C)(1) of this section, and a set of fingerprint impressions 415

obtained in the manner described in division (C) (2) of this 416
section, the superintendent of the bureau of criminal 417
identification and investigation shall conduct a criminal 418
records check in the manner described in division (B) of this 419
section to determine whether any information exists indicating 420
that the person who is the subject of the request has been 421
convicted of or pleaded guilty to a felony in this state or in 422
any other state. 423

(16) On receipt of a request pursuant to division (B) of 424
section 4764.07 or division (A) of section 4735.143 of the 425
Revised Code, a completed form prescribed under division (C) (1) 426
of this section, and a set of fingerprint impressions obtained 427
in the manner described in division (C) (2) of this section, the 428
superintendent of the bureau of criminal identification and 429
investigation shall conduct a criminal records check in the 430
manner described in division (B) of this section to determine 431
whether any information exists indicating that the person who is 432
the subject of the request has been convicted of or pleaded 433
guilty to any crime of moral turpitude, a felony, or an 434
equivalent offense in any other state or the United States. 435

(17) On receipt of a request for a criminal records check 436
under section 147.022 of the Revised Code, a completed form 437
prescribed under division (C) (1) of this section, and a set of 438
fingerprint impressions obtained in the manner prescribed in 439
division (C) (2) of this section, the superintendent of the 440
bureau of criminal identification and investigation shall 441
conduct a criminal records check in the manner described in 442
division (B) of this section to determine whether any 443
information exists that indicates that the person who is the 444
subject of the request previously has been convicted of or 445
pleaded guilty or no contest to any disqualifying offense, as 446

defined in section 147.011 of the Revised Code, or to any 447
offense under any existing or former law of this state, any 448
other state, or the United States that is substantially 449
equivalent to such a disqualifying offense. 450

(18) On receipt of a request pursuant to section 3770.32 451
of the Revised Code, a completed form prescribed under division 452
(C) (1) of this section, and a set of fingerprint impressions 453
obtained in the manner described in division (C) (2) of this 454
section, the superintendent of the bureau of criminal 455
identification and investigation shall conduct a criminal 456
records check in the manner described in division (B) of this 457
section to determine whether any information exists indicating 458
that the person who is the subject of the request has been 459
convicted of or pleaded guilty or no contest to any offense 460
under any existing or former law of this state, any other state, 461
or the United States that is a disqualifying offense as 462
described in division (A) (3) of section 3770.36 of the Revised 463
Code or substantially equivalent to a disqualifying offense as 464
described in that section. 465

(B) Subject to division (F) of this section, the 466
superintendent shall conduct any criminal records check to be 467
conducted under this section as follows: 468

(1) The superintendent shall review or cause to be 469
reviewed any relevant information gathered and compiled by the 470
bureau under division (A) of section 109.57 of the Revised Code 471
that relates to the person who is the subject of the criminal 472
records check, including, if the criminal records check was 473
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 474
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 475
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 476

3712.09, 3721.121, 3770.32, 3772.07, 3796.12, 3796.13, 4729.071, 477
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 478
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 479
5123.169, or 5153.111 of the Revised Code, any relevant 480
information contained in records that have been sealed under 481
section 2953.32 of the Revised Code; 482

(2) If the request received by the superintendent asks for 483
information from the federal bureau of investigation, the 484
superintendent shall request from the federal bureau of 485
investigation any information it has with respect to the person 486
who is the subject of the criminal records check, including 487
fingerprint-based checks of national crime information databases 488
as described in 42 U.S.C. 671 if the request is made pursuant to 489
section 2151.86 or 5104.013 of the Revised Code or if any other 490
Revised Code section requires fingerprint-based checks of that 491
nature, and shall review or cause to be reviewed any information 492
the superintendent receives from that bureau. If a request under 493
section 3319.39 of the Revised Code asks only for information 494
from the federal bureau of investigation, the superintendent 495
shall not conduct the review prescribed by division (B) (1) of 496
this section. 497

(3) The superintendent or the superintendent's designee 498
may request criminal history records from other states or the 499
federal government pursuant to the national crime prevention and 500
privacy compact set forth in section 109.571 of the Revised 501
Code. 502

(4) The superintendent shall include in the results of the 503
criminal records check a list or description of the offenses 504
listed or described in the relevant provision of division (A) 505
~~(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),~~ 506

~~(13), (14), (15), (16), or (17)~~ of this section, ~~whichever~~ 507
~~division requires the superintendent to conduct the criminal~~ 508
~~records check.~~ The superintendent shall exclude from the results 509
any information the dissemination of which is prohibited by 510
federal law. 511

(5) The superintendent shall send the results of the 512
criminal records check to the person to whom it is to be sent 513
not later than the following number of days after the date the 514
superintendent receives the request for the criminal records 515
check, the completed form prescribed under division (C) (1) of 516
this section, and the set of fingerprint impressions obtained in 517
the manner described in division (C) (2) of this section: 518

(a) If the superintendent is required by division (A) of 519
this section (other than division (A) (3) of this section) to 520
conduct the criminal records check, thirty; 521

(b) If the superintendent is required by division (A) (3) 522
of this section to conduct the criminal records check, sixty. 523

(C) (1) The superintendent shall prescribe a form to obtain 524
the information necessary to conduct a criminal records check 525
from any person for whom a criminal records check is to be 526
conducted under this section. The form that the superintendent 527
prescribes pursuant to this division may be in a tangible 528
format, in an electronic format, or in both tangible and 529
electronic formats. 530

(2) The superintendent shall prescribe standard impression 531
sheets to obtain the fingerprint impressions of any person for 532
whom a criminal records check is to be conducted under this 533
section. Any person for whom a records check is to be conducted 534
under this section shall obtain the fingerprint impressions at a 535

county sheriff's office, municipal police department, or any 536
other entity with the ability to make fingerprint impressions on 537
the standard impression sheets prescribed by the superintendent. 538
The office, department, or entity may charge the person a 539
reasonable fee for making the impressions. The standard 540
impression sheets the superintendent prescribes pursuant to this 541
division may be in a tangible format, in an electronic format, 542
or in both tangible and electronic formats. 543

(3) Subject to division (D) of this section, the 544
superintendent shall prescribe and charge a reasonable fee for 545
providing a criminal records check under this section. The 546
person requesting the criminal records check shall pay the fee 547
prescribed pursuant to this division. In the case of a request 548
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 549
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 550
fee shall be paid in the manner specified in that section. 551

(4) The superintendent of the bureau of criminal 552
identification and investigation may prescribe methods of 553
forwarding fingerprint impressions and information necessary to 554
conduct a criminal records check, which methods shall include, 555
but not be limited to, an electronic method. 556

(D) The results of a criminal records check conducted 557
under this section, other than a criminal records check 558
specified in division (A)(7) of this section, are valid for the 559
person who is the subject of the criminal records check for a 560
period of one year from the date upon which the superintendent 561
completes the criminal records check. If during that period the 562
superintendent receives another request for a criminal records 563
check to be conducted under this section for that person, the 564
superintendent shall provide the results from the previous 565

criminal records check of the person at a lower fee than the fee 566
prescribed for the initial criminal records check. 567

(E) When the superintendent receives a request for 568
information from a registered private provider, the 569
superintendent shall proceed as if the request was received from 570
a school district board of education under section 3319.39 of 571
the Revised Code. The superintendent shall apply division (A) (1) 572
(c) of this section to any such request for an applicant who is 573
a teacher. 574

(F) (1) Subject to division (F) (2) of this section, all 575
information regarding the results of a criminal records check 576
conducted under this section that the superintendent reports or 577
sends under division (A) (7) or (9) of this section to the 578
director of public safety, the treasurer of state, or the 579
person, board, or entity that made the request for the criminal 580
records check shall relate to the conviction of the subject 581
person, or the subject person's plea of guilty to, a criminal 582
offense. 583

(2) Division (F) (1) of this section does not limit, 584
restrict, or preclude the superintendent's release of 585
information that relates to the arrest of a person who is 586
eighteen years of age or older, to an adjudication of a child as 587
a delinquent child, or to a criminal conviction of a person 588
under eighteen years of age in circumstances in which a release 589
of that nature is authorized under division (E) (2), (3), or (4) 590
of section 109.57 of the Revised Code pursuant to a rule adopted 591
under division (E) (1) of that section. 592

(G) As used in this section: 593

(1) "Criminal records check" means any criminal records 594

check conducted by the superintendent of the bureau of criminal 595
identification and investigation in accordance with division (B) 596
of this section. 597

(2) "Minor drug possession offense" has the same meaning 598
as in section 2925.01 of the Revised Code. 599

(3) "OVI or OVUAC violation" means a violation of section 600
4511.19 of the Revised Code or a violation of an existing or 601
former law of this state, any other state, or the United States 602
that is substantially equivalent to section 4511.19 of the 603
Revised Code. 604

(4) "Registered private provider" means a nonpublic school 605
or entity registered with the superintendent of public 606
instruction under section 3310.41 of the Revised Code to 607
participate in the autism scholarship program or section 3310.58 608
of the Revised Code to participate in the Jon Peterson special 609
needs scholarship program. 610

Sec. 718.031. As used in this section, "sports gaming 611
facility" has the same meaning as in section 3770.30 of the 612
Revised Code. 613

(A) A municipal corporation shall require a casino 614
facility or a casino operator, as defined in Section 6(C)(9) of 615
Article XV, Ohio Constitution, and section 3772.01 of the 616
Revised Code, respectively, or a lottery sales agent conducting 617
video lottery terminals on behalf of the state to withhold and 618
remit municipal income tax with respect to amounts other than 619
qualifying wages as provided in this section. 620

(B) If a person's winnings ~~at a from casino facility~~ 621
gaming or from sports gaming are an amount for which reporting 622
to the internal revenue service of the amount is required by 623

section 6041 of the Internal Revenue Code, as amended, ~~the a~~ 624
casino operator shall deduct and withhold municipal income tax 625
from the person's winnings at the rate of the tax imposed by the 626
municipal corporation in which the operator's casino facility or 627
sports gaming facility is located. 628

(C) Amounts deducted and withheld by a casino operator are 629
held in trust for the benefit of the municipal corporation to 630
which the tax is owed. 631

(1) On or before the tenth day of each month, the casino 632
operator shall file a return electronically with the tax 633
administrator of the municipal corporation, providing the name, 634
address, and social security number of the person from whose 635
winnings amounts were deducted and withheld, the amount of each 636
such deduction and withholding during the preceding calendar 637
month, the amount of the winnings from which each such amount 638
was withheld, the type of casino gaming or sports gaming that 639
resulted in such winnings, and any other information required by 640
the tax administrator. With this return, the casino operator 641
shall remit electronically to the municipal corporation all 642
amounts deducted and withheld during the preceding month. 643

(2) Annually, on or before the thirty-first day of 644
January, a casino operator shall file an annual return 645
electronically with the tax administrator of the municipal 646
corporation in which the casino facility or sports gaming 647
facility is located, indicating the total amount deducted and 648
withheld during the preceding calendar year. The casino operator 649
shall remit electronically with the annual return any amount 650
that was deducted and withheld and that was not previously 651
remitted. If the name, address, or social security number of a 652
person or the amount deducted and withheld with respect to that 653

person was omitted on a monthly return for that reporting 654
period, that information shall be indicated on the annual 655
return. 656

(3) Annually, on or before the thirty-first day of 657
January, a casino operator shall issue an information return to 658
each person with respect to whom an amount has been deducted and 659
withheld during the preceding calendar year. The information 660
return shall show the total amount of municipal income tax 661
deducted from the person's winnings during the preceding year. 662
The casino operator shall provide to the tax administrator a 663
copy of each information return issued under this division. The 664
administrator may require that such copies be transmitted 665
electronically. 666

(4) A casino operator that fails to file a return and 667
remit the amounts deducted and withheld shall be personally 668
liable for the amount withheld and not remitted. Such personal 669
liability extends to any penalty and interest imposed for the 670
late filing of a return or the late payment of tax deducted and 671
withheld. 672

(5) If a casino operator sells the casino facility or 673
sports gaming facility, or otherwise quits the casino or sports 674
gaming business, the amounts deducted and withheld along with 675
any penalties and interest thereon are immediately due and 676
payable. The successor shall withhold an amount of the purchase 677
money that is sufficient to cover the amounts deducted and 678
withheld along with any penalties and interest thereon until the 679
predecessor casino operator produces either of the following: 680

(a) A receipt from the tax administrator showing that the 681
amounts deducted and withheld and penalties and interest thereon 682
have been paid; 683

(b) A certificate from the tax administrator indicating 684
that no amounts are due. 685

If the successor fails to withhold purchase money, the 686
successor is personally liable for the payment of the amounts 687
deducted and withheld and penalties and interest thereon. 688

(6) The failure of a casino operator to deduct and 689
withhold the required amount from a person's winnings does not 690
relieve that person from liability for the municipal income tax 691
with respect to those winnings. 692

(D) If a person's winnings from sports gaming or prize 693
award from a video lottery terminal is an amount for which 694
reporting to the internal revenue service is required by section 695
6041 of the Internal Revenue Code, as amended, ~~the a~~ video 696
lottery sales agent shall deduct and withhold municipal income 697
tax from the person's winnings or prize award at the rate of the 698
tax imposed by the municipal corporation in which the agent's 699
video lottery terminal facility or sports gaming facility is 700
located. 701

(E) Amounts deducted and withheld by a video lottery sales 702
agent are held in trust for the benefit of the municipal 703
corporation to which the tax is owed. 704

(1) The video lottery sales agent shall issue to a person 705
from whose winnings or prize award an amount has been deducted 706
and withheld a receipt for the amount deducted and withheld, and 707
shall obtain from the person receiving winnings or a prize award 708
the person's name, address, and social security number in order 709
to facilitate the preparation of returns required by this 710
section. 711

(2) On or before the tenth day of each month, the video 712

lottery sales agent shall file a return electronically with the 713
tax administrator of the municipal corporation providing the 714
names, addresses, and social security numbers of the persons 715
from whose winnings or prize awards amounts were deducted and 716
withheld, the amount of each such deduction and withholding 717
during the preceding calendar month, the amount of the winnings 718
or prize award from which each such amount was withheld, and any 719
other information required by the tax administrator. With the 720
return, the video lottery sales agent shall remit electronically 721
to the tax administrator all amounts deducted and withheld 722
during the preceding month. 723

(3) A video lottery sales agent shall maintain a record of 724
all receipts issued under division (E) of this section and shall 725
make those records available to the tax administrator upon 726
request. Such records shall be maintained in accordance with 727
section 5747.17 of the Revised Code and any rules adopted 728
pursuant thereto. 729

(4) Annually, on or before the thirty-first day of 730
January, each video lottery terminal sales agent shall file an 731
annual return electronically with the tax administrator of the 732
municipal corporation in which the facility is located 733
indicating the total amount deducted and withheld during the 734
preceding calendar year. The video lottery sales agent shall 735
remit electronically with the annual return any amount that was 736
deducted and withheld and that was not previously remitted. If 737
the name, address, or social security number of a person or the 738
amount deducted and withheld with respect to that person was 739
omitted on a monthly return for that reporting period, that 740
information shall be indicated on the annual return. 741

(5) Annually, on or before the thirty-first day of 742

January, a video lottery sales agent shall issue an information 743
return to each person with respect to whom an amount has been 744
deducted and withheld during the preceding calendar year. The 745
information return shall show the total amount of municipal 746
income tax deducted and withheld from the person's winnings or 747
prize award by the video lottery sales agent during the 748
preceding year. A video lottery sales agent shall provide to the 749
tax administrator of the municipal corporation a copy of each 750
information return issued under this division. The tax 751
administrator may require that such copies be transmitted 752
electronically. 753

(6) A video lottery sales agent who fails to file a return 754
and remit the amounts deducted and withheld is personally liable 755
for the amount deducted and withheld and not remitted. Such 756
personal liability extends to any penalty and interest imposed 757
for the late filing of a return or the late payment of tax 758
deducted and withheld. 759

(F) If a video lottery sales agent ceases to operate video 760
lottery terminals, sells a sports gaming facility, or otherwise 761
quits the sports gaming business, the amounts deducted and 762
withheld along with any penalties and interest thereon are 763
immediately due and payable. The successor of the video lottery 764
sales agent ~~that purchases the video lottery terminals from the~~ 765
~~agent~~ shall withhold an amount from the purchase money that is 766
sufficient to cover the amounts deducted and withheld and any 767
penalties and interest thereon until the predecessor video 768
lottery sales agent operator produces either of the following: 769

(1) A receipt from the tax administrator showing that the 770
amounts deducted and withheld and penalties and interest thereon 771
have been paid; 772

(2) A certificate from the tax administrator indicating 773
that no amounts are due. 774

If the successor fails to withhold purchase money, the 775
successor is personally liable for the payment of the amounts 776
deducted and withheld and penalties and interest thereon. 777

(G) The failure of a video lottery sales agent to deduct 778
and withhold the required amount from a person's winnings or 779
prize award awards does not relieve that person from liability 780
for the municipal income tax with respect to ~~that those winnings~~ 781
or prize award awards. 782

(H) If a casino operator or lottery sales agent files a 783
return late, fails to file a return, remits amounts deducted and 784
withheld late, or fails to remit amounts deducted and withheld 785
as required under this section, the tax administrator of a 786
municipal corporation may impose the following applicable 787
penalty: 788

(1) For the late remittance of, or failure to remit, tax 789
deducted and withheld under this section, a penalty equal to 790
fifty per cent of the tax deducted and withheld; 791

(2) For the failure to file, or the late filing of, a 792
monthly or annual return, a penalty of five hundred dollars for 793
each return not filed or filed late. Interest shall accrue on 794
past due amounts deducted and withheld at the rate prescribed in 795
section 5703.47 of the Revised Code. 796

(I) Amounts deducted and withheld on behalf of a municipal 797
corporation shall be allowed as a credit against payment of the 798
tax imposed by the municipal corporation and shall be treated as 799
taxes paid for purposes of section 718.08 of the Revised Code. 800
This division applies only to the person for whom the amount is 801

deducted and withheld. 802

(J) The tax administrator shall prescribe the forms of the 803
receipts and returns required under this section. 804

Sec. 3770.01. (A) There is hereby created the state 805
lottery commission consisting of ~~nine~~eleven members appointed 806
by the governor with the advice and consent of the senate. No 807
more than ~~five~~six members of the commission shall be members of 808
the same political party. Of the additional and new appointments 809
made to the commission pursuant to the amendment of August 1, 810
1980, three shall be for terms ending August 1, 1981, three 811
shall be for terms ending August 1, 1982, and three shall be for 812
terms ending August 1, 1983. The additional two members first 813
appointed to the commission after the effective date of this 814
amendment shall be appointed to terms ending August 1, 2022. 815
Thereafter, terms of office shall be for three years, each term 816
ending on the same day of the same month of the year as did the 817
term which it succeeds. 818

(B) Each member shall hold office from the date of 819
appointment until the end of the term for which the member was 820
appointed. Any member appointed to fill a vacancy occurring 821
prior to the expiration of the term for which the member's 822
predecessor was appointed shall hold office for the remainder of 823
that term. Any member shall continue in office subsequent to the 824
expiration date of the member's term until the member's 825
successor takes office, or until a period of sixty days has 826
elapsed, whichever occurs first. 827

(C) All members of the commission shall be citizens of the 828
United States and residents of this state. The members of the 829
commission shall represent the various geographic regions of the 830
state. No member of the commission shall have any pecuniary 831

interest in any contract or license awarded by the commission. 832
One person appointed as a member of the commission shall have 833
experience or training in the area of problem gambling or other 834
addictions and in assistance to recovering gambling or other 835
addicts. Each person appointed as a member of the commission, 836
except the member appointed as having experience or training in 837
the area of problem gambling or other addictions and in 838
assistance to recovering gambling or other addicts, shall have 839
prior experience or education in business administration, 840
management, sales, marketing, or advertising. Three persons 841
appointed as members of the commission shall have gaming 842
experience. 843

(D) The commission shall elect annually one of its members 844
to serve as chairperson for a term of one year. Election as 845
chairperson shall not extend a member's appointive term. Each 846
member of the commission shall receive an annual salary of five 847
thousand dollars, payable in monthly installments. Each member 848
of the commission also shall receive the member's actual and 849
necessary expenses incurred in the discharge of the member's 850
official duties. 851

(E) Each member of the commission, before entering upon 852
the discharge of the member's official duties, shall give a 853
bond, payable to the treasurer of state, in the sum of ten 854
thousand dollars with sufficient sureties to be approved by the 855
treasurer of state, which bond shall be filed with the secretary 856
of state. 857

(F) The governor may remove any member of the commission 858
for malfeasance, misfeasance, or nonfeasance in office, giving 859
the member a copy of the charges against the member and 860
affording the member an opportunity to be publicly heard in 861

person or by counsel in the member's own defense upon not less 862
than ten days' notice. If the member is removed, the governor 863
shall file in the office of the secretary of state a complete 864
statement of all charges made against the member and the 865
governor's finding on the charges, together with a complete 866
report of the proceedings, and the governor's decision on the 867
charges is final. 868

(G) The commission shall maintain offices at locations in 869
the state as it may consider necessary for the efficient 870
performance of its functions. The director shall maintain an 871
office in Columbus to coordinate the activities of the state 872
lottery commission with other state departments. 873

Sec. 3770.02. (A) Subject to the advice and consent of the 874
senate, the governor shall appoint a director of the state 875
lottery commission who shall serve at the pleasure of the 876
governor. The director shall devote full time to the duties of 877
the office and shall hold no other office or employment. The 878
director shall meet all requirements for appointment as a member 879
of the commission and shall, by experience and training, possess 880
management skills that equip the director to administer an 881
enterprise of the nature of a state lottery. The director shall 882
receive an annual salary in accordance with pay range 48 of 883
section 124.152 of the Revised Code. 884

