

As Introduced

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H. B. No. 7

Representative Huffman

Cosponsors: Speaker Batchelder Representatives Amstutz, Buchy, Hill

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A B I L L

To amend sections 109.54, 2915.01, and 2915.02 of the 1
Revised Code to permit the Bureau of Criminal 2
Identification and Investigation to investigate 3
criminal activity related to the Gambling Law, to 4
make changes related to schemes of chance, and to 5
require certifications related to the conduct of a 6
sweepstakes with the use of a sweepstakes terminal 7
device. 8

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

Section 1. That sections 109.54, 2915.01, and 2915.02 of the 9
Revised Code be amended to read as follows: 10

Sec. 109.54. (A) The bureau of criminal identification and 11
investigation may investigate any criminal activity in this state 12
that is of statewide or intercounty concern when requested by 13
local authorities and may aid federal authorities, when requested, 14
in their investigation of any criminal activity in this state. The 15
bureau may investigate any criminal activity in this state related 16
to the conduct of elections when requested by the secretary of 17
state. The bureau may investigate any criminal activity in this 18
state involving drug abuse or illegal drug distribution prohibited 19

under Chapter 3719. or 4729. of the Revised Code or any violation 20
of section 2915.02 of the Revised Code. The superintendent and any 21
agent of the bureau may participate, as the director of an 22
organized crime task force established under section 177.02 of the 23
Revised Code or as a member of the investigatory staff of a task 24
force established under that section, in an investigation of 25
organized criminal activity anywhere within this state under 26
sections 177.01 to 177.03 of the Revised Code. 27

(B) The bureau may provide any trained investigative 28
personnel and specialized equipment that are requested by any 29
sheriff or chief of police, by the authorized designee of any 30
sheriff or chief of police, or by any other authorized law 31
enforcement officer to aid and assist the officer in the 32
investigation and solution of any crime or the control of any 33
criminal activity occurring within the officer's jurisdiction. 34
This assistance shall be furnished by the bureau without 35
disturbing or impairing any of the existing law enforcement 36
authority or the prerogatives of local law enforcement authorities 37
or officers. Investigators provided pursuant to this section, or 38
engaged in an investigation pursuant to section 109.83 of the 39
Revised Code, may go armed in the same manner as sheriffs and 40
regularly appointed police officers under section 2923.12 of the 41
Revised Code. 42

(C)(1) The bureau shall obtain recording equipment that can 43
be used to record depositions of the type described in division 44
(A) of section 2152.81 and division (A) of section 2945.481 of the 45
Revised Code, or testimony of the type described in division (D) 46
of section 2152.81 and division (D) of section 2945.481 or in 47
division (C) of section 2937.11 of the Revised Code, shall obtain 48
closed circuit equipment that can be used to televise testimony of 49
the type described in division (C) of section 2152.81 and division 50
(C) of section 2945.481 or in division (B) of section 2937.11 of 51

the Revised Code, and shall provide the equipment, upon request, 52
to any court for use in recording any deposition or testimony of 53
one of those types or in televising the testimony in accordance 54
with the applicable division. 55

(2) The bureau shall obtain the names, addresses, and 56
telephone numbers of persons who are experienced in questioning 57
children in relation to an investigation of a violation of section 58
2905.03, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 59
2907.07, 2907.09, 2907.21, 2907.23, 2907.24, 2907.31, 2907.32, 60
2907.321, 2907.322, 2907.323, or 2919.22 of the Revised Code or an 61
offense of violence and shall maintain a list of those names, 62
addresses, and telephone numbers. The list shall include a 63
classification of the names, addresses, and telephone numbers by 64
appellate district. Upon request, the bureau shall provide any 65
county sheriff, chief of police, prosecuting attorney, village 66
solicitor, city director of law, or similar chief legal officer 67
with the name, address, and telephone number of any person 68
contained in the list. 69

Sec. 2915.01. As used in this chapter: 70

(A) "Bookmaking" means the business of receiving or paying 71
off bets. 72

(B) "Bet" means the hazarding of anything of value upon the 73
result of an event, undertaking, or contingency, but does not 74
include a bona fide business risk. 75

(C) "Scheme of chance" means a slot machine unless authorized 76
under Chapter 3772. of the Revised Code, lottery unless authorized 77
under Chapter 3770. of the Revised Code, numbers game, pool 78
conducted for profit, or other scheme in which a participant gives 79
a valuable consideration for a chance to win a prize, but does not 80
include bingo, a skill-based amusement machine, or a pool not 81
conducted for profit. "Scheme of chance" includes the use of an 82

electronic device to reveal the results of a game entry if 83
valuable consideration is paid, directly or indirectly, for a 84
chance to win a prize. Valuable consideration is deemed to be paid 85
for a chance to win a prize in the following instances: 86