(B) (1) The director shall attend all meetings of the 885
commission and shall act as its secretary. The director shall 886
keep a record of all commission proceedings and shall keep the 887
commission's records, files, and documents at the commission's 888
principal office. All records of the commission's meetings shall 889
be available for inspection by any member of the public, upon a 890
showing of good cause and prior notification to the director. 891

(2) The director shall be the commission's executive 892
officer and shall be responsible for keeping all commission 893
records and supervising and administering the state lottery in 894
accordance with this chapter, and carrying out all commission 895
rules adopted under section 3770.03 of the Revised Code. 896

(C) (1) The director shall appoint deputy directors as 897
necessary and as many regional managers as are required. The 898
director may also appoint necessary professional, technical, and 899
clerical assistants. All such officers and employees shall be 900
appointed and compensated pursuant to Chapter 124. of the 901
Revised Code. Regional and assistant regional managers, sales 902
representatives, and any lottery executive account 903
representatives shall remain in the unclassified service. The 904
assistant director shall act as director in the absence or 905
disability of the director. If the director does not appoint an 906
assistant director, the director shall designate a deputy 907
director to act as director in the absence or disability of the 908
director. 909

(2) The director, in consultation with the director of 910
administrative services, may establish standards of proficiency 911
and productivity for commission field representatives. 912

(D) The director shall request the bureau of criminal 913
identification and investigation, the department of public 914
safety, or any other state, local, or federal agency to supply 915
the director with the criminal records of any job applicant and 916
may periodically request the criminal records of commission 917
employees. At or prior to the time of making such a request, the 918
director shall require a job applicant or commission employee to 919
obtain fingerprint cards prescribed by the superintendent of the 920
bureau of criminal identification and investigation at a 921

qualified law enforcement agency, and the director shall cause 922
these fingerprint cards to be forwarded to the bureau of 923
criminal identification and investigation and the federal bureau 924
of investigation. The commission shall assume the cost of 925
obtaining the fingerprint cards and shall pay to each agency 926
supplying criminal records for each investigation under this 927
division a reasonable fee, as determined by the agency. 928

(E) The director shall license lottery sales agents 929
pursuant to section 3770.05 of the Revised Code and, when it is 930
considered necessary, may revoke or suspend the license of any 931
lottery sales agent. The director may license video lottery 932
technology providers, independent testing laboratories, and 933
gaming employees, and promulgate rules relating thereto. When 934
the director considers it necessary, the director may suspend or 935
revoke the license of a video lottery technology provider, 936
independent testing laboratory, or gaming employee, including 937
suspension or revocation without affording an opportunity for a 938
prior hearing under section 119.07 of the Revised Code when the 939
public safety, convenience, or trust requires immediate action. 940

(F) The director shall confer at least once each month 941
with the commission, at which time the director shall advise it 942
regarding the operation and administration of the lottery. The 943
director shall make available at the request of the commission 944
all documents, files, and other records pertaining to the 945
operation and administration of the lottery. The director shall 946
prepare and make available to the commission each month a 947
complete and accurate accounting of lottery revenues, prize 948
money disbursements and the cost of goods and services awarded 949
as prizes, operating expenses, and all other relevant financial 950
information, including an accounting of all transfers made from 951
any lottery funds in the custody of the treasurer of state to 952

benefit education. 953

(G) The director may enter into contracts for the 954
operation or promotion of the lottery pursuant to Chapter 125. 955
of the Revised Code. 956

(H) (1) Pursuant to rules adopted by the commission under 957
section 3770.03 of the Revised Code, the director shall require 958
any lottery sales agents to deposit to the credit of the state 959
lottery fund, in banking institutions designated by the 960
treasurer of state, net proceeds due the commission as 961
determined by the director. 962

(2) Pursuant to rules adopted by the commission under 963
Chapter 119. of the Revised Code, the director may impose 964
penalties for the failure of a sales agent to transfer funds to 965
the commission in a timely manner. Penalties may include 966
monetary penalties, immediate suspension or revocation of a 967
license, or any other penalty the commission adopts by rule. 968

(I) The director may arrange for any person, or any 969
banking institution, to perform functions and services in 970
connection with the operation of the lottery as the director may 971
consider necessary to carry out this chapter. 972

(J) (1) As used in this chapter, "statewide joint lottery 973
game" means a lottery game that the commission sells solely 974
within this state under an agreement with other lottery 975
jurisdictions to sell the same lottery game solely within their 976
statewide or other jurisdictional boundaries. 977

(2) If the governor directs the director to do so, the 978
director shall enter into an agreement with other lottery 979
jurisdictions to conduct statewide joint lottery games. If the 980
governor signs the agreement personally or by means of an 981

authenticating officer pursuant to section 107.15 of the Revised Code, the director then may conduct statewide joint lottery games under the agreement.

(3) The entire net proceeds from any statewide joint lottery games shall be used to fund elementary, secondary, vocational, and special education programs in this state.

(4) The commission shall conduct any statewide joint lottery games in accordance with rules it adopts under division (B) (5) of section 3770.03 of the Revised Code.

(K) (1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services, including services to alleviate problem sports gaming, on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement and shall use the moneys in the problem sports gaming and addiction fund established under section 5753.031 of the Revised Code for the purpose of paying the costs of program services to alleviate problem sports gaming in this state. The director shall publicize the toll-free telephone number established under section 3772.062 of the Revised Code and the gambling addiction services provided by the department of mental health and addiction services.

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code.

(L) The director shall do both of the following with respect to the sports gaming lottery:

(1) Employ a monitoring system utilizing software to identify irregularities in volume or odds swings that could

signal suspicious activities that require further investigation. 1011
The state lottery commission shall develop the requirements and 1012
specifications for the system according to industry standards 1013
and implement the system as part of the minimum internal control 1014
standards described in division (E) of section 3770.31 of the 1015
Revised Code. 1016

(2) Promptly report to the state lottery commission and 1017
the Ohio casino control commission any facts or circumstances 1018
related to the operation of a sports gaming licensee that 1019
constitute a violation of state or federal law and immediately 1020
report any suspicious wagering to the appropriate state or 1021
federal authorities. 1022

Sec. 3770.03. (A) The state lottery commission shall 1023
promulgate rules under which a statewide lottery may be 1024
conducted, which includes, and since the original enactment of 1025
this section has included, the authority for the commission to 1026
operate video lottery terminal games. Any reference in this 1027
chapter to tickets shall not be construed to in any way limit 1028
the authority of the commission to operate video lottery 1029
terminal games. Nothing in this chapter shall restrict the 1030
authority of the commission to promulgate rules related to the 1031
operation of games utilizing video lottery terminals as 1032
described in section 3770.21 of the Revised Code. The rules 1033
shall be promulgated pursuant to Chapter 119. of the Revised 1034
Code, except that instant game rules shall be promulgated 1035
pursuant to section 111.15 of the Revised Code but are not 1036
subject to division (D) of that section. Subjects covered in 1037
these rules shall include, but need not be limited to, the 1038
following: 1039

(1) The type of lottery to be conducted; 1040

(2) The prices of tickets in the lottery; 1041

(3) The number, nature, and value of prize awards, the 1042
manner and frequency of prize drawings, and the manner in which 1043
prizes shall be awarded to holders of winning tickets. 1044

(B) The commission shall promulgate rules, in addition to 1045
those described in division (A) of this section, pursuant to 1046
Chapter 119. of the Revised Code under which a statewide lottery 1047
and statewide joint lottery games may be conducted. Subjects 1048
covered in these rules shall include, but not be limited to, the 1049
following: 1050

(1) The locations at which lottery tickets may be sold and 1051
the manner in which they are to be sold. These rules may 1052
authorize the sale of lottery tickets by commission personnel or 1053
other licensed individuals from traveling show wagons at the 1054
state fair, and at any other expositions the director of the 1055
commission considers acceptable. These rules shall prohibit 1056
commission personnel or other licensed individuals from 1057
soliciting from an exposition the right to sell lottery tickets 1058
at that exposition, but shall allow commission personnel or 1059
other licensed individuals to sell lottery tickets at an 1060
exposition if the exposition requests commission personnel or 1061
licensed individuals to do so. These rules may also address the 1062
accessibility of sales agent locations to commission products in 1063
accordance with the "Americans with Disabilities Act of 1990," 1064
104 Stat. 327, 42 U.S.C.A. 12101 et seq. 1065

(2) The manner in which lottery sales revenues are to be 1066
collected, including authorization for the director to impose 1067
penalties for failure by lottery sales agents to transfer 1068
revenues to the commission in a timely manner; 1069

(3) The amount of compensation to be paid to licensed lottery sales agents; 1070
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(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code. 1072
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(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code. 1081
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(6) Any other subjects the commission determines are necessary for the operation of video lottery terminal games, including the establishment of any fees, fines, payment schedules, or the establishment of a voluntary exclusion program; 1092
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(7) Rules making self-service, terminal-generated lottery games available to any qualified lottery sales agent. The rules shall require the games to do all of the following: 1097
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(a) Be available only to a lottery sales agent that holds a class C or D liquor permit for the location at which the games are to be offered; 1100
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(b) Offer instant-win-style lottery games and drawing-style lottery games but not the lottery games authorized under sections 3770.30 to 3770.40 of the Revised Code; 1103
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(c) Contain the ability to be played at multiple ticket prices, betting types, and payouts as established by the commission; 1106
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(d) Be available on interactive self-service terminals, which shall not be considered video lottery terminals. The interactive terminals shall do all of the following: 1109
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(i) Allow game play in a graphical, paperless, interactive format; 1112
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(ii) Allow a player to initiate, play, and view the game, including the reveal of a result, on the self-service terminal from which the game is purchased; 1114
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(iii) Give the player the option to receive any winnings either through the terminal or using a paper pay voucher to be redeemed with a lottery sales agent. 1117
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(e) Be available on other lottery terminals and devices, including clerk-facing lottery terminals. 1120
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(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter. 1122
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(D) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and 1125
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celebrity images on lottery tickets and on other items that are 1128
used in the conduct of, or to promote, the statewide lottery and 1129
statewide joint lottery games. Any revenue derived from the sale 1130
of advertising displayed on lottery tickets and on those other 1131
items shall be considered, for purposes of section 3770.06 of 1132
the Revised Code, to be related proceeds in connection with the 1133
statewide lottery or gross proceeds from statewide joint lottery 1134
games, as applicable. 1135

(E) (1) The commission shall meet with the director at 1136
least once each month and shall convene other meetings at the 1137
request of the chairperson or any five of the members. No action 1138
taken by the commission shall be binding unless at least five of 1139
the members present vote in favor of the action. A written 1140
record shall be made of the proceedings of each meeting and 1141
shall be transmitted forthwith to the governor, the president of 1142
the senate, the senate minority leader, the speaker of the house 1143
of representatives, and the house minority leader. 1144

(2) The director shall present to the commission a report 1145
each month, showing the total revenues, prize disbursements, and 1146
operating expenses of the state lottery for the preceding month. 1147
As soon as practicable after the end of each fiscal year, the 1148
commission shall prepare and transmit to the governor and the 1149
general assembly a report of lottery revenues, prize 1150
disbursements, and operating expenses for the preceding fiscal 1151
year and any recommendations for legislation considered 1152
necessary by the commission. 1153

Sec. 3770.30. As used in this chapter: 1154

(A) "Casino operator" has the same meaning as in section 1155
3772.01 of the Revised Code. 1156

(B) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level. 1157
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(C) "Commission" means the state lottery commission created under section 3770.01 of the Revised Code. 1161
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(D) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in the event. 1163
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(E) (1) Except as otherwise provided in division (E) (2) of this section, "sporting event" means any professional sport or athletic event, any collegiate sport or athletic event, any motor race event, or any other special event the commission authorizes for sports gaming under this chapter, the individual performance statistics of athletes or participants in such an event, or a combination of those. 1167
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(2) "Sporting event" does not include a sport or athletic event for primary or secondary school students that is conducted or sponsored by a primary or secondary school or by another person or the individual performance statistics of athletes or participants in such a sport or athletic event. 1174
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(F) "Sports gaming" means participating in the sports gaming lottery operated by the state lottery commission through the business of accepting wagers on sporting events by any system or method of gaming the commission approves. "Sports gaming" includes purchasing lottery tickets whose prize determinations are based on exchange wagering, parlays, over-under, moneyline, in-game wagering, single game bets, teaser 1179
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bets, in-play bets, proposition bets, pools, pari-mutuel sports 1186
wagering pools, straight bets, or any other type of wagering on 1187
sporting events approved by the commission. "Sports gaming" does 1188
not include any of the following: 1189

(1) Pari-mutuel betting on the outcome of a horse race 1190
authorized under Chapter 3769. of the Revised Code; 1191

(2) Video lottery terminals authorized under this chapter; 1192

(3) Other lottery games of the state lottery authorized 1193
under this chapter and operated by the state lottery commission; 1194

(4) Casino gaming authorized under Section 6(C) of Article 1195
XV, Ohio Constitution and Chapter 3772. of the Revised Code; 1196

(5) Fantasy contests authorized under Chapter 3774. of the 1197
Revised Code. 1198

(G) (1) "Sports gaming agent" means a casino operator or 1199
video lottery sales agent licensed as a sports gaming agent to 1200
offer sports gaming in this state. 1201

(2) "Sports gaming agent" does not include a veteran's or 1202
fraternal organization that contracts with a sports gaming agent 1203
to offer sports gaming in the organization's facility pursuant 1204
to section 3770.331 of the Revised Code. 1205

(3) A vendor who provides sports gaming equipment to be 1206
used through a licensed sports gaming agent shall not be 1207
considered a sports gaming agent solely on that basis. 1208

(H) "Sports gaming agent license" means authorization 1209
granted under this chapter by the commission to a casino 1210
operator or video lottery sales agent to offer sports gaming as 1211
a sports gaming agent. 1212

(I) "Sports gaming equipment" means any mechanical, 1213
electronic, or other device, mechanism, or equipment, including 1214
a personal device, and related software, materials, or supplies, 1215
that are used or consumed in the operation of sports gaming. 1216

(J) "Sports gaming facility" means a designated area in 1217
which sports gaming is conducted on the premises of a casino 1218
facility or of a racing facility authorized to conduct horse 1219
racing meetings in this state. As used in this division, "casino 1220
facility" has the same meaning as in section 3772.01 of the 1221
Revised Code. 1222

(K) "Sports gaming license" means a sports gaming agent 1223
license, a management services provider license issued under 1224
section 3770.34 of the Revised Code, or a sports gaming 1225
occupational license issued under section 3770.35 of the Revised 1226
Code. 1227

(L) "Sports gaming licensee" means a person who holds a 1228
valid sports gaming license. 1229

(M) "Sports gaming receipts" has the same meaning as in 1230
section 5753.01 of the Revised Code. 1231

(N) "Sports governing body" means a regional, national, or 1232
international organization having ultimate authority over the 1233
rules and codes of conduct with respect to a sporting event and 1234
the participants in the sporting event. 1235

(O) "Video lottery sales agent" means an agent of the 1236
state lottery authorized to operate an electronic device 1237
approved by the state lottery commission that provides immediate 1238
prize determinations for participants on an electronic display 1239
that is located at a facility owned by a holder of a permit as 1240
defined in rule 3769-1-05 of the Administrative Code. 1241

(P) "Wager" means to purchase a sports gaming lottery 1242
ticket through which a sum of money or thing of value is risked 1243
on an uncertain occurrence. 1244

Sec. 3770.31. (A) In all cases in which this chapter 1245
requires or allows the commission to adopt rules concerning 1246
sports gaming, the commission shall adopt those rules under 1247
Chapter 119. of the Revised Code. 1248

(B) The commission shall adopt rules that include all of 1249
the following: 1250

(1) Procedures for a sports gaming agent to accept wagers 1251
on a sporting event or series of sporting events; 1252

(2) The maximum wager that a sports gaming agent may 1253
accept from any one individual on any one sporting event; 1254

(3) The types of wagering tickets to be used; 1255

(4) The manner in which tickets are issued; 1256

(5) The type of records to be kept by sports gaming 1257
licensees; 1258

(6) The system to be used to place a wager; 1259

(7) Protections for a player placing a wager; 1260

(8) Measures to promote responsible sports gaming; 1261

(9) Penalties and fines for violating this section or 1262
rules adopted under this section; 1263

(10) A prohibition against sports gaming advertising 1264
targeting individuals under twenty-one years of age; 1265

(11) Any other procedure or thing the commission 1266
determines necessary to ensure the integrity of sports gaming. 1267

(C) The commission may adopt rules allowing a sports gaming agent to accept wagers on sporting events online over the internet from persons who are physically present in this state. 1268
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(D)(1) The commission may, independently or at the request of any person, including a sports governing body, adopt rules to prohibit or restrict wagering on a particular type of sporting event or to prohibit or restrict a particular type of wager. 1271
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(2) The commission shall adopt rules prescribing a process by which the commission may prohibit or restrict wagering on a particular type of sporting event or prohibit or restrict a particular type of wager on a temporary emergency basis instead of by rule. 1275
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(3) (a) A sports governing body may formally request the commission to prohibit or restrict wagering on a particular type of sporting event or to prohibit or restrict a particular type of wager. The sports governing body shall submit the formal request in the form and manner prescribed by the commission. 1280
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(b) If the commission determines that the sports governing body has shown good cause through its formal request to grant the requested prohibition or restriction, the commission promptly shall adopt the prohibition or restriction. 1285
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(c) If the commission determines that the sports governing body has not shown good cause through its formal request to grant the requested prohibition or restriction, the commission promptly shall provide the sports governing body with notice and an opportunity for a hearing to offer further evidence in support of granting the requested prohibition or restriction. 1289
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(E) The commission shall adopt rules establishing minimum internal control standards for the administration of sports 1295
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gaming operations, sports gaming equipment, systems, or other 1297
items used to conduct sports gaming, and the maintenance of 1298
financial records and other required records. The commission may 1299
approve minimum internal control standards proposed by sports 1300
gaming agents. 1301

(F) The commission shall approve sports gaming equipment 1302
and shall adopt rules requiring sports gaming licensees and 1303
sports gaming facilities to use only approved sports gaming 1304
equipment. 1305

(G) The commission shall determine a person's eligibility 1306
to hold or renew a sports gaming license, shall issue all sports 1307
gaming licenses, and shall maintain a record of all sports 1308
gaming licenses issued under this chapter. The commission shall 1309
accept applications, evaluate qualifications of applicants, and 1310
undertake initial review of sports gaming licenses before the 1311
commission has adopted rules governing issuing sports gaming 1312
licenses under this chapter. 1313

(H) The commission shall levy and collect all fees, 1314
surcharges, and civil penalties imposed under this chapter and 1315
rules adopted under this chapter and shall deposit all moneys 1316
collected into the sports gaming revenue fund created under 1317
section 5753.031 of the Revised Code. 1318

(I) The commission, in an adjudication conducted under 1319
Chapter 119. of the Revised Code, may penalize, limit, 1320
condition, restrict, suspend, revoke, deny, or refuse to renew 1321
the sports wagering license of any licensee or applicant. The 1322
commission may take into account any relevant aggravating or 1323
mitigating factors without in any manner limiting the 1324
commission's authority to impose the level and type of 1325
discipline the commission considers appropriate. 1326

(J) The commission may adopt rules that establish 1327
standards for advertising on items that are used in the conduct 1328
of, or to promote, a sports gaming event. The commission may 1329
develop its own advertising or enter into a contract for 1330
advertising services. Any revenue the commission derives from 1331
the sale of advertising on sports gaming equipment shall be 1332
deposited into the sports gaming revenue fund. 1333

(K) The commission shall make anonymized sports gaming 1334
data available to sports governing bodies in real time through 1335
the monitoring system described in division (L)(1) of section 1336
3770.02 of the Revised Code in order to ensure the integrity of 1337
sports gaming. 1338

Sec. 3770.32. (A) Except for a veteran's or fraternal 1339
organization that offers sports gaming under section 3770.331 of 1340
the Revised Code, no person shall operate, conduct, or assist in 1341
operating or conducting sports gaming in this state without 1342
first obtaining an appropriate sports gaming license from the 1343
state lottery commission. 1344

(B)(1) Except as otherwise required under division (B)(2) 1345
of this section, each person applying for a sports gaming 1346
license issued under this chapter shall submit one complete set 1347
of fingerprints directly to the superintendent of the bureau of 1348
criminal identification and investigation for the purpose of 1349
conducting a criminal records check. The person shall provide 1350
the fingerprints using a method the superintendent of the bureau 1351
of criminal identification and investigation prescribes pursuant 1352
to division (C)(2) of section 109.572 of the Revised Code and 1353
fill out the form the superintendent of the bureau of criminal 1354
identification and investigation prescribes pursuant to division 1355
(C)(1) of section 109.572 of the Revised Code. Upon receiving an 1356

application under this section, the director of the state 1357
lottery commission shall request the superintendent of the 1358
bureau of criminal identification and investigation, or a vendor 1359
approved by the bureau, to conduct a criminal records check 1360
based on the applicant's fingerprint impressions in accordance 1361
with division (A)(18) of section 109.572 of the Revised Code. 1362
Any fee required under division (C)(3) of section 109.572 of the 1363
Revised Code shall be paid by the applicant, or in the case of 1364
an occupational license, by the applicant's employer. The state 1365
lottery commission may require additional criminal records 1366
checks from a licensee applying to renew a sports gaming 1367
license, and any applicant convicted of any disqualifying 1368
offense as described in division (A)(3) of section 3770.36 of 1369
the Revised Code shall not be issued a license. 1370

(2) If an applicant for a sports gaming license under this 1371
chapter underwent a criminal records check during the previous 1372
three years for the purpose of obtaining or renewing a video 1373
lottery license issued by the state lottery commission or a 1374
license issued under Chapter 3772. of the Revised Code, the 1375
applicant was issued that license or had the license renewed, 1376
and the state lottery commission or the Ohio casino control 1377
commission, as applicable, has a record of the result of the 1378
applicant's criminal records check, the applicant shall not be 1379
required to undergo an additional criminal records check under 1380
division (B)(1) of this section. The state lottery commission 1381
shall use the result of the previous criminal records check 1382
obtained from its own records or from the records of the Ohio 1383
casino control commission to determine whether the applicant has 1384
been convicted of a disqualifying offense as described in 1385
division (A)(3) of section 3770.36 of the Revised Code. 1386

(C) The state lottery commission shall not grant a sports 1387

gaming agent or management services provider license until it 1388
has determined that each person who has control of the applicant 1389
has met the qualifications for sports gaming licensure 1390
established in this chapter and in rules adopted by the 1391
commission. All of the following persons are considered to have 1392
control of an applicant: 1393

(1) Each person associated with a corporate applicant, 1394
including any corporate holding company, parent company, or 1395
subsidiary company of the applicant that has the ability to 1396
control the activities of the corporate applicant or elect a 1397
majority of the board of directors of that corporation, other 1398
than any bank or other licensed lending institution that holds a 1399
mortgage or other lien acquired in the course of ordinary 1400
business; 1401

(2) Each person associated with a noncorporate applicant 1402
that directly or indirectly holds a beneficial or proprietary 1403
interest in the applicant's business operation or that the 1404
commission otherwise determines has the ability to control the 1405
applicant; 1406

(3) Key personnel of an applicant, including any 1407
executive, employee, or agency, having the power to exercise 1408
significant influence over decisions concerning any part of the 1409
applicant's business operation. 1410

(D) A sports gaming agent or management services provider 1411
shall display its license conspicuously in its place of business 1412
or have the license available for inspection by any agent of the 1413
state lottery commission or any law enforcement agency. Each 1414
holder of an occupational license issued under section 3770.35 1415
of the Revised Code shall have an indicator of licensure 1416
prominently displayed when present in a sports gaming facility 1417

at all times, in accordance with the rules of the commission. 1418

(E) A sports gaming licensee shall give the state lottery 1419
commission written notice within thirty days of any change to 1420
any information provided in the licensee's application for a 1421
license or renewal. 1422

Sec. 3770.33. (A) Except for a veteran's or fraternal 1423
organization that offers sports gaming under section 3770.331 of 1424
the Revised Code, no person shall offer sports gaming in this 1425
state without first obtaining a sports gaming agent license from 1426
the commission. The commission shall not operate as a sports 1427
gaming agent and shall not issue a sports gaming agent license 1428
except as provided in this section. 1429

(B) Only a casino operator or a video lottery sales agent 1430
may apply for a sports gaming agent license. The commission 1431
shall issue a sports gaming agent license to an applicant that 1432
does all of the following: 1433

(1) Submits a written application on a form furnished by 1434
the commission; 1435

(2) Pays a nonrefundable application fee of one hundred 1436
thousand dollars; 1437

(3) Agrees to a minimum capital investment as approved by 1438
the commission; 1439

(4) Commits to employing a certain number of individuals 1440
on a full-time basis as approved by the commission; 1441

(5) Does one of the following: 1442

(a) Gives to the state a surety bond, in an amount and in 1443
the form approved by the commission, to guarantee that the 1444
applicant faithfully makes all payments required by this chapter 1445

and rules adopted under this chapter; 1446

(b) Increases the amount of an existing surety bond given 1447
to the state as a condition of licensure as a video lottery 1448
sales agent or casino operator by an amount approved by the 1449
commission and conditions the increased amount of the surety 1450
bond on the applicant faithfully making all payments required by 1451
this chapter and rules adopted under this chapter. 1452

(6) Submits an audit of the applicant's financial 1453
transactions and the condition of the applicant's total 1454
operations for the previous fiscal year prepared by a certified 1455
public accountant in accordance with generally accepted 1456
accounting principles and state and federal laws; 1457

(7) Satisfies any other conditions for licensure required 1458
under this chapter and rules adopted under this chapter, 1459
provided that the commission's rules shall not require an 1460
applicant for a sports gaming agent license to take action to 1461
satisfy any additional requirement for that license that is 1462
substantially similar to any requirement the applicant 1463
previously has satisfied in order to obtain or renew the 1464
applicant's video lottery sales agent license or casino operator 1465
license. 1466

(C) (1) The term of a sports gaming agent license shall be 1467
concurrent with the term of the sports gaming agent's casino 1468
operator license issued by the Ohio casino control commission 1469
under Chapter 3772. of the Revised Code and the rules adopted 1470
under that chapter or of the sports gaming agent's video lottery 1471
sales agent license issued by the state lottery commission under 1472
this chapter and the rules adopted under this chapter, as 1473
applicable. 1474

(2) Upon the expiration of a sports gaming agent license, 1475
the sports gaming agent may renew the license, unless any of the 1476
following are true: 1477

(a) The license is suspended or revoked. 1478

(b) The sports gaming agent's casino operator license or 1479
video lottery sales agent license is suspended or revoked. 1480

(c) The commission determines that the sports gaming agent 1481
is not in compliance with this chapter and the rules adopted 1482
under this chapter. 1483

(3) The sports gaming agent shall pay a nonrefundable 1484
renewal fee of one hundred thousand dollars or one per cent of 1485
the sports gaming agent's total gross receipts received from the 1486
operation of sports gaming in this state during the previous 1487
year, whichever is less. 1488

(D) No sports gaming agent shall permit a person other 1489
than the sports gaming agent to offer sports gaming on behalf of 1490
the sports gaming agent, except as permitted under sections 1491
3770.331 and 3770.34 of the Revised Code. 1492

(E) For each fiscal year during which a sports gaming 1493
agent offers sports gaming under this chapter, the sports gaming 1494
agent shall submit to the commission an audit of the sports 1495
gaming agent's financial transactions and the condition of the 1496
sports gaming agent's total operations prepared by a certified 1497
public accountant in accordance with generally accepted 1498
accounting principles and applicable state and federal laws. 1499

Sec. 3770.331. (A) As used in this section, "fraternal 1500
organization" and "veteran's organization" have the same 1501
meanings as in section 2915.01 of the Revised Code. 1502

(B) (1) The commission shall adopt rules to permit a 1503
veteran's or fraternal organization to contract with a sports 1504
gaming agent to offer sports gaming through the sports gaming 1505
agent using a single piece of sports gaming equipment located in 1506
the organization's facility. 1507

(2) The rules adopted under division (B) (1) of this 1508
section shall do all of the following: 1509

(a) Require the veteran's or fraternal organization to 1510
permit only individuals who are members of the organization to 1511
participate in sports gaming offered by the organization; 1512

(b) Require the organization to pay to the commission a 1513
nonrefundable application fee of one thousand dollars; 1514

(c) Require the organization to hold a D-class liquor 1515
permit issued under Chapter 4303. of the Revised Code for the 1516
facility where the organization seeks to offer sports gaming; 1517

(d) Establish the compensation due to the organization 1518
from the sports gaming agent, which shall be substantially 1519
similar to the compensation percentages paid to lottery sales 1520
agents; 1521

(e) Require the sports gaming agent to comply with all 1522
applicable requirements of this chapter and of the rules adopted 1523
by the commission concerning the conduct of sports gaming at the 1524
organization's facility; 1525

(f) Provide for any other procedure or thing the 1526
commission determines necessary to complete its duties under 1527
this section. 1528

(3) The commission may provide by rule adopted under 1529
division (B) (1) of this section for the commission to supply 1530

some or all of the sports gaming equipment to be used by 1531
veteran's or fraternal organizations under this section through 1532
a vendor selected by the commission in accordance with the 1533
Revised Code. 1534

(C) If a veteran's or fraternal organization that wishes 1535
to contract with a sports gaming agent under this section is 1536
unable to do so because no sports gaming agent is willing to 1537
contract with the veteran's or fraternal organization, the 1538
veteran's or fraternal organization may report that fact to the 1539
commission. Upon receiving the report, the commission shall 1540
require a sports gaming agent selected by the commission to 1541
enter into a contract with the veteran's or fraternal 1542
organization under commercially reasonable terms approved by the 1543
commission. 1544

(D) A contract between a veteran's or fraternal 1545
organization and a sports gaming agent under this section shall 1546
be for a term of one year. If the commission determines that the 1547
organization and the sports gaming agent are in compliance with 1548
this chapter and the rules adopted under this chapter, the 1549
organization and the sports gaming agent may renew the contract. 1550
Upon renewing the contract, the organization shall pay to the 1551
commission a nonrefundable renewal fee of one thousand dollars. 1552

Sec. 3770.34. (A) A sports gaming agent may contract with 1553
a management services provider to offer sports gaming on the 1554
sports gaming agent's behalf, either in a sports gaming facility 1555
or in another manner authorized by the commission, in accordance 1556
with this chapter and with the rules adopted by the commission 1557
under this chapter. The management services provider shall be 1558
licensed under this section before entering into a contract with 1559
the sports gaming agent for that purpose. 1560

(B) An applicant for a management services provider 1561
license shall meet all requirements for licensure and shall pay 1562
a nonrefundable license and application fee of one thousand 1563
dollars. The commission may accept another jurisdiction's 1564
license, if the commission determines it has similar licensing 1565
requirements, as evidence that the applicant meets the 1566
requirements for a license issued under this section. The 1567
commission may adopt rules establishing additional requirements 1568
to obtain a management services provider license, provided that 1569
the commission's rules shall not require an applicant for a 1570
management services provider license that currently holds a 1571
video lottery license issued by the commission or a license 1572
issued under Chapter 3772. of the Revised Code to take action to 1573
satisfy any additional requirement for the management services 1574
provider license that is substantially similar to any 1575
requirement the applicant previously has satisfied in order to 1576
obtain or renew the applicant's video lottery license or license 1577
issued under Chapter 3772. of the Revised Code. 1578

(C) A management services provider license shall be valid 1579
for a term of one year. The commission shall renew a license for 1580
any management services provider that remains in compliance with 1581
all requirements for the license and pays an annual renewal fee 1582
of one thousand dollars. 1583

(D) In order to permit a management services provider to 1584
offer sports gaming on behalf of a sports gaming agent, the 1585
sports gaming agent and the management services provider shall 1586
enter into a written contract that has been approved by the 1587
commission. If the sports gaming agent and the management 1588
services provider wish to make a material change to the 1589
contract, the sports gaming agent first shall submit the change 1590
to the commission for its approval or rejection. The sports 1591

gaming agent or the management services provider may not assign, 1592
delegate, subcontract, or transfer the management service 1593
provider's duties and responsibilities under the contract to a 1594
third party without the prior approval of the commission. Such a 1595
third party shall be licensed as a management services provider 1596
under this section before providing those services. 1597

(E) The provisions of this chapter concerning a sports 1598
gaming agent apply to a management services provider that 1599
contracts with the sports gaming agent with respect to all 1600
rights, duties, and liabilities of the sports gaming agent 1601
assigned, delegated, subcontracted, or transferred to the 1602
management services provider as though the management services 1603
provider were a sports gaming agent. 1604

Sec. 3770.35. (A) Except for an individual who is employed 1605
by a veteran's or fraternal organization to be engaged in sports 1606
gaming-related activities under section 3770.331 of the Revised 1607
Code, an individual who is employed to be engaged directly in 1608
sports gaming-related activities in this state, or otherwise to 1609
conduct or operate sports gaming in this state, shall hold an 1610
appropriate and valid sports gaming occupational license issued 1611
by the commission at all times. The commission shall issue a 1612
sports gaming occupational license to an individual who meets 1613
the requirements of this chapter and of the commission's rules, 1614
provided that the commission's rules shall not require an 1615
applicant for a sports gaming occupational license who currently 1616
holds a video lottery license issued by the commission or a 1617
license issued under Chapter 3772. of the Revised Code to take 1618
action to satisfy any additional requirement for the sports 1619
gaming occupational license that is substantially similar to any 1620
requirement the applicant previously has satisfied in order to 1621
obtain or renew the applicant's video lottery license or license 1622

issued under Chapter 3772. of the Revised Code. 1623

(B) A sports gaming occupational license permits the 1624
licensee to be employed in the capacity the commission 1625
designates during the duration of the license. The commission 1626
may establish by rule job classifications with different 1627
requirements. 1628

(C) An applicant for a sports gaming occupational license 1629
shall apply for the license on a form prescribed by the 1630
commission and shall pay a nonrefundable application fee of one 1631
hundred dollars. An applicant's employer may pay the fee on 1632
behalf of the applicant. 1633

(D) The commission may adopt rules allowing an individual 1634
who holds a sports gaming occupational license from another 1635
jurisdiction to be licensed in this state by reciprocity, so 1636
long as that jurisdiction's requirements to receive that license 1637
and the activities authorized by the license are substantially 1638
similar to those of this state with respect to the license the 1639
individual seeks. 1640

(E) A sports gaming occupational license shall be valid 1641
for a term of three years, provided that if the individual also 1642
holds a video lottery license issued by the commission or a 1643
license issued under Chapter 3772. of the Revised Code, the term 1644
of the individual's sports gaming occupational license shall be 1645
concurrent with that other license. In order to renew a sports 1646
gaming occupational license, the licensee shall apply to the 1647
commission on a form prescribed by the commission and shall pay 1648
to the commission a nonrefundable renewal fee of one hundred 1649
dollars. The licensee's employer may pay the fee on behalf of 1650
the licensee. 1651

Sec. 3770.36. (A) The commission shall not grant a sports gaming license to an applicant if evidence satisfactory to the commission exists that the applicant has done any of the following: 1652
1653
1654
1655

(1) Knowingly made a false statement of a material fact to the commission; 1656
1657

(2) Been suspended from operating a gambling game, gaming device, or gaming operation, or had a license revoked by any governmental unit of a national, state, or local body exercising governmental functions, other than the United States government; 1658
1659
1660
1661

(3) Been convicted of a disqualifying offense, which shall be a crime of moral turpitude, a gambling-related offense, a theft or fraud offense, or has otherwise demonstrated a lack of respect for law and order as demonstrated in the criminal records check conducted under section 3770.32 of the Revised Code; 1662
1663
1664
1665
1666
1667

(4) Been directly employed by any offshore wagering market that illegally serviced the United States or otherwise accepted illegal wagers from individuals located in the United States. 1668
1669
1670

(B) The commission may deny a sports gaming agent license to any applicant, reprimand any sports gaming agent, or suspend or revoke a sports gaming agent license if any of the following are true: 1671
1672
1673
1674

(1) The applicant or sports gaming agent has not demonstrated to the commission's satisfaction financial responsibility sufficient to adequately meet the requirements of the enterprise. 1675
1676
1677
1678

(2) The applicant or sports gaming agent is not the true owner of the business or is not the sole owner and has not 1679
1680

disclosed the existence or identity of other persons who have an 1681
ownership interest in the business. 1682

(3) The applicant or sports gaming agent is a corporation 1683
that sells more than five per cent of a sports gaming agent's 1684
voting stock, or more than five per cent of the voting stock of 1685
a corporation that controls the sports gaming agent, or sells a 1686
sports gaming agent's assets, other than those bought and sold 1687
in the ordinary course of business, or any interest in the 1688
assets, to any person not already determined by the commission 1689
to have met the qualifications of a sports gaming agent. 1690

(C) The commission shall not grant a sports gaming license 1691
to an individual who is under twenty-one years of age or to an 1692
employee of the commission. 1693

Sec. 3770.37. A sports gaming agent shall adopt 1694
comprehensive house rules for game play governing sports gaming 1695
transactions with its patrons, including rules that specify the 1696
amounts to be paid on winning wagers and the effect of schedule 1697
changes, and shall submit them to the commission for approval 1698
before implementing them. The sports gaming agent shall publish 1699
its house rules as part of its minimum internal control 1700
standards, shall display the house rules, together with any 1701
other information the commission considers appropriate, 1702
conspicuously in each sports gaming facility and in any other 1703
place or manner prescribed by the commission, and shall make 1704
copies of its house rules readily available to patrons. 1705

Sec. 3770.38. A sports gaming agent shall do all of the 1706
following: 1707

(A) Conduct all sports gaming activities and functions in 1708
a manner that does not pose a threat to the public health, 1709

<u>safety, or welfare of the citizens of this state;</u>	1710
<u>(B) Assist the commission in maximizing sports gaming</u>	1711
<u>revenues;</u>	1712
<u>(C) Keep current in all payments and obligations to the</u>	1713
<u>commission;</u>	1714
<u>(D) Acquire sports gaming equipment by purchase, lease, or</u>	1715
<u>other assignment and provide a secure location for the</u>	1716
<u>placement, operation, and play of sports gaming equipment;</u>	1717
<u>(E) Prevent any person from tampering with or interfering</u>	1718
<u>with the operation of sports gaming;</u>	1719
<u>(F) Ensure that sports gaming conducted at a sports gaming</u>	1720
<u>facility is within the sight and control of designated employees</u>	1721
<u>of the sports gaming agent and that sports gaming is conducted</u>	1722
<u>under continuous observation by security equipment in conformity</u>	1723
<u>with the specifications and requirements of the commission;</u>	1724
<u>(G) Ensure that sports gaming occurs only in the locations</u>	1725
<u>and manner approved by the commission;</u>	1726
<u>(H) Ensure that all sports gaming is monitored through a</u>	1727
<u>centralized lottery gaming system;</u>	1728
<u>(I) Ensure that all sports gaming equipment owned or</u>	1729
<u>operated by the sports gaming agent is connected to and</u>	1730
<u>monitored through a centralized lottery gaming system;</u>	1731
<u>(J) Conspicuously post a notice at each sports gaming</u>	1732
<u>facility and in every other place required by the commission,</u>	1733
<u>indicating the minimum and maximum wagers permitted, and comply</u>	1734
<u>with those limits;</u>	1735
<u>(K) Maintain sufficient funds and other supplies to</u>	1736

conduct sports gaming at all times; 1737

(L) Maintain daily records showing the sports gaming 1738
agent's sports gaming receipts and timely file with the 1739
commission any additional reports required by rule or by other 1740
provisions of the Revised Code. 1741

Sec. 3770.39. (A) (1) A sports gaming agent shall accept 1742
wagers on sporting events only from individuals who are at least 1743
twenty-one years of age and who are physically present in this 1744
state, and only using sports gaming equipment approved in 1745
accordance with this chapter. A sports gaming agent shall accept 1746
wagers on sporting events that are made in person only from 1747
individuals who are physically present in a sports gaming 1748
facility or in a veteran's or fraternal organization's facility, 1749
as permitted under section 3770.331 of the Revised Code. 1750

(2) (a) Except as otherwise provided in division (A) (2) (b) 1751
of this section, before accepting any wager on a sporting event 1752
from an individual, the sports gaming agent shall require the 1753
individual to register with the sports gaming agent, provide the 1754
individual's full legal name and any other information required 1755
by the commission or requested by the sports gaming agent, and 1756
place all wagers on sporting events placed with the sports 1757
gaming agent through that registration. 1758

(b) A sports gaming agent may accept an anonymous wager 1759
from an individual who is physically present in a sports gaming 1760
facility, so long as the amount of the wager does not exceed a 1761
dollar limit determined by the commission by rule. 1762

(3) (a) An employee of a sports gaming agent who is between 1763
eighteen and twenty-one years of age may be present in a sports 1764
gaming facility, so long as the employee's duties are not 1765

related to sports gaming. 1766

(b) An individual who is under twenty-one years of age may 1767
enter a sports gaming facility in order to pass to another area 1768
where sports gaming is not being conducted, but only if the 1769
individual is personally escorted by an employee of the sports 1770
gaming agent who remains in close proximity to the individual at 1771
all times in accordance with the rules of the commission. 1772

(B)(1) The commission may exclude any individual from 1773
entering a sports gaming facility or the grounds of a sports 1774
gaming facility or from participating in the play or operation 1775
of sports gaming. The commission shall keep a list of all 1776
excluded individuals and shall make that list available to each 1777
sports gaming agent. No individual who is on the commission's 1778
exclusion list shall enter a sports gaming facility or the 1779
grounds of a sports gaming facility or participate in the play 1780
or operation of sports gaming under this chapter. 1781

(2)(a) A sports gaming agent may exclude any individual 1782
from entering a sports gaming facility, or the grounds of a 1783
sports gaming facility, that is under the control of the sports 1784
gaming agent and may exclude any individual from participating 1785
in the play or operation of sports gaming conducted by the 1786
sports gaming agent. The sports gaming agent shall keep a list 1787
of all excluded individuals. No individual who is on a sports 1788
gaming agent's exclusion list shall enter a sports gaming 1789
facility, or the grounds of a sports gaming facility, that is 1790
under the control of the sports gaming agent or participate in 1791
the play or operation of sports gaming conducted by the sports 1792
gaming agent under this chapter. 1793

(b) If a sports gaming agent excludes an individual 1794
because the sports gaming agent determines that the individual 1795

engaged or attempted to engage in any sports gaming related 1796
activity that is prohibited under this chapter or under the 1797
commission's rules, the sports gaming agent shall report that 1798
fact to the commission, and the commission shall place that 1799
individual on the commission's exclusion list. 1800

(C) No person who is on the voluntary exclusion list 1801
described in section 3772.01 of the Revised Code shall 1802
participate in the play or operation of sports gaming under this 1803
chapter. 1804

(D) No employee of a sports gaming agent shall engage in 1805
any sports gaming conducted by the sports gaming agent. 1806

(E) No employee of the commission shall knowingly wager or 1807
be paid any prize from any wager placed with a sports gaming 1808
agent in this state or with any person or entity located outside 1809
this state that is directly or indirectly owned or operated by a 1810
sports gaming agent. 1811

Sec. 3770.40. (A) All shipments of gambling devices, 1812
including any sports gaming equipment, to sports gaming 1813
facilities in this state are legal shipments of gambling devices 1814
into this state, as long as the supplier has completed the 1815
registering, recording, and labeling of the equipment in 1816
accordance with the "Gambling Devices Act of 1962," 15 U.S.C. 1817
1171 to 1178. 1818

(B) This state is exempt from section 2 of the "Gambling 1819
Devices Act of 1962," 15 U.S.C. 1172. 1820

Sec. 3770.99. (A) Whoever is prohibited from claiming a 1821
lottery prize award under division (E) of section 3770.07 of the 1822
Revised Code and attempts to claim or is paid a lottery prize 1823
award is guilty of a minor misdemeanor, and shall provide 1824

restitution to the state lottery commission of any moneys 1825
erroneously paid as a lottery prize award to that person. 1826

(B) Whoever violates division (C) of section 3770.071 or 1827
section 3770.08 of the Revised Code is guilty of a misdemeanor 1828
of the third degree. 1829

(C) Whoever knowingly does any of the following commits a 1830
misdemeanor of the first degree on the first offense and a 1831
felony of the fifth degree on a subsequent offense: 1832

(1) Makes a false statement on an application submitted 1833
under the provisions of this chapter governing sports gaming; 1834

(2) Permits an individual under twenty-one years of age to 1835
engage in sports gaming; 1836

(3) Aids, induces, or causes an individual under twenty- 1837
one years of age who is not an employee of the sports gaming 1838
agent to enter or attempt to enter a sports gaming facility; 1839

(4) Enters or attempts to enter a sports gaming facility 1840
while under twenty-one years of age, except as permitted under 1841
division (A) (3) of section 3770.39 of the Revised Code; 1842

(5) Is a sports gaming agent or an employee of a sports 1843
gaming agent and participates in sports gaming offered by the 1844
sports gaming agent, other than as part of operating sports 1845
gaming or as part of the employee's employment. 1846

(D) Whoever knowingly does any of the following commits a 1847
felony of the fifth degree on a first offense and a felony of 1848
the fourth degree on a subsequent offense. If the person is a 1849
sports gaming licensee under this chapter, the commission shall 1850
revoke the person's license after the first offense. 1851

(1) Offers, promises, or gives anything of value to anyone 1852

for the purpose of influencing the outcome of a sporting event 1853
or attempts to do so; 1854

(2) Places, increases, or decreases a wager after 1855
acquiring knowledge not available to the general public that 1856
anyone has been offered, promised, or given anything of value 1857
for the purpose of influencing the outcome of the sporting event 1858
upon which the wager is placed, increased, or decreased, or 1859
attempts to do so; 1860

(3) Manufactures, sells, or distributes any device that is 1861
intended by that person to be used to violate any provision of 1862
this chapter or the sports gaming laws of any other state; 1863

(4) Places a bet or aids any other person in placing a bet 1864
on a sporting event after unlawfully acquiring knowledge of the 1865
outcome on which winnings from that bet are contingent; 1866

(5) Claims, collects, or takes anything of value from a 1867
sports gaming agent with intent to defraud or attempts to do so 1868
without having made a wager in which the amount or value is 1869
legitimately won or owed; 1870

(6) Places a wager using counterfeit currency or other 1871
counterfeit form of credit approved for wagering; 1872

(7) Possesses any device intended to be used to violate 1873
the provisions of this chapter governing sports wagering or any 1874
rule adopted under this chapter or any materials used to 1875
manufacture such a device. This division does not apply to a 1876
sports gaming agent or to an agent or employee of a sports 1877
gaming agent who is acting in furtherance of the sports gaming 1878
agent's interest. 1879

(8) Operates sports gaming in a manner other than the 1880
manner required under this chapter. Premises used or occupied in 1881

violation of this division constitute a nuisance subject to 1882
abatement under Chapter 3767. of the Revised Code. 1883

(E) Whoever knowingly does any of the following commits a 1884
felony of the third degree. If the person is a sports gaming 1885
licensee under this chapter, the commission shall revoke the 1886
person's license after the first offense. 1887

(1) Offers, promises, or gives anything of value or 1888
benefit to a person who is connected with a sports gaming agent 1889
or to an agent or employee of a sports gaming agent, under an 1890
agreement to influence, or with the intent to influence, the 1891
actions of the person to whom the offer, promise, or gift is 1892
made in order to affect or attempt to affect the outcome of 1893
sports gaming conducted under this chapter or an official action 1894
of a member, agent, or employee of the commission; 1895

(2) Solicits, accepts, or receives a promise of anything 1896
of value or benefit while the person is connected with a sports 1897
gaming agent or an agent or employee of a sports gaming agent, 1898
under an agreement to influence, or with the intent to 1899
influence, the actions of the person to affect or attempt to 1900
affect the outcome of sports gaming conducted under this chapter 1901
or an official action of a member, agent, or employee of the 1902
commission. 1903

(F) Whoever knowingly does any of the following while 1904
participating in sports gaming or otherwise transacting with a 1905
sports gaming agent as permitted under this chapter commits a 1906
felony of the fifth degree on a first offense and a felony of 1907
the fourth degree on a subsequent offense: 1908

(1) Causes or attempts to cause a sports gaming agent to 1909
fail to file a report required under 31 U.S.C. 5313(a) or 5325 1910

or any regulation prescribed thereunder or section 1315.53 of 1911
the Revised Code, or to fail to file a report or maintain a 1912
record required by an order issued under section 21 of the 1913
"Federal Deposit Insurance Act" or section 123 of Pub. L. No. 1914
91-508; 1915

(2) Causes or attempts to cause a sports gaming agent to 1916
file a report under 31 U.S.C. 5313(a) or 5325 or any regulation 1917
prescribed thereunder or section 1315.53 of the Revised Code, to 1918
file a report or to maintain a record required by any order 1919
issued under 31 U.S.C. 3126, or to maintain a record required 1920
under any regulation prescribed under section 21 of the "Federal 1921
Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that 1922
contains a material omission or misstatement of fact; 1923

(3) With one or more sports gaming agents, structures a 1924
transaction, is complicit in structuring a transaction, attempts 1925
to structure a transaction, or is complicit in an attempt to 1926
structure a transaction. As used in this division: 1927

(a) To be "complicit" means to engage in any conduct of a 1928
type described in divisions (A) (1) to (4) of section 2923.03 of 1929
the Revised Code. 1930

(b) "Structure a transaction" has the same meaning as in 1931
section 1315.51 of the Revised Code. 1932

(G) The commission shall levy and collect penalties for 1933
noncriminal violations of the provisions of this chapter 1934
governing sports gaming. All penalties collected under this 1935
division shall be deposited in the sports gaming revenue fund. 1936

Sec. 3772.03. (A) To ensure the integrity of casino 1937
gaming, the commission shall have authority to complete the 1938
functions of licensing, regulating, investigating, and 1939

penalizing casino operators, management companies, holding 1940
companies, key employees, casino gaming employees, and gaming- 1941
related vendors. The commission also shall have jurisdiction 1942
over all persons participating in casino gaming authorized by 1943
Section 6(C) of Article XV, Ohio Constitution, and this chapter. 1944

(B) All rules adopted by the commission under this chapter 1945
shall be adopted under procedures established in Chapter 119. of 1946
the Revised Code. The commission may contract for the services 1947
of experts and consultants to assist the commission in carrying 1948
out its duties under this section. 1949

(C) The commission shall adopt rules as are necessary for 1950
completing the functions stated in division (A) of this section 1951
and for addressing the subjects enumerated in division (D) of 1952
this section. 1953

(D) The commission shall adopt, and as advisable and 1954
necessary shall amend or repeal, rules that include all of the 1955
following: 1956

(1) The prevention of practices detrimental to the public 1957
interest; 1958

(2) Prescribing the method of applying, and the form of 1959
application, that an applicant for a license under this chapter 1960
must follow as otherwise described in this chapter; 1961

(3) Prescribing the information to be furnished by an 1962
applicant or licensee as described in section 3772.11 of the 1963
Revised Code; 1964

(4) Describing the certification standards and duties of 1965
an independent testing laboratory certified under section 1966
3772.31 of the Revised Code and the relationship between the 1967
commission, the laboratory, the gaming-related vendor, and the 1968

casino operator;	1969
(5) The minimum amount of insurance that must be	1970
maintained by a casino operator, management company, holding	1971
company, or gaming-related vendor;	1972
(6) The approval process for a significant change in	1973
ownership or transfer of control of a licensee as provided in	1974
section 3772.091 of the Revised Code;	1975
(7) The design of gaming supplies, devices, and equipment	1976
to be distributed by gaming-related vendors;	1977
(8) Identifying the casino gaming that is permitted,	1978
identifying the gaming supplies, devices, and equipment, that	1979
are permitted, defining the area in which the permitted casino	1980
gaming may be conducted, and specifying the method of operation	1981
according to which the permitted casino gaming is to be	1982
conducted as provided in section 3772.20 of the Revised Code,	1983
and requiring gaming devices and equipment to meet the standards	1984
of this state;	1985
(9) Tournament play in any casino facility;	1986
(10) Establishing and implementing a voluntary exclusion	1987
program that provides all of the following:	1988
(a) Except as provided by commission rule, a person who	1989
participates in the program shall agree to refrain from entering	1990
a casino facility.	1991
(b) The name of a person participating in the program	1992
shall be included on a list of persons excluded from all casino	1993
facilities.	1994
(c) Except as provided by commission rule, no person who	1995
participates in the program shall petition the commission for	1996

admittance into a casino facility.	1997
(d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator and the agents and employees of the casino operator for purposes of enforcement and to other entities, upon request of the participant and agreement by the commission.	1998 1999 2000 2001 2002 2003
(e) A casino operator shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.	2004 2005 2006
(f) A casino operator 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 casino operator from seeking the payment of a debt accrued by a person before participating in the program.	2007 2008 2009 2010 2011
(g) Any and all locations at which a person may register as a participant in the program shall be published.	2012 2013
(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;	2014 2015 2016 2017
(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;	2018 2019 2020 2021 2022 2023
(13) Permitting a licensed casino operator, management company, key employee, or casino gaming employee to question a	2024 2025

person suspected of violating this chapter;	2026
(14) The chips, tokens, tickets, electronic cards, or	2027
similar objects that may be purchased by means of an agreement	2028
under which credit is extended to a wagerer by a casino	2029
operator;	2030
(15) Establishing standards for provisional key employee	2031
licenses for a person who is required to be licensed as a key	2032
employee and is in exigent circumstances and standards for	2033
provisional licenses for casino gaming employees who submit	2034
complete applications and are compliant under an instant	2035
background check. A provisional license shall be valid not	2036
longer than three months. A provisional license may be renewed	2037
one time, at the commission's discretion, for an additional	2038
three months. In establishing standards with regard to instant	2039
background checks the commission shall take notice of criminal	2040
records checks as they are conducted under section 311.41 of the	2041
Revised Code using electronic fingerprint reading devices.	2042
(16) Establishing approval procedures for third-party	2043
engineering or accounting firms, as described in section 3772.09	2044
of the Revised Code;	2045
(17) Prescribing the manner in which winnings,	2046
compensation from casino gaming, and gross revenue must be	2047
computed and reported by a licensee as described in Chapter	2048
5753. of the Revised Code;	2049
(18) Prescribing conditions under which a licensee's	2050
license may be suspended or revoked as described in section	2051
3772.04 of the Revised Code;	2052
(19) Prescribing the manner and procedure of all hearings	2053
to be conducted by the commission or by any hearing examiner;	2054

(20) Prescribing technical standards and requirements that 2055
are to be met by security and surveillance equipment that is 2056
used at and standards and requirements to be met by personnel 2057
who are employed at casino facilities, and standards and 2058
requirements for the provision of security at and surveillance 2059
of casino facilities; 2060

(21) Prescribing requirements for a casino operator to 2061
provide unarmed security services at a casino facility by 2062
licensed casino employees, and the training that shall be 2063
completed by these employees; 2064

(22) Prescribing standards according to which casino 2065
operators shall keep accounts and standards according to which 2066
casino accounts shall be audited, and establish means of 2067
assisting the tax commissioner in levying and collecting the 2068
gross casino revenue tax levied under section 5753.02 of the 2069
Revised Code; 2070

(23) Defining penalties for violation of commission rules 2071
and a process for imposing such penalties; 2072

(24) Establishing standards for decertifying contractors 2073
that violate statutes or rules of this state or the federal 2074
government; 2075

(25) Establishing standards for the repair of casino 2076
gaming equipment; 2077

(26) Establishing procedures to ensure that casino 2078
operators, management companies, and holding companies are 2079
compliant with the compulsive and problem gambling plan 2080
submitted under section 3772.18 of the Revised Code; 2081

(27) Prescribing, for institutional investors in or 2082
holding companies of a casino operator, management company, 2083

holding company, or gaming-related vendor that fall below the 2084
threshold needed to be considered an institutional investor or a 2085
holding company, standards regarding what any employees, 2086
members, or owners of those investors or holding companies may 2087
do and shall not do in relation to casino facilities and casino 2088
gaming in this state, which standards shall rationally relate to 2089
the need to proscribe conduct that is inconsistent with passive 2090
institutional investment status; 2091

(28) Providing for any other thing necessary and proper 2092
for successful and efficient regulation of casino gaming under 2093
this chapter. 2094

(E) The commission shall employ and assign gaming agents 2095
as necessary to assist the commission in carrying out the duties 2096
of this chapter and ~~Chapter~~ Chapters 2915. and 3770. of the 2097
Revised Code. In order to maintain employment as a gaming agent, 2098
the gaming agent shall successfully complete all continuing 2099
training programs required by the commission and shall not have 2100
been convicted of or pleaded guilty or no contest to a 2101
disqualifying offense as defined in section 3772.07 of the 2102
Revised Code. 2103

(F) The commission, as a law enforcement agency, and its 2104
gaming agents, as law enforcement officers as defined in section 2105
2901.01 of the Revised Code, shall have authority with regard to 2106
the detection and investigation of, the seizure of evidence 2107
allegedly relating to, and the apprehension and arrest of 2108
persons allegedly committing violations of this chapter or 2109
gambling offenses as defined in section 2915.01 of the Revised 2110
Code or violations of any other law of this state that may 2111
affect the integrity of casino gaming ~~or,~~ the operation of 2112
skill-based amusement machines, or the operation of sports 2113

gaming, and shall have access to casino facilities,~~and skill-~~ 2114
based amusement machine facilities, and sports gaming facilities 2115
to carry out the requirements of this chapter and of the 2116
provisions of Chapter 3770. of the Revised Code governing sports 2117
gaming. 2118

(G) The commission may eject or exclude or authorize the 2119
ejection or exclusion of and a gaming agent may eject a person 2120
from a casino facility for any of the following reasons: 2121

(1) The person's name is on the list of persons 2122
voluntarily excluding themselves from all casinos in a program 2123
established according to rules adopted by the commission; 2124

(2) The person violates or conspires to violate this 2125
chapter or a rule adopted thereunder; or 2126

(3) The commission determines that the person's conduct or 2127
reputation is such that the person's presence within a casino 2128
facility may call into question the honesty and integrity of the 2129
casino gaming operations or interfere with the orderly conduct 2130
of the casino gaming operations. 2131

(H) A person, other than a person participating in a 2132
voluntary exclusion program, may petition the commission for a 2133
public hearing on the person's ejection or exclusion under this 2134
chapter. 2135

(I) A casino operator or management company shall have the 2136
same authority to eject or exclude a person from the management 2137
company's casino facilities as authorized in division (G) of 2138
this section. The licensee shall immediately notify the 2139
commission of an ejection or exclusion. 2140

(J) The commission shall submit a written annual report 2141
with the governor, president and minority leader of the senate, 2142

and the speaker and minority leader of the house of 2143
representatives before the first day of September each year. The 2144
annual report shall cover the previous fiscal year and shall 2145
include all of the following: 2146

(1) A statement describing the receipts and disbursements 2147
of the commission; 2148

(2) Relevant financial data regarding casino gaming, 2149
including gross revenues and disbursements made under this 2150
chapter; 2151

(3) Actions taken by the commission; 2152

(4) An update on casino operators', management companies', 2153
and holding companies' compulsive and problem gambling plans and 2154
the voluntary exclusion program and list; 2155

(5) Information regarding prosecutions for conduct 2156
described in division (H) of section 3772.99 of the Revised 2157
Code, including, but not limited to, the total number of 2158
prosecutions commenced and the name of each person prosecuted; 2159

(6) Any additional information that the commission 2160
considers useful or that the governor, president or minority 2161
leader of the senate, speaker or minority leader of the house of 2162
representatives requests. 2163

(K) To ensure the integrity of skill-based amusement 2164
machine operations, the commission shall have jurisdiction over 2165
all persons conducting or participating in the conduct of skill- 2166
based amusement machine operations authorized by this chapter 2167
and Chapter 2915. of the Revised Code, including the authority 2168
to complete the functions of licensing, regulating, 2169
investigating, and penalizing those persons in a manner that is 2170
consistent with the commission's authority to do the same with 2171

respect to casino gaming. To carry out this division, the 2172
commission may adopt rules under Chapter 119. of the Revised 2173
Code, including rules establishing fees and penalties related to 2174
the operation of skill-based amusement machines. 2175

(L) To ensure the integrity of fantasy contests, the 2176
commission shall have jurisdiction over all persons conducting 2177
or participating in the conduct of a fantasy contest authorized 2178
by Chapter 3774. of the Revised Code, including the authority to 2179
license, regulate, investigate, and penalize those persons in a 2180
manner that is consistent with the commission's authority to do 2181
the same with respect to skill-based amusement machines. To 2182
carry out this division, the commission may adopt rules under 2183
Chapter 119. of the Revised Code, including rules establishing 2184
fees and penalties related to the operation of fantasy contests. 2185

(M) All fees imposed pursuant to the rules adopted under 2186
divisions (K) and (L) of this section shall be deposited into 2187
the casino control commission fund. 2188

(N) The Ohio casino control commission shall enter into an 2189
agreement with the director of the state lottery commission to 2190
enforce the provisions of Chapter 3770. of the Revised Code 2191
governing sports gaming. The Ohio casino control commission 2192
shall have jurisdiction over all persons conducting or 2193
participating in the conduct of sports gaming authorized under 2194
Chapter 3770. of the Revised Code, including the authority to 2195
investigate and penalize those persons. The Ohio casino control 2196
commission shall enforce any sports gaming rules adopted by the 2197
state lottery commission. 2198

Sec. 5703.21. (A) Except as provided in divisions (B) and 2199
(C) of this section, no agent of the department of taxation, 2200
except in the agent's report to the department or when called on 2201

to testify in any court or proceeding, shall divulge any 2202
information acquired by the agent as to the transactions, 2203
property, or business of any person while acting or claiming to 2204
act under orders of the department. Whoever violates this 2205
provision shall thereafter be disqualified from acting as an 2206
officer or employee or in any other capacity under appointment 2207
or employment of the department. 2208

(B) (1) For purposes of an audit pursuant to section 117.15 2209
of the Revised Code, or an audit of the department pursuant to 2210
Chapter 117. of the Revised Code, or an audit, pursuant to that 2211
chapter, the objective of which is to express an opinion on a 2212
financial report or statement prepared or issued pursuant to 2213
division (A) (7) or (9) of section 126.21 of the Revised Code, 2214
the officers and employees of the auditor of state charged with 2215
conducting the audit shall have access to and the right to 2216
examine any state tax returns and state tax return information 2217
in the possession of the department to the extent that the 2218
access and examination are necessary for purposes of the audit. 2219
Any information acquired as the result of that access and 2220
examination shall not be divulged for any purpose other than as 2221
required for the audit or unless the officers and employees are 2222
required to testify in a court or proceeding under compulsion of 2223
legal process. Whoever violates this provision shall thereafter 2224
be disqualified from acting as an officer or employee or in any 2225
other capacity under appointment or employment of the auditor of 2226
state. 2227

(2) For purposes of an internal audit pursuant to section 2228
126.45 of the Revised Code, the officers and employees of the 2229
office of internal audit in the office of budget and management 2230
charged with directing the internal audit shall have access to 2231
and the right to examine any state tax returns and state tax 2232

return information in the possession of the department to the 2233
extent that the access and examination are necessary for 2234
purposes of the internal audit. Any information acquired as the 2235
result of that access and examination shall not be divulged for 2236
any purpose other than as required for the internal audit or 2237
unless the officers and employees are required to testify in a 2238
court or proceeding under compulsion of legal process. Whoever 2239
violates this provision shall thereafter be disqualified from 2240
acting as an officer or employee or in any other capacity under 2241
appointment or employment of the office of internal audit. 2242

(3) As provided by section 6103(d)(2) of the Internal 2243
Revenue Code, any federal tax returns or federal tax information 2244
that the department has acquired from the internal revenue 2245
service, through federal and state statutory authority, may be 2246
disclosed to the auditor of state or the office of internal 2247
audit solely for purposes of an audit of the department. 2248

(4) For purposes of Chapter 3739. of the Revised Code, an 2249
agent of the department of taxation may share information with 2250
the division of state fire marshal that the agent finds during 2251
the course of an investigation. 2252

(C) Division (A) of this section does not prohibit any of 2253
the following: 2254

(1) Divulging information contained in applications, 2255
complaints, and related documents filed with the department 2256
under section 5715.27 of the Revised Code or in applications 2257
filed with the department under section 5715.39 of the Revised 2258
Code; 2259

(2) Providing information to the office of child support 2260
within the department of job and family services pursuant to 2261

section 3125.43 of the Revised Code;	2262
(3) Disclosing to the motor vehicle repair board any	2263
information in the possession of the department that is	2264
necessary for the board to verify the existence of an	2265
applicant's valid vendor's license and current state tax	2266
identification number under section 4775.07 of the Revised Code;	2267
(4) Providing information to the administrator of workers'	2268
compensation pursuant to sections 4123.271 and 4123.591 of the	2269
Revised Code;	2270
(5) Providing to the attorney general information the	2271
department obtains under division (J) of section 1346.01 of the	2272
Revised Code;	2273
(6) Permitting properly authorized officers, employees, or	2274
agents of a municipal corporation from inspecting reports or	2275
information pursuant to section 718.84 of the Revised Code or	2276
rules adopted under section 5745.16 of the Revised Code;	2277
(7) Providing information regarding the name, account	2278
number, or business address of a holder of a vendor's license	2279
issued pursuant to section 5739.17 of the Revised Code, a holder	2280
of a direct payment permit issued pursuant to section 5739.031	2281
of the Revised Code, or a seller having a use tax account	2282
maintained pursuant to section 5741.17 of the Revised Code, or	2283
information regarding the active or inactive status of a	2284
vendor's license, direct payment permit, or seller's use tax	2285
account;	2286
(8) Releasing invoices or invoice information furnished	2287
under section 4301.433 of the Revised Code pursuant to that	2288
section;	2289
(9) Providing to a county auditor notices or documents	2290

concerning or affecting the taxable value of property in the 2291
county auditor's county. Unless authorized by law to disclose 2292
documents so provided, the county auditor shall not disclose 2293
such documents; 2294

(10) Providing to a county auditor sales or use tax return 2295
or audit information under section 333.06 of the Revised Code; 2296

(11) Subject to section 4301.441 of the Revised Code, 2297
disclosing to the appropriate state agency information in the 2298
possession of the department of taxation that is necessary to 2299
verify a permit holder's gallonage or noncompliance with taxes 2300
levied under Chapter 4301. or 4305. of the Revised Code; 2301

(12) Disclosing to the department of natural resources 2302
information in the possession of the department of taxation that 2303
is necessary for the department of taxation to verify the 2304
taxpayer's compliance with section 5749.02 of the Revised Code 2305
or to allow the department of natural resources to enforce 2306
Chapter 1509. of the Revised Code; 2307

(13) Disclosing to the department of job and family 2308
services, industrial commission, and bureau of workers' 2309
compensation information in the possession of the department of 2310
taxation solely for the purpose of identifying employers that 2311
misclassify employees as independent contractors or that fail to 2312
properly report and pay employer tax liabilities. The department 2313
of taxation shall disclose only such information that is 2314
necessary to verify employer compliance with law administered by 2315
those agencies. 2316

(14) Disclosing to the Ohio casino control commission 2317
information in the possession of the department of taxation that 2318
is necessary to verify a casino operator's compliance with 2319

section 5747.063 or 5753.02 of the Revised Code and sections 2320
related thereto; 2321

(15) Disclosing to the state lottery commission 2322
information in the possession of the department of taxation that 2323
is necessary to verify a sports gaming or lottery sales agent's 2324
compliance with section 5747.063, 5747.064, or 5753.021 of the 2325
Revised Code and sections related thereto. 2326

(16) Disclosing to the development services agency 2327
information in the possession of the department of taxation that 2328
is necessary to ensure compliance with the laws of this state 2329
governing taxation and to verify information reported to the 2330
development services agency for the purpose of evaluating 2331
potential tax credits, grants, or loans. Such information shall 2332
not include information received from the internal revenue 2333
service the disclosure of which is prohibited by section 6103 of 2334
the Internal Revenue Code. No officer, employee, or agent of the 2335
development services agency shall disclose any information 2336
provided to the development services agency by the department of 2337
taxation under division (C)(16) of this section except when 2338
disclosure of the information is necessary for, and made solely 2339
for the purpose of facilitating, the evaluation of potential tax 2340
credits, grants, or loans. 2341

(17) Disclosing to the department of insurance information 2342
in the possession of the department of taxation that is 2343
necessary to ensure a taxpayer's compliance with the 2344
requirements with any tax credit administered by the development 2345
services agency and claimed by the taxpayer against any tax 2346
administered by the superintendent of insurance. No officer, 2347
employee, or agent of the department of insurance shall disclose 2348
any information provided to the department of insurance by the 2349

department of taxation under division (C) (17) of this section. 2350

(18) Disclosing to the division of liquor control 2351
information in the possession of the department of taxation that 2352
is necessary for the division and department to comply with the 2353
requirements of sections 4303.26 and 4303.271 of the Revised 2354
Code. 2355

(19) Disclosing to the department of education, upon that 2356
department's request, information in the possession of the 2357
department of taxation that is necessary only to verify whether 2358
the family income of a student applying for or receiving a 2359
scholarship under the educational choice scholarship pilot 2360
program is equal to, less than, or greater than the income 2361
thresholds prescribed by section 3310.02 or 3310.032 of the 2362
Revised Code. The department of education shall provide 2363
sufficient information about the student and the student's 2364
family to enable the department of taxation to make the 2365
verification. 2366

Sec. 5747.02. (A) For the purpose of providing revenue for 2367
the support of schools and local government functions, to 2368
provide relief to property taxpayers, to provide revenue for the 2369
general revenue fund, and to meet the expenses of administering 2370
the tax levied by this chapter, there is hereby levied on every 2371
individual, trust, and estate residing in or earning or 2372
receiving income in this state, on every individual, trust, and 2373
estate earning or receiving lottery winnings, prizes, or awards 2374
pursuant to Chapter 3770. of the Revised Code, on every 2375
individual, trust, and estate earning or receiving winnings on 2376
casino or sports gaming, and on every individual, trust, and 2377
estate otherwise having nexus with or in this state under the 2378
Constitution of the United States, an annual tax measured as 2379

prescribed in divisions (A) (1) to (4) of this section. 2380

(1) In the case of trusts, the tax imposed by this section 2381
shall be measured by modified Ohio taxable income under division 2382
(D) of this section and levied in the same amount as the tax is 2383
imposed on estates as prescribed in division (A) (2) of this 2384
section. 2385

(2) In the case of estates, the tax imposed by this 2386
section shall be measured by Ohio taxable income. The tax shall 2387
be levied at the rate of one and forty-two thousand seven 2388
hundred forty-four hundred-thousandths per cent for the first 2389
twenty-one thousand seven hundred fifty dollars of such income 2390
and, for income in excess of that amount, the tax shall be 2391
levied at the same rates prescribed in division (A) (3) of this 2392
section for individuals. 2393

(3) In the case of individuals, the tax imposed by this 2394
section on income other than taxable business income shall be 2395
measured by Ohio adjusted gross income, less taxable business 2396
income and less an exemption for the taxpayer, the taxpayer's 2397
spouse, and each dependent as provided in section 5747.025 of 2398
the Revised Code. If the balance thus obtained is equal to or 2399
less than twenty-one thousand seven hundred fifty dollars, no 2400
tax shall be imposed on that balance. If the balance thus 2401
obtained is greater than twenty-one thousand seven hundred fifty 2402
dollars, the tax is hereby levied as follows: 2403

2404

1

2

A OHIO ADJUSTED GROSS INCOME

TAX

LESS TAXABLE BUSINESS INCOME
AND EXEMPTIONS (INDIVIDUALS)
OR MODIFIED OHIO TAXABLE
INCOME (TRUSTS) OR OHIO
TAXABLE INCOME (ESTATES)

B	More than \$21,750 but not more than \$43,450	\$310.47 plus 2.850% of the amount in excess of \$21,750
C	More than \$43,450 but not more than \$86,900	\$928.92 plus 3.326% of the amount in excess of \$43,450
D	More than \$86,900 but not more than \$108,700	\$2,374.07 plus 3.802% of the amount in excess of \$86,900
E	More than \$108,700 but not more than \$217,400	\$3,202.91 plus 4.413% of the amount in excess of \$108,700
F	More than \$217,400	\$7,999.84 plus 4.797% of the amount in excess of \$217,400

(4) (a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A) (4) (b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A) (3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A) (4) (a) of this section.

(5) Except as otherwise provided in this division, in

August of each year, the tax commissioner shall make a new 2416
adjustment to the income amounts prescribed in divisions (A) (2) 2417
and (3) of this section by multiplying the percentage increase 2418
in the gross domestic product deflator computed that year under 2419
section 5747.025 of the Revised Code by each of the income 2420
amounts resulting from the adjustment under this division in the 2421
preceding year, adding the resulting product to the 2422
corresponding income amount resulting from the adjustment in the 2423
preceding year, and rounding the resulting sum to the nearest 2424
multiple of fifty dollars. The tax commissioner also shall 2425
recompute each of the tax dollar amounts to the extent necessary 2426
to reflect the new adjustment of the income amounts. To 2427
recompute the tax dollar amount corresponding to the lowest tax 2428
rate in division (A) (3) of this section, the commissioner shall 2429
multiply the tax rate prescribed in division (A) (2) of this 2430
section by the income amount specified in that division and as 2431
adjusted according to this paragraph. The rates of taxation 2432
shall not be adjusted. 2433

The adjusted amounts apply to taxable years beginning in 2434
the calendar year in which the adjustments are made and to 2435
taxable years beginning in each ensuing calendar year until a 2436
calendar year in which a new adjustment is made pursuant to this 2437
division. The tax commissioner shall not make a new adjustment 2438
in any year in which the amount resulting from the adjustment 2439
would be less than the amount resulting from the adjustment in 2440
the preceding year. 2441

(B) If the director of budget and management makes a 2442
certification to the tax commissioner under division (B) of 2443
section 131.44 of the Revised Code, the amount of tax as 2444
determined under divisions (A) (1) to (3) of this section shall 2445
be reduced by the percentage prescribed in that certification 2446

for taxable years beginning in the calendar year in which that 2447
certification is made. 2448

(C) (1) The tax imposed by this section on a trust shall be 2449
computed by multiplying the Ohio modified taxable income of the 2450
trust by the rates prescribed by division (A) of this section. 2451

(2) A resident trust may claim a credit against the tax 2452
computed under division (C) of this section equal to the lesser 2453
of (a) the tax paid to another state or the District of Columbia 2454
on the resident trust's modified nonbusiness income, other than 2455
the portion of the resident trust's nonbusiness income that is 2456
qualifying investment income as defined in section 5747.012 of 2457
the Revised Code, or (b) the effective tax rate, based on 2458
modified Ohio taxable income, multiplied by the resident trust's 2459
modified nonbusiness income other than the portion of the 2460
resident trust's nonbusiness income that is qualifying 2461
investment income. The credit applies before any other 2462
applicable credits. 2463

(3) Any credit authorized against the tax imposed by this 2464
section applies to a trust subject to division (C) of this 2465
section only if the trust otherwise qualifies for the credit. To 2466
the extent that the trust distributes income for the taxable 2467
year for which a credit is available to the trust, the credit 2468
shall be shared by the trust and its beneficiaries. The tax 2469
commissioner and the trust shall be guided by applicable 2470
regulations of the United States treasury regarding the sharing 2471
of credits. 2472

(D) For the purposes of this section, "trust" means any 2473
trust described in Subchapter J of Chapter 1 of the Internal 2474
Revenue Code, excluding trusts that are not irrevocable as 2475
defined in division (I) (3) (b) of section 5747.01 of the Revised 2476

Code and that have no modified Ohio taxable income for the 2477
taxable year, charitable remainder trusts, qualified funeral 2478
trusts and preneed funeral contract trusts established pursuant 2479
to sections 4717.31 to 4717.38 of the Revised Code that are not 2480
qualified funeral trusts, endowment and perpetual care trusts, 2481
qualified settlement trusts and funds, designated settlement 2482
trusts and funds, and trusts exempted from taxation under 2483
section 501(a) of the Internal Revenue Code. 2484

(E) Nothing in division (A) (3) of this section shall 2485
prohibit an individual with an Ohio adjusted gross income, less 2486
taxable business income and exemptions, of twenty-one thousand 2487
seven hundred fifty dollars or less from filing a return under 2488
this chapter to receive a refund of taxes withheld or to claim 2489
any refundable credit allowed under this chapter. 2490

Sec. 5747.063. The requirements imposed under this section 2491
are in addition to the municipal income tax withholding 2492
requirements under section 718.031 of the Revised Code. As used 2493
in this section, "sports gaming facility" has the same meaning 2494
as in section 3770.30 of the Revised Code. 2495

(A) (1) If a person's winnings ~~at a from casino facility~~ 2496
gaming or from sports gaming are an amount for which reporting 2497
to the internal revenue service of the amount is required by 2498
section 6041 of the Internal Revenue Code, as amended, ~~the a~~ 2499
casino operator shall deduct and withhold Ohio income tax from 2500
the person's winnings at a rate of four per cent of the amount 2501
won. A person's amount of winnings from casino gaming shall be 2502
determined each time the person exchanges amounts won in tokens, 2503
chips, casino credit, or other prepaid representations of value 2504
for cash or a cash equivalent. The casino operator shall issue, 2505
to a person from whose winnings an amount has been deducted and 2506

withheld, a receipt for the amount deducted and withheld, and 2507
also shall obtain from the person additional information that 2508
will be necessary for the casino operator to prepare the returns 2509
required by this section. 2510

(2) If a person's winnings ~~at a from casino facility~~ 2511
gaming or sports gaming require reporting to the internal 2512
revenue service under division (A) (1) of this section, the 2513
casino operator also shall require the person to state in 2514
writing, under penalty of falsification, whether the person is 2515
in default under a support order. 2516

(B) Amounts deducted and withheld by a casino operator are 2517
held in trust for the benefit of the state. 2518

(1) On or before the tenth day of each month, the casino 2519
operator shall file a return electronically with the tax 2520
commissioner identifying the persons from whose winnings amounts 2521
were deducted and withheld, the amount of each such deduction 2522
and withholding during the preceding calendar month, the amount 2523
of the winnings from which each such amount was withheld, the 2524
type of casino gaming or sports gaming that resulted in such 2525
winnings, and any other information required by the tax 2526
commissioner. With the return, the casino operator shall remit 2527
electronically to the commissioner all the amounts deducted and 2528
withheld during the preceding month. 2529

(2) (a) A casino operator shall maintain a record of each 2530
written statement provided under division (A) (2) of this section 2531
in which a person admits to being in default under a support 2532
order. The casino operator shall make these records available to 2533
the director of job and family services upon request. 2534

(b) A casino operator shall maintain copies of receipts 2535

issued under division (A) (1) of this section and of written 2536
statements provided under division (A) (2) of this section and 2537
shall make these copies available to the tax commissioner upon 2538
request. 2539

(c) A casino operator shall maintain the information 2540
described in divisions (B) (2) (a) and (b) of this section in 2541
accordance with section 5747.17 of the Revised Code and any 2542
rules adopted pursuant thereto. 2543

(3) Annually, on or before the thirty-first day of 2544
January, a casino operator shall file an annual return 2545
electronically with the tax commissioner indicating the total 2546
amount deducted and withheld during the preceding calendar year. 2547
The casino operator shall remit electronically with the annual 2548
return any amount that was deducted and withheld and that was 2549
not previously remitted. If the identity of a person and the 2550
amount deducted and withheld with respect to that person were 2551
omitted on a monthly return, that information shall be indicated 2552
on the annual return. 2553

(4) (a) A casino operator who fails to file a return and 2554
remit the amounts deducted and withheld is personally liable for 2555
the amount deducted and withheld and not remitted. The 2556
commissioner may impose a penalty up to one thousand dollars if 2557
a return is filed late, if amounts deducted and withheld are 2558
remitted late, if a return is not filed, or if amounts deducted 2559
and withheld are not remitted. Interest accrues on past due 2560
amounts deducted and withheld at the rate prescribed in section 2561
5703.47 of the Revised Code. The commissioner may collect past 2562
due amounts deducted and withheld and penalties and interest 2563
thereon by assessment under section 5747.13 of the Revised Code 2564
as if they were income taxes collected by an employer. 2565

(b) If a casino operator sells the casino facility or 2566
sports gaming facility, or otherwise quits the casino or sports 2567
gaming business, the amounts deducted and withheld and any 2568
penalties and interest thereon are immediately due and payable. 2569
The successor shall withhold an amount of the purchase money 2570
that is sufficient to cover the amounts deducted and withheld 2571
and penalties and interest thereon until the predecessor casino 2572
operator produces either a receipt from the commissioner showing 2573
that the amounts deducted and withheld and penalties and 2574
interest thereon have been paid or a certificate from the 2575
commissioner indicating that no amounts deducted and withheld or 2576
penalties and interest thereon are due. If the successor fails 2577
to withhold purchase money, the successor is personally liable 2578
for payment of the amounts deducted and withheld and penalties 2579
and interest thereon, up to the amount of the purchase money. 2580

(C) (1) Annually, on or before the thirty-first day of 2581
January, a casino operator shall issue an information return to 2582
each person with respect to whom an amount has been deducted and 2583
withheld during the preceding calendar year. The information 2584
return shall show the total amount deducted from the person's 2585
winnings by the casino operator during the preceding calendar 2586
year. 2587

(2) Annually, on or before the thirty-first day of 2588
January, a casino operator shall provide to the commissioner a 2589
copy of each information return issued under division (C) (1) of 2590
this section for the preceding calendar year. The commissioner 2591
may require that the copies be transmitted electronically. 2592

(D) Amounts deducted and withheld shall be allowed as a 2593
credit against payment of the tax imposed by section 5747.02 of 2594
the Revised Code and shall be treated as taxes paid for purposes 2595

of section 5747.09 of the Revised Code. This division applies 2596
only to the person for whom the amount is deducted and withheld. 2597

(E) The failure of a casino operator to deduct and 2598
withhold the required amount from a person's winnings does not 2599
relieve the person from liability for the tax imposed by section 2600
5747.02 of the Revised Code with respect to those winnings. And 2601
compliance with this section does not relieve a casino operator 2602
or a person who has winnings ~~at a~~ from casino facility gaming or 2603
sports gaming from compliance with relevant provisions of 2604
federal tax laws. 2605

(F) The commissioner shall prescribe the form of the 2606
receipt and returns required by this section. The director of 2607
job and family services shall prescribe the form of the 2608
statement required by this section. 2609

(G) The commissioner may adopt rules that are necessary to 2610
administer this section. 2611

Sec. 5747.064. The requirements imposed under this section 2612
are in addition to the municipal income tax withholding 2613
requirements under section 718.031 of the Revised Code. 2614

(A) As used in this section, "video lottery terminal" has 2615
the same meaning as in section 3770.21 of the Revised Code and 2616
"sports gaming facility" has the same meaning as in section 2617
3770.30 of the Revised Code. 2618

(B) If a person's winnings from sports gaming or prize 2619
award from a video lottery terminal is an amount for which 2620
reporting to the internal revenue service of the amount is 2621
required by section 6041 of the Internal Revenue Code, as 2622
amended, ~~the a~~ lottery sales agent shall deduct and withhold 2623
Ohio income tax from the person's winnings or prize award at a 2624

rate of four per cent of the amount won. The lottery sales agent 2625
shall issue, to a person from whose winnings or prize award an 2626
amount has been deducted or withheld, a receipt for the amount 2627
deducted and withheld, and also shall obtain from the person 2628
additional information that will be necessary for the lottery 2629
sales agent to prepare the returns required by this section. 2630

(C) Amounts deducted and withheld by a lottery sales agent 2631
are held in trust for the benefit of the state. 2632

(1) On or before the tenth day of each month, the lottery 2633
sales agent shall file a return electronically with the tax 2634
commissioner identifying the persons from whose winnings or 2635
prize awards amounts were deducted and withheld, the amount of 2636
each such deduction and withholding during the preceding month, 2637
the amount of the winnings or prize award from which each such 2638
amount was withheld, and any other information required by the 2639
commissioner. With the return, the lottery sales agent shall 2640
remit electronically to the commissioner all the amounts 2641
deducted and withheld during the preceding month. 2642

(2) A lottery sales agent shall maintain a record of all 2643
receipts issued under division (B) of this section and shall 2644
make those records available to the commissioner upon request. 2645
Such records shall be maintained in accordance with section 2646
5747.17 of the Revised Code and any rules adopted pursuant 2647
thereto. 2648

(3) Annually, on or before the thirty-first day of 2649
January, a lottery sales agent shall file an annual return 2650
electronically with the tax commissioner indicating the total 2651
amount deducted and withheld during the preceding calendar year. 2652
The lottery sales agent shall remit electronically with the 2653
annual return any amount that was deducted and withheld and that 2654

was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly return, that information shall be indicated on the annual return.

(4) (a) A 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. The commissioner may impose a penalty of up to one thousand dollars if a return is filed late, if amounts deducted and withheld are remitted late, if a return is not filed, or if amounts deducted and withheld are not remitted. Interest accrues on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code. The commissioner may collect past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if they were income taxes collected by an employer.

(b) If a lottery sales agent ceases to operate video lottery terminals, sells a sports gaming facility, or otherwise quits the sports gaming business, the amounts deducted and withheld and any penalties and interest thereon are immediately due and payable. A successor of the lottery sales agent ~~that purchases the video lottery terminals from the agent~~ shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld and penalties and interest thereon until the predecessor lottery sales agent produces either a receipt from the tax commissioner showing that the amounts deducted and withheld and penalties and interest thereon have been paid or a certificate from the commissioner indicating that no amounts deducted and withheld or penalties and interest thereon are due. If the successor fails to withhold purchase money, the successor is personally liable for payment

of the amounts deducted and withheld and penalties and interest 2686
thereon, up to the amount of the purchase money. 2687

(D) (1) Annually, on or before the thirty-first day of 2688
January, a lottery sales agent shall issue an information return 2689
to each person with respect to whom an amount has been deducted 2690
and withheld during the preceding calendar year. The information 2691
return shall show the total amount deducted from the person's 2692
winnings or prize award by the lottery sales agent during the 2693
preceding year. 2694

(2) Annually, on or before the thirty-first day of 2695
January, a lottery sales agent shall provide to the tax 2696
commissioner a copy of each information return issued under 2697
division (D) (1) of this section for the preceding calendar year. 2698
The commissioner may require that such copies be transmitted 2699
electronically. 2700

(E) Amounts deducted and withheld shall be allowed as a 2701
credit against payment of the tax imposed by section 5747.02 of 2702
the Revised Code and shall be treated as taxes paid for purposes 2703
of section 5747.09 of the Revised Code. This division applies 2704
only to the person for whom the amount is deducted and withheld. 2705

(F) The failure of a lottery sales agent to deduct and 2706
withhold the required amount from a person's winnings or prize 2707
award does not relieve the person from liability for the tax 2708
imposed by section 5747.02 of the Revised Code with respect to 2709
that income. Compliance with this section does not relieve a 2710
lottery sales agent or a person who has winnings or a prize 2711
award from compliance with relevant provisions of federal tax 2712
laws. 2713

(G) The commissioner shall prescribe the form of the 2714

receipt and returns required by this section and may promulgate 2715
any rules necessary to administer the section. 2716

Sec. 5747.08. An annual return with respect to the tax 2717
imposed by section 5747.02 of the Revised Code and each tax 2718
imposed under Chapter 5748. of the Revised Code shall be made by 2719
every taxpayer for any taxable year for which the taxpayer is 2720
liable for the tax imposed by that section or under that 2721
chapter, unless the total credits allowed under division (E) of 2722
section 5747.05 and divisions (F) and (G) of section 5747.055 of 2723
the Revised Code for the year are equal to or exceed the tax 2724
imposed by section 5747.02 of the Revised Code, in which case no 2725
return shall be required unless the taxpayer is liable for a tax 2726
imposed pursuant to Chapter 5748. of the Revised Code. 2727

(A) If an individual is deceased, any return or notice 2728
required of that individual under this chapter shall be made and 2729
filed by that decedent's executor, administrator, or other 2730
person charged with the property of that decedent. 2731

(B) If an individual is unable to make a return or notice 2732
required by this chapter, the return or notice required of that 2733
individual shall be made and filed by the individual's duly 2734
authorized agent, guardian, conservator, fiduciary, or other 2735
person charged with the care of the person or property of that 2736
individual. 2737

(C) Returns or notices required of an estate or a trust 2738
shall be made and filed by the fiduciary of the estate or trust. 2739

(D) (1) (a) Except as otherwise provided in division (D) (1) 2740
(b) of this section, any pass-through entity may file a single 2741
return on behalf of one or more of the entity's investors other 2742
than an investor that is a person subject to the tax imposed 2743

under section 5733.06 of the Revised Code. The single return 2744
shall set forth the name, address, and social security number or 2745
other identifying number of each of those pass-through entity 2746
investors and shall indicate the distributive share of each of 2747
those pass-through entity investor's income taxable in this 2748
state in accordance with sections 5747.20 to 5747.231 of the 2749
Revised Code. Such pass-through entity investors for whom the 2750
pass-through entity elects to file a single return are not 2751
entitled to the exemption or credit provided for by sections 2752
5747.02 and 5747.022 of the Revised Code; shall calculate the 2753
tax before business credits at the highest rate of tax set forth 2754
in section 5747.02 of the Revised Code for the taxable year for 2755
which the return is filed; and are entitled to only their 2756
distributive share of the business credits as defined in 2757
division (D) (2) of this section. A single check drawn by the 2758
pass-through entity shall accompany the return in full payment 2759
of the tax due, as shown on the single return, for such 2760
investors, other than investors who are persons subject to the 2761
tax imposed under section 5733.06 of the Revised Code. 2762

(b) (i) A pass-through entity shall not include in such a 2763
single return any investor that is a trust to the extent that 2764
any direct or indirect current, future, or contingent 2765
beneficiary of the trust is a person subject to the tax imposed 2766
under section 5733.06 of the Revised Code. 2767

(ii) A pass-through entity shall not include in such a 2768
single return any investor that is itself a pass-through entity 2769
to the extent that any direct or indirect investor in the second 2770
pass-through entity is a person subject to the tax imposed under 2771
section 5733.06 of the Revised Code. 2772

(c) Nothing in division (D) of this section precludes the 2773

tax commissioner from requiring such investors to file the 2774
return and make the payment of taxes and related interest, 2775
penalty, and interest penalty required by this section or 2776
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 2777
Nothing in division (D) of this section precludes such an 2778
investor from filing the annual return under this section, 2779
utilizing the refundable credit equal to the investor's 2780
proportionate share of the tax paid by the pass-through entity 2781
on behalf of the investor under division (I) of this section, 2782
and making the payment of taxes imposed under section 5747.02 of 2783
the Revised Code. Nothing in division (D) of this section shall 2784
be construed to provide to such an investor or pass-through 2785
entity any additional deduction or credit, other than the credit 2786
provided by division (I) of this section, solely on account of 2787
the entity's filing a return in accordance with this section. 2788
Such a pass-through entity also shall make the filing and 2789
payment of estimated taxes on behalf of the pass-through entity 2790
investors other than an investor that is a person subject to the 2791
tax imposed under section 5733.06 of the Revised Code. 2792

(2) For the purposes of this section, "business credits" 2793
means the credits listed in section 5747.98 of the Revised Code 2794
excluding the following credits: 2795

(a) The retirement income credit under division (B) of 2796
section 5747.055 of the Revised Code; 2797

(b) The senior citizen credit under division (F) of 2798
section 5747.055 of the Revised Code; 2799

(c) The lump sum distribution credit under division (G) of 2800
section 5747.055 of the Revised Code; 2801

(d) The dependent care credit under section 5747.054 of 2802

the Revised Code;	2803
(e) The lump sum retirement income credit under division	2804
(C) of section 5747.055 of the Revised Code;	2805
(f) The lump sum retirement income credit under division	2806
(D) of section 5747.055 of the Revised Code;	2807
(g) The lump sum retirement income credit under division	2808
(E) of section 5747.055 of the Revised Code;	2809
(h) The credit for displaced workers who pay for job	2810
training under section 5747.27 of the Revised Code;	2811
(i) The twenty-dollar personal exemption credit under	2812
section 5747.022 of the Revised Code;	2813
(j) The joint filing credit under division (E) of section	2814
5747.05 of the Revised Code;	2815
(k) The nonresident credit under division (A) of section	2816
5747.05 of the Revised Code;	2817
(l) The credit for a resident's out-of-state income under	2818
division (B) of section 5747.05 of the Revised Code;	2819
(m) The earned income tax credit under section 5747.71 of	2820
the Revised Code;	2821
(n) The lead abatement credit under section 5747.26 of the	2822
Revised Code.	2823
(3) The election provided for under division (D) of this	2824
section applies only to the taxable year for which the election	2825
is made by the pass-through entity. Unless the tax commissioner	2826
provides otherwise, this election, once made, is binding and	2827
irrevocable for the taxable year for which the election is made.	2828
Nothing in this division shall be construed to provide for any	2829

deduction or credit that would not be allowable if a nonresident
pass-through entity investor were to file an annual return. 2830
2831

(4) If a pass-through entity makes the election provided 2832
for under division (D) of this section, the pass-through entity 2833
shall be liable for any additional taxes, interest, interest 2834
penalty, or penalties imposed by this chapter if the tax 2835
commissioner finds that the single return does not reflect the 2836
correct tax due by the pass-through entity investors covered by 2837
that return. Nothing in this division shall be construed to 2838
limit or alter the liability, if any, imposed on pass-through 2839
entity investors for unpaid or underpaid taxes, interest, 2840
interest penalty, or penalties as a result of the pass-through 2841
entity's making the election provided for under division (D) of 2842
this section. For the purposes of division (D) of this section, 2843
"correct tax due" means the tax that would have been paid by the 2844
pass-through entity had the single return been filed in a manner 2845
reflecting the commissioner's findings. Nothing in division (D) 2846
of this section shall be construed to make or hold a pass- 2847
through entity liable for tax attributable to a pass-through 2848
entity investor's income from a source other than the pass- 2849
through entity electing to file the single return. 2850

(E) If a husband and wife file a joint federal income tax 2851
return for a taxable year, they shall file a joint return under 2852
this section for that taxable year, and their liabilities are 2853
joint and several, but, if the federal income tax liability of 2854
either spouse is determined on a separate federal income tax 2855
return, they shall file separate returns under this section. 2856

If either spouse is not required to file a federal income 2857
tax return and either or both are required to file a return 2858
pursuant to this chapter, they may elect to file separate or 2859

joint returns, and, pursuant to that election, their liabilities 2860
are separate or joint and several. If a husband and wife file 2861
separate returns pursuant to this chapter, each must claim the 2862
taxpayer's own exemption, but not both, as authorized under 2863
section 5747.02 of the Revised Code on the taxpayer's own 2864
return. 2865

(F) Each return or notice required to be filed under this 2866
section shall contain the signature of the taxpayer or the 2867
taxpayer's duly authorized agent and of the person who prepared 2868
the return for the taxpayer, and shall include the taxpayer's 2869
social security number. Each return shall be verified by a 2870
declaration under the penalties of perjury. The tax commissioner 2871
shall prescribe the form that the signature and declaration 2872
shall take. 2873

(G) Each return or notice required to be filed under this 2874
section shall be made and filed as required by section 5747.04 2875
of the Revised Code, on or before the fifteenth day of April of 2876
each year, on forms that the tax commissioner shall prescribe, 2877
together with remittance made payable to the treasurer of state 2878
in the combined amount of the state and all school district 2879
income taxes shown to be due on the form. 2880

Upon good cause shown, the commissioner may extend the 2881
period for filing any notice or return required to be filed 2882
under this section and may adopt rules relating to extensions. 2883
If the extension results in an extension of time for the payment 2884
of any state or school district income tax liability with 2885
respect to which the return is filed, the taxpayer shall pay at 2886
the time the tax liability is paid an amount of interest 2887
computed at the rate per annum prescribed by section 5703.47 of 2888
the Revised Code on that liability from the time that payment is 2889

due without extension to the time of actual payment. Except as 2890
provided in section 5747.132 of the Revised Code, in addition to 2891
all other interest charges and penalties, all taxes imposed 2892
under this chapter or Chapter 5748. of the Revised Code and 2893
remaining unpaid after they become due, except combined amounts 2894
due of one dollar or less, bear interest at the rate per annum 2895
prescribed by section 5703.47 of the Revised Code until paid or 2896
until the day an assessment is issued under section 5747.13 of 2897
the Revised Code, whichever occurs first. 2898

If the commissioner considers it necessary in order to 2899
ensure the payment of the tax imposed by section 5747.02 of the 2900
Revised Code or any tax imposed under Chapter 5748. of the 2901
Revised Code, the commissioner may require returns and payments 2902
to be made otherwise than as provided in this section. 2903

To the extent that any provision in this division 2904
conflicts with any provision in section 5747.026 of the Revised 2905
Code, the provision in that section prevails. 2906

(H) The amounts withheld by an employer pursuant to 2907
section 5747.06 of the Revised Code, a casino operator or sports 2908
gaming agent pursuant to section 5747.063 of the Revised Code, 2909
or a lottery sales agent pursuant to section 5747.064 of the 2910
Revised Code shall be allowed to the recipient of the 2911
compensation, casino or sports gaming winnings, or lottery prize 2912
award as credits against payment of the appropriate taxes 2913
imposed on the recipient by section 5747.02 and under Chapter 2914
5748. of the Revised Code. 2915

(I) If a pass-through entity elects to file a single 2916
return under division (D) of this section and if any investor is 2917
required to file the annual return and make the payment of taxes 2918
required by this chapter on account of the investor's other 2919

income that is not included in a single return filed by a pass- 2920
through entity or any other investor elects to file the annual 2921
return, the investor is entitled to a refundable credit equal to 2922
the investor's proportionate share of the tax paid by the pass- 2923
through entity on behalf of the investor. The investor shall 2924
claim the credit for the investor's taxable year in which or 2925
with which ends the taxable year of the pass-through entity. 2926
Nothing in this chapter shall be construed to allow any credit 2927
provided in this chapter to be claimed more than once. For the 2928
purpose of computing any interest, penalty, or interest penalty, 2929
the investor shall be deemed to have paid the refundable credit 2930
provided by this division on the day that the pass-through 2931
entity paid the estimated tax or the tax giving rise to the 2932
credit. 2933

(J) The tax commissioner shall ensure that each return 2934
required to be filed under this section includes a box that the 2935
taxpayer may check to authorize a paid tax preparer who prepared 2936
the return to communicate with the department of taxation about 2937
matters pertaining to the return. The return or instructions 2938
accompanying the return shall indicate that by checking the box 2939
the taxpayer authorizes the department of taxation to contact 2940
the preparer concerning questions that arise during the 2941
processing of the return and authorizes the preparer only to 2942
provide the department with information that is missing from the 2943
return, to contact the department for information about the 2944
processing of the return or the status of the taxpayer's refund 2945
or payments, and to respond to notices about mathematical 2946
errors, offsets, or return preparation that the taxpayer has 2947
received from the department and has shown to the preparer. 2948

(K) The tax commissioner shall permit individual taxpayers 2949
to instruct the department of taxation to cause any refund of 2950

overpaid taxes to be deposited directly into a checking account, 2951
savings account, or an individual retirement account or 2952
individual retirement annuity, or preexisting college savings 2953
plan or program account offered by the Ohio tuition trust 2954
authority under Chapter 3334. of the Revised Code, as designated 2955
by the taxpayer, when the taxpayer files the annual return 2956
required by this section electronically. 2957

(L) A taxpayer claiming the deduction under division (A) 2958
(31) of section 5747.01 of the Revised Code for a taxable year 2959
shall indicate on the taxpayer's return the north American 2960
industry classification system code of each business or 2961
professional activity from which the taxpayer's business income 2962
was derived. The tax commissioner shall provide space on the 2963
return for this purpose and shall prescribe, by rule adopted in 2964
accordance with Chapter 119. of the Revised Code, the manner by 2965
which such a taxpayer shall determine the taxpayer's proper 2966
classification codes and business or professional activities 2967
from which the taxpayer derives business income. 2968

(M) The tax commissioner may adopt rules to administer 2969
this section. 2970

Sec. 5747.20. This section applies solely for the purposes 2971
of computing the credit allowed under division (A) of section 2972
5747.05 of the Revised Code and computing income taxable in this 2973
state under division (D) of section 5747.08 of the Revised Code. 2974

All items of nonbusiness income or deduction shall be 2975
allocated in this state as follows: 2976

(A) All items of nonbusiness income or deduction taken 2977
into account in the computation of adjusted gross income for the 2978
taxable year by a resident shall be allocated to this state. 2979

(B) All items of nonbusiness income or deduction taken 2980
into account in the computation of adjusted gross income for the 2981
taxable year by a nonresident shall be allocated to this state 2982
as follows: 2983

(1) All items of compensation paid to an individual for 2984
personal services performed in this state who was a nonresident 2985
at the time of payment and all items of deduction directly 2986
allocated thereto shall be allocated to this state. 2987

(2) All gains or losses from the sale of real property, 2988
tangible personal property, or intangible property shall be 2989
allocated as follows: 2990

(a) Capital gains or losses from the sale or other 2991
transfer of real property are allocable to this state if the 2992
property is located physically in this state. 2993

(b) Capital gains or losses from the sale or other 2994
transfer of tangible personal property are allocable to this 2995
state if, at the time of such sale or other transfer, the 2996
property had its physical location in this state. 2997

(c) Capital gains or losses from the sale or other 2998
transfer of intangible personal property are allocable to this 2999
state if the taxpayer's domicile was in this state at the time 3000
of such sale or other transfer. 3001

(3) All rents and royalties of real or tangible personal 3002
property shall be allocated to this state as follows: 3003

(a) Rents and royalties derived from real property are 3004
allocable to this state if the property is physically located in 3005
this state. 3006

(b) Rents and royalties derived from tangible personal 3007

property are allocable to this state to the extent that such 3008
property is utilized in this state. 3009

The extent of utilization of tangible personal property in 3010
a state is determined by multiplying the rents or royalties 3011
derived from such property by a fraction, the numerator of which 3012
is the number of days of physical location of the property in 3013
this state during the rental or royalty period in the taxable 3014
year and the denominator of which is the number of days of 3015
physical location of the property everywhere during all rental 3016
or royalty periods in the taxable year. If the physical location 3017
of the property during the rental or royalty period is unknown 3018
or unascertainable by the nonresident, tangible personal 3019
property is utilized in the state in which the property was 3020
located at the time the rental or royalty payor obtained 3021
possession. 3022

(4) All patent and copyright royalties shall be allocated 3023
to this state to the extent the patent or copyright was utilized 3024
by the payor in this state. 3025

A patent is utilized in a state to the extent that it is 3026
employed in production, fabrication, manufacturing, or other 3027
processing in the state, or to the extent that a patented 3028
product is produced in the state. If the basis of receipts from 3029
patent royalties does not permit allocation to states or if the 3030
accounting procedures do not reflect states of utilization, the 3031
patent is utilized in this state if the taxpayer's domicile was 3032
in this state at the time such royalties were paid or accrued. 3033

A copyright is utilized in a state to the extent that 3034
printing or other publication originates in the state. If the 3035
basis of receipts from copyright royalties does not permit 3036
allocation to states or if the accounting procedures do not 3037

reflect states of utilization, the copyright is utilized in this 3038
state if the taxpayer's domicile was in this state at the time 3039
such royalties were paid or accrued. 3040

(5) (a) All lottery prize awards paid by the state lottery 3041
commission pursuant to Chapter 3770. of the Revised Code shall 3042
be allocated to this state. 3043

(b) All earnings, profit, income, and gain from the sale, 3044
exchange, or other disposition of lottery prize awards paid or 3045
to be paid to any person by the state lottery commission 3046
pursuant to Chapter 3770. of the Revised Code shall be allocated 3047
to this state. 3048

(c) All earnings, profit, income, and gain from the direct 3049
or indirect ownership of lottery prize awards paid or to be paid 3050
to any person by the state lottery commission pursuant to 3051
Chapter 3770. of the Revised Code shall be allocated to this 3052
state. 3053

(d) All earnings, profit, income, and gain from the direct 3054
or indirect interest in any right in or to any lottery prize 3055
awards paid or to be paid to any person by the state lottery 3056
commission pursuant to Chapter 3770. of the Revised Code shall 3057
be allocated to this state. 3058

(6) Any item of income or deduction which has been taken 3059
into account in the computation of adjusted gross income for the 3060
taxable year by a nonresident and which is not otherwise 3061
specifically allocated or apportioned pursuant to sections 3062
5747.20 to 5747.23 of the Revised Code, including, without 3063
limitation, interest, dividends and distributions, items of 3064
income taken into account under the provisions of sections 401 3065
to 425 of the Internal Revenue Code, and benefit payments 3066

received by a beneficiary of a supplemental unemployment trust 3067
which is referred to in section 501(c)(17) of the Internal 3068
Revenue Code, shall not be allocated to this state unless the 3069
taxpayer's domicile was in this state at the time such income 3070
was paid or accrued. 3071

(7) All casino gaming winnings paid by any person licensed 3072
by the Ohio casino control commission shall be allocated to the 3073
state. 3074

(8) All sports gaming winnings paid by any person licensed 3075
by the state lottery commission shall be allocated to the state. 3076

(C) If an individual is a resident for part of the taxable 3077
year and a nonresident for the remainder of the taxable year, 3078
all items of nonbusiness income or deduction shall be allocated 3079
under division (A) of this section for the part of the taxable 3080
year that the individual is a resident and under division (B) of 3081
this section for the part of the taxable year that the 3082
individual is a nonresident. 3083

Sec. 5751.01. As used in this chapter: 3084

(A) "Person" means, but is not limited to, individuals, 3085
combinations of individuals of any form, receivers, assignees, 3086
trustees in bankruptcy, firms, companies, joint-stock companies, 3087
business trusts, estates, partnerships, limited liability 3088
partnerships, limited liability companies, associations, joint 3089
ventures, clubs, societies, for-profit corporations, S 3090
corporations, qualified subchapter S subsidiaries, qualified 3091
subchapter S trusts, trusts, entities that are disregarded for 3092
federal income tax purposes, and any other entities. 3093

(B) "Consolidated elected taxpayer" means a group of two 3094
or more persons treated as a single taxpayer for purposes of 3095

this chapter as the result of an election made under section 3096
5751.011 of the Revised Code. 3097

(C) "Combined taxpayer" means a group of two or more 3098
persons treated as a single taxpayer for purposes of this 3099
chapter under section 5751.012 of the Revised Code. 3100

(D) "Taxpayer" means any person, or any group of persons 3101
in the case of a consolidated elected taxpayer or combined 3102
taxpayer treated as one taxpayer, required to register or pay 3103
tax under this chapter. "Taxpayer" does not include excluded 3104
persons. 3105

(E) "Excluded person" means any of the following: 3106

(1) Any person with not more than one hundred fifty 3107
thousand dollars of taxable gross receipts during the calendar 3108
year. Division (E)(1) of this section does not apply to a person 3109
that is a member of a consolidated elected taxpayer; 3110

(2) A public utility that paid the excise tax imposed by 3111
section 5727.24 or 5727.30 of the Revised Code based on one or 3112
more measurement periods that include the entire tax period 3113
under this chapter, except that a public utility that is a 3114
combined company is a taxpayer with regard to the following 3115
gross receipts: 3116

(a) Taxable gross receipts directly attributed to a public 3117
utility activity, but not directly attributed to an activity 3118
that is subject to the excise tax imposed by section 5727.24 or 3119
5727.30 of the Revised Code; 3120

(b) Taxable gross receipts that cannot be directly 3121
attributed to any activity, multiplied by a fraction whose 3122
numerator is the taxable gross receipts described in division 3123
(E)(2)(a) of this section and whose denominator is the total 3124

taxable gross receipts that can be directly attributed to any 3125
activity; 3126

(c) Except for any differences resulting from the use of 3127
an accrual basis method of accounting for purposes of 3128
determining gross receipts under this chapter and the use of the 3129
cash basis method of accounting for purposes of determining 3130
gross receipts under section 5727.24 of the Revised Code, the 3131
gross receipts directly attributed to the activity of a natural 3132
gas company shall be determined in a manner consistent with 3133
division (D) of section 5727.03 of the Revised Code. 3134

As used in division (E) (2) of this section, "combined 3135
company" and "public utility" have the same meanings as in 3136
section 5727.01 of the Revised Code. 3137

(3) A financial institution, as defined in section 5726.01 3138
of the Revised Code, that paid the tax imposed by section 3139
5726.02 of the Revised Code based on one or more taxable years 3140
that include the entire tax period under this chapter; 3141

(4) A person directly or indirectly owned by one or more 3142
financial institutions, as defined in section 5726.01 of the 3143
Revised Code, that paid the tax imposed by section 5726.02 of 3144
the Revised Code based on one or more taxable years that include 3145
the entire tax period under this chapter. 3146

For the purposes of division (E) (4) of this section, a 3147
person owns another person under the following circumstances: 3148

(a) In the case of corporations issuing capital stock, one 3149
corporation owns another corporation if it owns fifty per cent 3150
or more of the other corporation's capital stock with current 3151
voting rights; 3152

(b) In the case of a limited liability company, one person 3153

owns the company if that person's membership interest, as 3154
defined in section 1705.01 of the Revised Code, is fifty per 3155
cent or more of the combined membership interests of all persons 3156
owning such interests in the company; 3157

(c) In the case of a partnership, trust, or other 3158
unincorporated business organization other than a limited 3159
liability company, one person owns the organization if, under 3160
the articles of organization or other instrument governing the 3161
affairs of the organization, that person has a beneficial 3162
interest in the organization's profits, surpluses, losses, or 3163
distributions of fifty per cent or more of the combined 3164
beneficial interests of all persons having such an interest in 3165
the organization. 3166

(5) A domestic insurance company or foreign insurance 3167
company, as defined in section 5725.01 of the Revised Code, that 3168
paid the insurance company premiums tax imposed by section 3169
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 3170
insurance company whose gross premiums are subject to tax under 3171
section 3905.36 of the Revised Code based on one or more 3172
measurement periods that include the entire tax period under 3173
this chapter; 3174

(6) A person that solely facilitates or services one or 3175
more securitizations of phase-in-recovery property pursuant to a 3176
final financing order as those terms are defined in section 3177
4928.23 of the Revised Code. For purposes of this division, 3178
"securitization" means transferring one or more assets to one or 3179
more persons and then issuing securities backed by the right to 3180
receive payment from the asset or assets so transferred. 3181

(7) Except as otherwise provided in this division, a pre- 3182
income tax trust as defined in section 5747.01 of the Revised 3183

Code and any pass-through entity of which such pre-income tax 3184
trust owns or controls, directly, indirectly, or constructively 3185
through related interests, more than five per cent of the 3186
ownership or equity interests. If the pre-income tax trust has 3187
made a qualifying pre-income tax trust election under division 3188
(EE) of section 5747.01 of the Revised Code, then the trust and 3189
the pass-through entities of which it owns or controls, 3190
directly, indirectly, or constructively through related 3191
interests, more than five per cent of the ownership or equity 3192
interests, shall not be excluded persons for purposes of the tax 3193
imposed under section 5751.02 of the Revised Code. 3194

(8) Nonprofit organizations or the state and its agencies, 3195
instrumentalities, or political subdivisions. 3196

(F) Except as otherwise provided in divisions (F) (2), (3), 3197
and (4) of this section, "gross receipts" means the total amount 3198
realized by a person, without deduction for the cost of goods 3199
sold or other expenses incurred, that contributes to the 3200
production of gross income of the person, including the fair 3201
market value of any property and any services received, and any 3202
debt transferred or forgiven as consideration. 3203

(1) The following are examples of gross receipts: 3204

(a) Amounts realized from the sale, exchange, or other 3205
disposition of the taxpayer's property to or with another; 3206

(b) Amounts realized from the taxpayer's performance of 3207
services for another; 3208

(c) Amounts realized from another's use or possession of 3209
the taxpayer's property or capital; 3210

(d) Any combination of the foregoing amounts. 3211

(2) "Gross receipts" excludes the following amounts:	3212
(a) Interest income except interest on credit sales;	3213
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	3214 3215 3216 3217
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.	3218 3219 3220 3221 3222 3223 3224 3225 3226 3227 3228 3229 3230 3231 3232 3233 3234 3235 3236
(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;	3237 3238 3239
(e) The principal amount received under a repurchase	3240

agreement or on account of any transaction properly	3241
characterized as a loan to the person;	3242
(f) Contributions received by a trust, plan, or other	3243
arrangement, any of which is described in section 501(a) of the	3244
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter	3245
1, Subchapter (D) of the Internal Revenue Code applies;	3246
(g) Compensation, whether current or deferred, and whether	3247
in cash or in kind, received or to be received by an employee,	3248
former employee, or the employee's legal successor for services	3249
rendered to or for an employer, including reimbursements	3250
received by or for an individual for medical or education	3251
expenses, health insurance premiums, or employee expenses, or on	3252
account of a dependent care spending account, legal services	3253
plan, any cafeteria plan described in section 125 of the	3254
Internal Revenue Code, or any similar employee reimbursement;	3255
(h) Proceeds received from the issuance of the taxpayer's	3256
own stock, options, warrants, puts, or calls, or from the sale	3257
of the taxpayer's treasury stock;	3258
(i) Proceeds received on the account of payments from	3259
insurance policies, except those proceeds received for the loss	3260
of business revenue;	3261
(j) Gifts or charitable contributions received; membership	3262
dues received by trade, professional, homeowners', or	3263
condominium associations; and payments received for educational	3264
courses, meetings, meals, or similar payments to a trade,	3265
professional, or other similar association; and fundraising	3266
receipts received by any person when any excess receipts are	3267
donated or used exclusively for charitable purposes;	3268
(k) Damages received as the result of litigation in excess	3269

of amounts that, if received without litigation, would be gross receipts;	3270 3271
(1) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	3272 3273 3274
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	3275 3276 3277 3278 3279 3280 3281 3282 3283 3284
(n) Pension reversions;	3285
(o) Contributions to capital;	3286
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	3287 3288 3289 3290 3291
(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or	3292 3293 3294 3295 3296 3297 3298

Chapter 5743. of the Revised Code; 3299

(r) In the case of receipts from the sale, transfer, 3300
exchange, or other disposition of motor fuel as "motor fuel" is 3301
defined in section 5736.01 of the Revised Code, an amount equal 3302
to the value of the motor fuel, including federal and state 3303
motor fuel excise taxes and receipts from billing or invoicing 3304
the tax imposed under section 5736.02 of the Revised Code to 3305
another person; 3306

(s) In the case of receipts from the sale of beer or 3307
intoxicating liquor, as defined in section 4301.01 of the 3308
Revised Code, by a person holding a permit issued under Chapter 3309
4301. or 4303. of the Revised Code, an amount equal to federal 3310
and state excise taxes paid by any person on or for such beer or 3311
intoxicating liquor under subtitle E of the Internal Revenue 3312
Code or Chapter 4301. or 4305. of the Revised Code; 3313

(t) Receipts realized by a new motor vehicle dealer or 3314
used motor vehicle dealer, as defined in section 4517.01 of the 3315
Revised Code, from the sale or other transfer of a motor 3316
vehicle, as defined in that section, to another motor vehicle 3317
dealer for the purpose of resale by the transferee motor vehicle 3318
dealer, but only if the sale or other transfer was based upon 3319
the transferee's need to meet a specific customer's preference 3320
for a motor vehicle; 3321

(u) Receipts from a financial institution described in 3322
division (E)(3) of this section for services provided to the 3323
financial institution in connection with the issuance, 3324
processing, servicing, and management of loans or credit 3325
accounts, if such financial institution and the recipient of 3326
such receipts have at least fifty per cent of their ownership 3327
interests owned or controlled, directly or constructively 3328

through related interests, by common owners;	3329
(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;	3330 3331 3332 3333
(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F) (2) (w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.	3334 3335 3336 3337 3338 3339 3340 3341 3342 3343
(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer;	3344 3345 3346 3347 3348
(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;	3349 3350 3351 3352 3353
(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code.	3354 3355
(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing	3356 3357

moneys to an unrelated third party on an employee's behalf;	3358
(bb) Cash discounts allowed and taken;	3359
(cc) Returns and allowances;	3360
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;	3361 3362 3363 3364 3365 3366 3367 3368 3369 3370 3371 3372 3373 3374
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	3375 3376 3377 3378
(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.	3379 3380 3381
(gg) Qualified uranium receipts as determined under section 5751.41 of the Revised Code.	3382 3383
(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino	3384 3385 3386

operator" and "casino gaming" have the meanings defined in 3387
section 3772.01 of the Revised Code, and "gross casino revenue" 3388
has the meaning defined in section 5753.01 of the Revised Code. 3389

(ii) Receipts realized from the sale of agricultural 3390
commodities by an agricultural commodity handler, both as 3391
defined in section 926.01 of the Revised Code, that is licensed 3392
by the director of agriculture to handle agricultural 3393
commodities in this state. 3394

(jj) Qualifying integrated supply chain receipts as 3395
determined under section 5751.42 of the Revised Code. 3396

(kk) In the case of a railroad company described in 3397
division (D) (9) of section 5727.01 of the Revised Code that 3398
purchases dyed diesel fuel directly from a supplier as defined 3399
by section 5736.01 of the Revised Code, an amount equal to the 3400
product of the number of gallons of dyed diesel fuel purchased 3401
directly from such a supplier multiplied by the average 3402
wholesale price for a gallon of diesel fuel as determined under 3403
section 5736.02 of the Revised Code for the period during which 3404
the fuel was purchased multiplied by a fraction, the numerator 3405
of which equals the rate of tax levied by section 5736.02 of the 3406
Revised Code less the rate of tax computed in section 5751.03 of 3407
the Revised Code, and the denominator of which equals the rate 3408
of tax computed in section 5751.03 of the Revised Code. 3409

(ll) Receipts realized by an out-of-state disaster 3410
business from disaster work conducted in this state during a 3411
disaster response period pursuant to a qualifying solicitation 3412
received by the business. Terms used in division (F) (2) (ll) of 3413
this section have the same meanings as in section 5703.94 of the 3414
Revised Code. 3415

(mm) In the case of amounts collected by a sports gaming agent from sports gaming, amounts in excess of the agent's sports gaming receipts. In this division, "sports gaming agent" has the same meaning as in section 3770.30 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code. 3416
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(nn) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state. 3422
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(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code. 3425
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(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly. 3434
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(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code. 3441
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(H) A person has "substantial nexus with this state" if any of the following applies. The person: 3443
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(1) Owns or uses a part or all of its capital in this state;	3445 3446
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	3447 3448
(3) Has bright-line presence in this state;	3449
(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.	3450 3451 3452
(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:	3453 3454 3455
(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.	3456 3457 3458 3459 3460
(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:	3461 3462 3463
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	3464 3465
(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	3466 3467 3468
(c) Any amount the person pays for services performed in this state on its behalf by another.	3469 3470
(3) Has during the calendar year taxable gross receipts of	3471

at least five hundred thousand dollars. 3472

(4) Has at any time during the calendar year within this 3473
state at least twenty-five per cent of the person's total 3474
property, total payroll, or total gross receipts. 3475

(5) Is domiciled in this state as an individual or for 3476
corporate, commercial, or other business purposes. 3477

(J) "Tangible personal property" has the same meaning as 3478
in section 5739.01 of the Revised Code. 3479

(K) "Internal Revenue Code" means the Internal Revenue 3480
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 3481
used in this chapter that is not otherwise defined has the same 3482
meaning as when used in a comparable context in the laws of the 3483
United States relating to federal income taxes unless a 3484
different meaning is clearly required. Any reference in this 3485
chapter to the Internal Revenue Code includes other laws of the 3486
United States relating to federal income taxes. 3487

(L) "Calendar quarter" means a three-month period ending 3488
on the thirty-first day of March, the thirtieth day of June, the 3489
thirtieth day of September, or the thirty-first day of December. 3490

(M) "Tax period" means the calendar quarter or calendar 3491
year on the basis of which a taxpayer is required to pay the tax 3492
imposed under this chapter. 3493

(N) "Calendar year taxpayer" means a taxpayer for which 3494
the tax period is a calendar year. 3495

(O) "Calendar quarter taxpayer" means a taxpayer for which 3496
the tax period is a calendar quarter. 3497

(P) "Agent" means a person authorized by another person to 3498
act on its behalf to undertake a transaction for the other, 3499

including any of the following:	3500
(1) A person receiving a fee to sell financial instruments;	3501 3502
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	3503 3504 3505
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	3506 3507
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	3508 3509
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	3510 3511
(Q) "Received" includes amounts accrued under the accrual method of accounting.	3512 3513
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	3514 3515 3516 3517 3518 3519 3520
Sec. 5753.01. As used in Chapter 5753. of the Revised Code and for no other purpose under Title LVII of the Revised Code:	3521 3522
(A) "Casino facility" has the same meaning as in section 3772.01 of the Revised Code.	3523 3524
(B) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code.	3525 3526

(C) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code. 3527
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(D) "Gross casino revenue" means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic cards, or similar objects by casino patrons, less winnings paid to wagerers. "Gross casino revenue" does not include the issuance to casino patrons or wagering by casino patrons of any promotional gaming credit as defined in section 3772.01 of the Revised Code. When issuance of the promotional gaming credit requires money exchanged as a match from the patron, the excludible portion of the promotional gaming credit does not include the portion of the wager purchased by the patron. 3529
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(E) "Person" has the same meaning as in section 3772.01 of the Revised Code. 3539
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(F) "Slot machine" has the same meaning as in section 3772.01 of the Revised Code. 3541
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(G) "Sports gaming facility" and "sports gaming agent" have the same meanings as in section 3770.30 of the Revised Code. 3543
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(H) "Sports gaming receipts" means the total gross receipts received by a sports gaming agent from the operation of sports gaming in this state, less the total of the following: 3546
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(1) All cash and cash equivalents paid as winnings to sports gaming patrons; 3549
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(2) The dollar amount of all voided wagers; 3551

(3) Federal excise taxes paid by the sports gaming agent pursuant to 26 U.S.C. 4401; 3552
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(4) Uncollectible amounts due to the sports gaming agent 3554

from patrons as a result of sports gaming operations, provided 3555
that the amount has become worthless or uncollectible during the 3556
current tax period, has been uncollected for at least six 3557
months, and may be claimed as a deduction pursuant to section 3558
166 of the Internal Revenue Code, and regulations adopted 3559
pursuant thereto, or that could be claimed as such a deduction 3560
if the sports gaming agent kept accounts on an accrual basis. 3561

(I) "Table game" has the same meaning as in section 3562
3772.01 of the Revised Code. 3563

~~(H)~~ (J) "Taxpayer" means a casino operator subject to the 3564
tax levied under section 5753.02 of the Revised Code or a sports 3565
gaming agent subject to the tax levied under section 5753.021 of 3566
the Revised Code. 3567

(K) "Tax period" means one twenty-four-hour period with 3568
regard to which a ~~casino operator taxpayer~~ is required to pay 3569
the tax levied by ~~this chapter~~ section 5753.02 or 5753.021 of 3570
the Revised Code. 3571

Sec. 5753.021. For the purposes of funding the education 3572
needs of this state, funding efforts to alleviate problem 3573
gambling and addiction, and of defraying the costs of enforcing 3574
and administering the law governing sports gaming and the tax 3575
levied by this section, a tax is hereby levied on the sports 3576
gaming receipts of a sports gaming agent at the rate of ten per 3577
cent of the sports gaming receipts received by the agent from 3578
the operation of sports gaming in this state. 3579

The tax imposed under this section is in addition to any 3580
other taxes or fees imposed under the Revised Code. 3581

Sec. 5753.03. (A) For the purpose of receiving and 3582
distributing, and accounting for, revenue received from the tax 3583

levied by section 5753.02 of the Revised Code, the following	3584
funds are created in the state treasury:	3585
(1) The casino tax revenue fund;	3586
(2) The gross casino revenue county fund;	3587
(3) The gross casino revenue county student fund;	3588
(4) The gross casino revenue host city fund;	3589
(5) The Ohio state racing commission fund;	3590
(6) The Ohio law enforcement training fund;	3591
(7) The problem casino gambling and addictions fund;	3592
(8) The casino control commission fund;	3593
(9) The casino tax administration fund;	3594
(10) The peace officer training academy fund;	3595
(11) The criminal justice services casino tax revenue fund.	3596 3597
(B) All moneys collected from the tax levied under this chapter <u>section 5753.02 of the Revised Code</u> shall be deposited	3598 3599
into the casino tax revenue fund.	3600
(C) From the casino tax revenue fund the director of	3601
budget and management shall transfer as needed to the tax refund	3602
fund amounts equal to the refunds certified by the tax	3603
commissioner under section 5753.06 of the Revised Code <u>and</u>	3604
<u>attributable to the tax levied under section 5753.02 of the</u>	3605
<u>Revised Code.</u>	3606
(D) After making any transfers required by division (C) of	3607
this section, but not later than the fifteenth day of the month	3608
following the end of each calendar quarter, the director of	3609

budget and management shall transfer amounts to each fund as	3610
follows:	3611
(1) Fifty-one per cent to the gross casino revenue county	3612
fund to make payments as required by Section 6(C)(3)(a) of	3613
Article XV, Ohio Constitution;	3614
(2) Thirty-four per cent to the gross casino revenue	3615
county student fund to make payments as required by Section 6(C)	3616
(3)(b) of Article XV, Ohio Constitution and as provided in	3617
section 5753.11 of the Revised Code;	3618
(3) Five per cent to the gross casino revenue host city	3619
fund for the benefit of the cities in which casino facilities	3620
are located;	3621
(4) Three per cent to the Ohio state racing commission	3622
fund to support the efforts and activities of the Ohio state	3623
racing commission to promote horse racing in this state at which	3624
the pari-mutuel system of wagering is conducted;	3625
(5) Two per cent to the Ohio law enforcement training fund	3626
to support law enforcement functions in the state;	3627
(6) Two per cent to the problem casino gambling and	3628
addictions fund to support efforts of the department of mental	3629
health and addiction services to alleviate problem gambling and	3630
substance abuse and related research in the state under section	3631
5119.47 of the Revised Code;	3632
(7) Three per cent to the casino control commission fund	3633
to support the operations of the Ohio casino control commission	3634
and to defray the cost of administering the tax levied under	3635
section 5753.02 of the Revised Code.	3636
Payments under divisions (D)(1) and (3) of this section	3637

shall be made by the end of the month following the end of the 3638
quarterly period. The tax commissioner shall make the data 3639
available to the director of budget and management for this 3640
purpose. 3641

Money in the Ohio state racing commission fund shall be 3642
distributed at the discretion of the Ohio state racing 3643
commission for the purpose stated in division (D) (4) of this 3644
section by the end of the month following the end of the 3645
quarterly period. The commission may retain up to five per cent 3646
of the amount transferred to the fund under division (D) (4) of 3647
this section for operating expenses necessary for the 3648
administration of the fund. 3649

Payments from the gross casino revenue county student fund 3650
as required under section 5753.11 of the Revised Code shall be 3651
made by the last day of January and by the last day of August of 3652
each year, beginning in 2013. The tax commissioner shall make 3653
the data available to the director of budget and management for 3654
this purpose. 3655

Of the money credited to the Ohio law enforcement training 3656
fund, the director of budget and management shall distribute 3657
eighty-five per cent of the money to the police officer training 3658
academy fund for the purpose of supporting the law enforcement 3659
training efforts of the Ohio peace officer training academy and 3660
fifteen per cent of the money to the criminal justice services 3661
casino tax revenue fund for the purpose of supporting the law 3662
enforcement training efforts of the division of criminal justice 3663
services. 3664

(E) (1) The tax commissioner shall serve as an agent of the 3665
counties of this state only for the purposes of this division 3666
and solely to make payments directly to municipal corporations 3667

and school districts, as applicable, on the counties' behalf. 3668

(2) On or before the last day of the month following the 3669
end of each calendar quarter, the tax commissioner shall provide 3670
for payment from the funds referenced in divisions (D) (1) and 3671
(3) of this section to each county and municipal corporation as 3672
prescribed in those divisions. 3673

(3) On or before the last day of January and the last day 3674
of August each year, the commissioner shall provide for payments 3675
from the fund referenced in division (D) (2) of this section to 3676
each school district as prescribed in that division. 3677

(F) The director of budget and management shall transfer 3678
one per cent of the money credited to the casino control 3679
commission fund to the casino tax administration fund. The tax 3680
commissioner shall use the casino tax administration fund to 3681
defray the costs incurred in administering the tax levied ~~by~~ 3682
this chapter under section 5753.02 of the Revised Code. 3683

(G) All investment earnings of the gross casino revenue 3684
county student fund shall be credited to the fund. 3685

Sec. 5753.031. (A) For the purpose of receiving and 3686
distributing, and accounting for, revenue received from the tax 3687
levied by section 5753.021 of the Revised Code and from fees and 3688
finances imposed under Chapter 3770. of the Revised Code relating 3689
to sports gaming, the following funds are created in the state 3690
treasury: 3691

(1) The sports gaming revenue fund; 3692

(2) The lottery commission sports gaming fund; 3693

(3) The casino control commission sports gaming fund; 3694

(4) The problem sports gaming and addiction fund; 3695

<u>(5) The sports gaming tax administration fund.</u>	3696
<u>(B) All moneys collected from the tax levied under section 5753.021 of the Revised Code and any fines and fees collected under Chapter 3770. of the Revised Code relating to sports gaming shall be deposited into the sports gaming revenue fund.</u>	3697 3698 3699 3700
<u>(C) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code.</u>	3701 3702 3703 3704 3705 3706
<u>(D) Not later than the fifteenth day of each month, the director of budget and management shall transfer the following amounts from the sports gaming revenue fund:</u>	3707 3708 3709
<u>(1) To the lottery commission sports gaming fund, the amount necessary to reimburse the state lottery commission's actual operating costs and expenses incurred in administering the provisions of Chapter 3770. of the Revised Code that relate to sports gaming. The amount transferred under division (D) (1) of this section shall not exceed ten per cent of the revenue credited to the sports gaming revenue fund in the preceding month.</u>	3710 3711 3712 3713 3714 3715 3716 3717
<u>(2) To the casino control commission sports gaming fund, the amount necessary to reimburse the Ohio casino control commission's actual expenses incurred to assist in implementing and enforcing Chapter 3770. of the Revised Code;</u>	3718 3719 3720 3721
<u>(3) To the sports gaming tax administration fund, the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under</u>	3722 3723 3724

section 5753.021 of the Revised Code. 3725

(E) Of the amount in the sports gaming revenue fund 3726
remaining after making the transfers required by divisions (C) 3727
and (D) of this section, the director of budget and management 3728
shall transfer, on or before the fifteenth day of the month 3729
following the end of each calendar quarter, amounts to each fund 3730
as follows: 3731

(1) Ninety-eight per cent to the lottery profits education 3732
fund; 3733

(2) Two per cent to the problem sports gaming and 3734
addiction fund to support the state's efforts to alleviate 3735
problem sports gaming. 3736

(F) All interest generated by the funds created under this 3737
section shall be credited back to the fund. 3738

Sec. 5753.04. (A) Daily each day banks are open for 3739
business, not later than noon, a ~~casino operator~~ each taxpayer 3740
shall file a return electronically with the tax commissioner. 3741
The return shall be in the form required by the tax 3742
commissioner, and shall reflect the relevant tax period. The 3743
return shall include, but is not limited to, the amount of the 3744
~~casino operator's taxpayer's~~ gross casino revenue or sports 3745
gaming receipts for the tax period and the amount of tax due 3746
under section 5753.02 or 5753.021 of the Revised Code for the 3747
tax period. The ~~casino operator taxpayer~~ shall remit 3748
electronically with the return the tax due. 3749

(B) If a sports gaming agent's sports gaming receipts for 3750
a tax period are less than zero because the winnings paid by the 3751
agent to wagerers exceeds the agent's total gross receipts from 3752
the operation of sports gaming for that tax period, the tax 3753

commissioner shall allow the agent to carry forward the deficit 3754
to subsequent tax periods until the agent's sports gaming 3755
receipts are greater than zero. 3756

A deficit may not be carried back to a prior tax period 3757
and no payment previously made shall be refunded, except if the 3758
agent surrenders its sports gaming agent license and the agent's 3759
last return reported a deficit. In that case, the commissioner 3760
shall multiply the deficit by ten per cent and pay that amount 3761
to the agent in the manner prescribed by the commissioner. 3762

(C) If ~~the~~ a casino operator or sports gaming agent ceases 3763
to be a taxpayer at any time, the ~~casino operator or agent~~ shall 3764
indicate the last date for which the ~~casino operator or agent~~ 3765
was liable for the tax. The return shall include a space for 3766
this purpose. 3767

Sec. 5753.05. (A) (1) A ~~casino operator taxpayer~~ who fails 3768
to file a return or to remit the tax due as required by section 3769
5753.04 of the Revised Code shall pay a penalty not to exceed 3770
the greater of five hundred dollars or ten per cent of the tax 3771
due. 3772

(2) If the tax commissioner finds additional tax to be 3773
due, the tax commissioner may impose an additional penalty of up 3774
to fifteen per cent of the additional tax found to be due. A 3775
delinquent payment of tax made as the result of a notice or an 3776
audit is subject to the additional penalty imposed by this 3777
division. 3778

(3) If a ~~casino operator taxpayer~~ fails to file a return 3779
electronically or to remit the tax electronically, the tax 3780
commissioner may impose an additional penalty of fifty dollars 3781
or ten per cent of the tax due as shown on the return, whichever 3782

is greater. 3783

(B) If the tax due under section 5753.02 or 5753.021 of 3784
the Revised Code is not timely paid, the ~~casino operator~~ 3785
taxpayer shall pay interest at the rate per annum prescribed in 3786
section 5703.47 of the Revised Code beginning on the day the tax 3787
was due through the day the tax is paid or an assessment is 3788
issued, whichever occurs first. 3789

(C) The tax commissioner shall collect any penalty or 3790
interest as if it were the tax levied by section 5753.02 or 3791
5753.021 of the Revised Code, as applicable. Penalties and 3792
interest shall be treated as if they were revenue arising from 3793
the applicable tax levied by section 5753.02 of the Revised 3794
Code. 3795

(D) The tax commissioner may abate all or a portion of any 3796
penalty imposed under this section and may adopt rules governing 3797
abatements. 3798

(E) If a casino operator or sports gaming agent fails to 3799
file a return or remit the tax due as required by section 3800
5753.04 of the Revised Code within a period of one year after 3801
the due date for filing the return or remitting the tax, the 3802
Ohio casino control commission or the state lottery commission, 3803
as applicable, may suspend the ~~casino operator's or agent's~~ 3804
license. 3805

Sec. 5753.06. (A) A ~~casino operator taxpayer~~ may apply to 3806
the tax commissioner for refund of the amount of taxes under 3807
section 5753.02 or 5753.021 of the Revised Code that were 3808
overpaid, paid illegally or erroneously, or paid on an illegal 3809
or erroneous assessment. The application shall be on a form 3810
prescribed by the tax commissioner. The ~~casino operator taxpayer~~ 3811

shall provide the amount of the requested refund along with the 3812
claimed reasons for, and documentation to support, the issuance 3813
of a refund. The ~~casino operator~~ taxpayer shall file the 3814
application with the tax commissioner within four years after 3815
the date the payment was made, unless the applicant has waived 3816
the time limitation under division (D) of section 5753.07 of the 3817
Revised Code. In the latter event, the four-year limitation is 3818
extended for the same period of time as the waiver. 3819

(B) Upon the filing of a refund application, the tax 3820
commissioner shall determine the amount of refund to which the 3821
applicant is entitled. If the amount is not less than that 3822
claimed, the tax commissioner shall certify the amount to the 3823
director of budget and management and treasurer of state for 3824
payment from the tax refund fund. If the amount is less than 3825
that claimed, the tax commissioner shall proceed under section 3826
5703.70 of the Revised Code. 3827

(C) Interest on a refund applied for under this section, 3828
computed at the rate provided for in section 5703.47 of the 3829
Revised Code, shall be allowed from the later of the date the 3830
tax was due or the date payment of the tax was made. Except as 3831
provided in section 5753.07 of the Revised Code, the tax 3832
commissioner may, with the consent of the ~~casino operator~~ 3833
taxpayer, provide for crediting against the tax due for a tax 3834
period, the amount of any refund due the ~~casino operator~~ 3835
taxpayer for a preceding tax period. 3836

(D) Refunds under this section are subject to offset under 3837
section 5753.061 of the Revised Code. 3838

Sec. 5753.061. As used in this section, "debt to the 3839
state" means unpaid taxes that are due the state, unpaid 3840
workers' compensation premiums that are due, unpaid unemployment 3841

compensation contributions that are due, unpaid unemployment 3842
compensation payments in lieu of contributions that are due, 3843
unpaid fees payable to the state or to the clerk of courts under 3844
section 4505.06 of the Revised Code, incorrect medical 3845
assistance payments, or any unpaid charge, penalty, or interest 3846
arising from any of the foregoing. A debt to the state is not a 3847
"debt to the state" as used in this section unless the liability 3848
underlying the debt to the state has become incontestable 3849
because the time for appealing, reconsidering, reassessing, or 3850
otherwise questioning the liability has expired or the liability 3851
has been finally determined to be valid. 3852

If a ~~casino operator~~ taxpayer who is entitled to a refund 3853
under section 5753.06 of the Revised Code owes a debt to the 3854
state, the amount refundable may be applied in satisfaction of 3855
the debt to the state. If the amount refundable is less than the 3856
amount of the debt to the state, the amount refundable may be 3857
applied in partial satisfaction of the debt. If the amount 3858
refundable is greater than the amount of the debt, the amount 3859
refundable remaining after satisfaction of the debt shall be 3860
refunded to the ~~casino operator~~ taxpayer. 3861

Sec. 5753.07. (A) (1) The tax commissioner may issue an 3862
assessment, based on any information in the tax commissioner's 3863
possession, against a ~~casino operator~~ taxpayer who fails to pay 3864
the tax levied under section 5753.02 or 5753.021 of the Revised 3865
Code or to file a return under section 5753.04 of the Revised 3866
Code. The tax commissioner shall give the ~~casino operator~~ 3867
taxpayer written notice of the assessment under section 5703.37 3868
of the Revised Code. With the notice, the tax commissioner shall 3869
include instructions on how to petition for reassessment and on 3870
how to request a hearing with respect to the petition. 3871

(2) Unless the ~~casino operator taxpayer~~, within sixty days 3872
after service of the notice of assessment, files with the tax 3873
commissioner, either personally or by certified mail, a written 3874
petition signed by the ~~casino operator taxpayer~~, or by the 3875
~~casino operator's taxpayer's~~ authorized agent who has knowledge 3876
of the facts, the assessment becomes final, and the amount of 3877
the assessment is due and payable from the ~~casino operator~~ 3878
~~taxpayer~~ to the treasurer of state. The petition shall indicate 3879
the ~~casino operator's taxpayer's~~ objections to the assessment. 3880
Additional objections may be raised in writing if they are 3881
received by the tax commissioner before the date shown on the 3882
final determination. 3883

(3) If a petition for reassessment has been properly 3884
filed, the tax commissioner shall proceed under section 5703.60 3885
of the Revised Code. 3886

(4) After an assessment becomes final, if any portion of 3887
the assessment, including penalties and accrued interest, 3888
remains unpaid, the tax commissioner may file a certified copy 3889
of the entry making the assessment final in the office of the 3890
clerk of the court of common pleas of Franklin county or in the 3891
office of the clerk of the court of common pleas of the county 3892
in which the ~~casino operator taxpayer~~ resides, the ~~casino~~ 3893
~~operator's taxpayer's~~ casino facility or sports gaming facility 3894
is located, or the ~~casino operator's taxpayer's~~ principal place 3895
of business in this state is located. Immediately upon the 3896
filing of the entry, the clerk shall enter a judgment for the 3897
state against the taxpayer assessed in the amount shown on the 3898
entry. The judgment may be filed by the clerk in a loose-leaf 3899
book entitled, "special judgments for the gross casino revenue 3900
tax and sports gaming receipts tax." The judgment has the same 3901
effect as other judgments. Execution shall issue upon the 3902

judgment at the request of the tax commissioner, and all laws 3903
applicable to sales on execution apply to sales made under the 3904
judgment. 3905

(5) If the assessment is not paid in its entirety within 3906
sixty days after the day the assessment was issued, the portion 3907
of the assessment consisting of tax due shall bear interest at 3908
the rate per annum prescribed by section 5703.47 of the Revised 3909
Code from the day the tax commissioner issued the assessment 3910
until the assessment is paid or until it is certified to the 3911
attorney general for collection under section 131.02 of the 3912
Revised Code, whichever comes first. If the unpaid portion of 3913
the assessment is certified to the attorney general for 3914
collection, the entire unpaid portion of the assessment shall 3915
bear interest at the rate per annum prescribed by section 3916
5703.47 of the Revised Code from the date of certification until 3917
the date it is paid in its entirety. Interest shall be paid in 3918
the same manner as the tax levied under section 5753.02 or 3919
5753.021 of the Revised Code, as applicable, and may be 3920
collected by the issuance of an assessment under this section. 3921

(B) If the tax commissioner believes that collection of 3922
the tax levied under section 5753.02 or 5753.021 of the Revised 3923
Code will be jeopardized unless proceedings to collect or secure 3924
collection of the tax are instituted without delay, the 3925
commissioner may issue a jeopardy assessment against the ~~casino-~~ 3926
~~operator who~~ taxpayer that is liable for the tax. Immediately 3927
upon the issuance of a jeopardy assessment, the tax commissioner 3928
shall file an entry with the clerk of the court of common pleas 3929
in the manner prescribed by division (A) (4) of this section, and 3930
the clerk shall proceed as directed in that division. Notice of 3931
the jeopardy assessment shall be served on the ~~casino operator-~~ 3932
taxpayer or the ~~casino operator's~~ taxpayer's authorized agent 3933

under section 5703.37 of the Revised Code within five days after 3934
the filing of the entry with the clerk. The total amount 3935
assessed is immediately due and payable, unless the ~~casino-~~ 3936
~~operator~~ taxpayer assessed files a petition for reassessment 3937
under division (A) (2) of this section and provides security in a 3938
form satisfactory to the tax commissioner that is in an amount 3939
sufficient to satisfy the unpaid balance of the assessment. If a 3940
petition for reassessment has been filed, and if satisfactory 3941
security has been provided, the tax commissioner shall proceed 3942
under division (A) (3) of this section. Full or partial payment 3943
of the assessment does not prejudice the tax commissioner's 3944
consideration of the petition for reassessment. 3945

(C) The tax commissioner shall immediately forward to the 3946
treasurer of state all amounts the tax commissioner receives 3947
under this section, and the amounts forwarded shall be treated 3948
as if they were revenue arising from the tax levied under 3949
section 5753.02 or 5753.021 of the Revised Code, as applicable. 3950

(D) Except as otherwise provided in this division, no 3951
assessment shall be issued against a ~~casino operator~~ taxpayer 3952
for the tax levied under section 5753.02 or 5753.021 of the 3953
Revised Code more than four years after the due date for filing 3954
the return for the tax period for which the tax was reported, or 3955
more than four years after the return for the tax period was 3956
filed, whichever is later. This division does not bar an 3957
assessment against a ~~casino operator~~ taxpayer who fails to file 3958
a return as required by section 5753.04 of the Revised Code or 3959
who files a fraudulent return, or when the ~~casino operator~~ 3960
taxpayer and the tax commissioner waive in writing the time 3961
limitation. 3962

(E) If the tax commissioner possesses information that 3963

indicates that the amount of tax a ~~casino operator taxpayer~~ is 3964
liable to pay under section 5753.02 or 5753.021 of the Revised 3965
Code exceeds the amount the ~~casino operator taxpayer~~ paid, the 3966
tax commissioner may audit a sample of the ~~casino operator's~~ 3967
taxpayer's gross casino revenue or sports gaming receipts, as 3968
applicable, over a representative period of time to ascertain 3969
the amount of tax due, and may issue an assessment based on the 3970
audit. The tax commissioner shall make a good faith effort to 3971
reach agreement with the ~~casino operator taxpayer~~ in selecting a 3972
representative sample. The tax commissioner may apply a sampling 3973
method only if the tax commissioner has prescribed the method by 3974
rule. 3975

(F) If the whereabouts of a ~~casino operator taxpayer~~ who 3976
is liable for the tax levied under section 5753.02 or 5753.021 3977
of the Revised Code are unknown to the tax commissioner, the tax 3978
commissioner shall proceed under section 5703.37 of the Revised 3979
Code. 3980

~~(G) If a casino operator fails to pay the tax levied under~~ 3981
~~section 5753.02 of the Revised Code within a period of one year~~ 3982
~~after the due date for remitting the tax, the Ohio casino~~ 3983
~~control commission may suspend the casino operator's license.~~ 3984

Sec. 5753.08. If a ~~casino operator taxpayer~~ who is liable 3985
for the tax levied under section 5753.02 or 5753.021 of the 3986
Revised Code sells ~~the a~~ casino facility or sports gaming 3987
facility, disposes of ~~the a~~ casino facility or sports gaming 3988
facility in any manner other than in the regular course of 3989
business, or quits the casino gaming or sports gaming business, 3990
any tax owed by that person becomes immediately due and payable, 3991
and the person shall pay the tax due, including any applicable 3992
penalties and interest. The person's successor shall withhold a 3993

sufficient amount of the purchase money to cover the amounts due 3994
and unpaid until the predecessor produces a receipt from the tax 3995
commissioner showing that the amounts due have been paid or a 3996
certificate indicating that no taxes are due. If the successor 3997
fails to withhold purchase money, the successor is personally 3998
liable, up to the purchase money amount, for amounts that were 3999
unpaid during the operation of the business by the predecessor. 4000

Sec. 5753.10. The tax commissioner may prescribe 4001
requirements for the keeping of records and pertinent documents, 4002
for the filing of copies of federal income tax returns and 4003
determinations, and for computations reconciling federal income 4004
tax returns with the return required by section 5753.04 of the 4005
Revised Code. The tax commissioner may require a ~~casino operator~~ 4006
taxpayer, by rule or by notice served on the ~~casino operator~~ 4007
taxpayer, to keep records and other documents that the tax 4008
commissioner considers necessary to show the extent to which the 4009
~~casino operator taxpayer~~ is subject to this chapter. The records 4010
and other documents shall be open to inspection by the tax 4011
commissioner during business hours, and shall be preserved for a 4012
period of four years unless the tax commissioner, in writing, 4013
consents to their destruction within that period, or by order 4014
served on the ~~casino operator taxpayer~~ requires that they be 4015
kept longer. If the records are normally kept electronically by 4016
the ~~casino operator taxpayer~~, the ~~casino operator taxpayer~~ 4017
shall provide the records to the tax commissioner electronically 4018
at the tax commissioner's request. 4019

Any information required by the tax commissioner under 4020
this section is confidential under section 5703.21 of the 4021
Revised Code. 4022

Section 2. That existing sections 109.572, 718.031, 4023

3770.01, 3770.02, 3770.03, 3770.99, 3772.03, 5703.21, 5747.02, 4024
5747.063, 5747.064, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 4025
5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 4026
5753.10 of the Revised Code are hereby repealed. 4027

Section 3. Section 3770.331 of the Revised Code, as 4028
enacted by this act, shall take effect twelve months after the 4029
effective date of this act. 4030

Section 4. (A) There is the Sports Gaming Advisory Board, 4031
which shall consist of five members appointed by the Governor 4032
with the advice and consent of the Senate. Not more than three 4033
members of the Board shall be members of the same political 4034
party. 4035

Members of the Board shall serve without compensation. 4036

No member of the State Lottery Commission or the Ohio 4037
Casino Control Commission shall serve on the Board. 4038

Each member of the Board shall be a resident of this 4039
state. 4040

(B) The Sports Gaming Advisory Board shall serve in an 4041
advisory capacity to the State Lottery Commission and shall 4042
study and develop recommendations for the rules to be adopted by 4043
the State Lottery Commission under this act with respect to the 4044
sports gaming lottery. 4045

(C) The Sports Gaming Advisory Board shall make 4046
recommendations to the State Lottery Commission as it determines 4047
appropriate. The Board shall cease to exist on the date that is 4048
three years after the effective date of this act. 4049

Section 5. Notwithstanding the amendment of division (C) 4050
of section 3770.01 of the Revised Code by this act to require 4051

three members of the State Lottery Commission to possess gaming 4052
experience, no member of the Commission on the effective date of 4053
this act must be removed in order to be replaced by a person 4054
with gaming experience. The additional two members appointed to 4055
the Commission under this act shall have gaming experience, and 4056
shall be appointed to terms ending August 1, 2022. The next 4057
appointment made to replace a person serving on the Commission 4058
after the effective date of this act shall be of a third person 4059
with gaming experience. 4060

Section 6. Not later than ninety days after the effective 4061
date of this section, the State Lottery Commission shall 4062
acquire, install, and commence the operation of not less than 4063
one thousand two hundred fifty terminals offering self-service 4064
lottery games, as described in division (B) (7) of section 4065
3770.03 of the Revised Code, as amended by this act. Not later 4066
than one hundred eighty days after the effective date of this 4067
section, the Commission shall acquire, install, and commence the 4068
operation of not less than one thousand two hundred fifty 4069
additional terminals offering those games. The Commission shall 4070
use its existing appropriation in line item 950321, Operating 4071
Expenses, for the expenditures required by this section. 4072

Section 7. The General Assembly, applying the principle 4073
stated in division (B) of section 1.52 of the Revised Code that 4074
amendments are to be harmonized if reasonably capable of 4075
simultaneous operation, finds that the following sections, 4076
presented in this act as composites of the sections as amended 4077
by the acts indicated, are the resulting versions of the 4078
sections in effect prior to the effective date of the sections 4079
as presented in this act: 4080

Section 109.572 of the Revised Code as amended by both 4081

H.B. 166 and S.B. 57 of the 133rd General Assembly.	4082
Section 3772.03 of the Revised Code as amended by both	4083
H.B. 49 and H.B. 132 of the 132nd General Assembly.	4084