(1) Less than fifty per cent of the goods or services sold by 87
a scheme of chance operator in exchange for game entries are used 88
or redeemed by participants at any one location; 89

(2) Less than fifty per cent of participants who purchase 90
goods or services at any one location do not accept, use, or 91
redeem the goods or services sold or purportedly sold; 92

(3) More than fifty per cent of prizes at any one location 93
are revealed to participants through an electronic device 94
simulating a game of chance or a "casino game" as defined in 95
section 3772.01 of the Revised Code; 96

(4) The good or service sold by a scheme of chance operator 97
in exchange for a game entry cannot be used or redeemed in the 98
manner advertised; 99

(5) A participant pays more than fair market value for goods 100
or services offered by a scheme of chance operator in order to 101
receive one or more game entries; 102

(6) A participant may use the electronic device to purchase 103
additional game entries; 104

(7) A participant may purchase additional game entries by 105
using points or credits won as prizes while using the electronic 106
device; 107

(8) A scheme of chance operator pays out in prize money more 108
than twenty per cent of the gross revenue received at one 109
location; or 110

(9) A participant makes a purchase or exchange in order to 111
obtain any good or service that may be used to facilitate play on 112

the electronic device. 113

As used in this division, "electronic device" means a 114
mechanical, video, digital, or electronic machine or device that 115
is capable of displaying information on a screen or other 116
mechanism and that is owned, leased, or otherwise possessed by any 117
person conducting a scheme of chance, or by that person's 118
partners, affiliates, subsidiaries, or contractors. 119

(D) "Game of chance" means poker, craps, roulette, or other 120
game in which a player gives anything of value in the hope of 121
gain, the outcome of which is determined largely by chance, but 122
does not include bingo. 123

(E) "Game of chance conducted for profit" means any game of 124
chance designed to produce income for the person who conducts or 125
operates the game of chance, but does not include bingo. 126

(F) "Gambling device" means any of the following: 127

(1) A book, totalizer, or other equipment for recording bets; 128

(2) A ticket, token, or other device representing a chance, 129
share, or interest in a scheme of chance or evidencing a bet; 130

(3) A deck of cards, dice, gaming table, roulette wheel, slot 131
machine, or other apparatus designed for use in connection with a 132
game of chance; 133

(4) Any equipment, device, apparatus, or paraphernalia 134
specially designed for gambling purposes; 135

(5) Bingo supplies sold or otherwise provided, or used, in 136
violation of this chapter. 137

(G) "Gambling offense" means any of the following: 138

(1) A violation of section 2915.02, 2915.03, 2915.04, 139
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 140
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code; 141

(2) A violation of an existing or former municipal ordinance 142
or law of this or any other state or the United States 143
substantially equivalent to any section listed in division (G)(1) 144
of this section or a violation of section 2915.06 of the Revised 145
Code as it existed prior to July 1, 1996; 146

(3) An offense under an existing or former municipal 147
ordinance or law of this or any other state or the United States, 148
of which gambling is an element; 149

(4) A conspiracy or attempt to commit, or complicity in 150
committing, any offense under division (G)(1), (2), or (3) of this 151
section. 152

(H) Except as otherwise provided in this chapter, "charitable 153
organization" means either of the following: 154

(1) An organization that is, and has received from the 155
internal revenue service a determination letter that currently is 156
in effect stating that the organization is, exempt from federal 157
income taxation under subsection 501(a) and described in 158
subsection 501(c)(3) of the Internal Revenue Code; 159

(2) A volunteer rescue service organization, volunteer 160
firefighter's organization, veteran's organization, fraternal 161
organization, or sporting organization that is exempt from federal 162
income taxation under subsection 501(c)(4), (c)(7), (c)(8), 163
(c)(10), or (c)(19) of the Internal Revenue Code. 164

To qualify as a "charitable organization," an organization 165
shall have been in continuous existence as such in this state for 166
a period of two years immediately preceding either the making of 167
an application for a bingo license under section 2915.08 of the 168
Revised Code or the conducting of any game of chance as provided 169
in division (D) of section 2915.02 of the Revised Code. 170

(I) "Religious organization" means any church, body of 171
communicants, or group that is not organized or operated for 172

profit and that gathers in common membership for regular worship 173
and religious observances. 174

(J) "Veteran's organization" means any individual post or 175
state headquarters of a national veteran's association or an 176
auxiliary unit of any individual post of a national veteran's 177
association, which post, state headquarters, or auxiliary unit is 178
incorporated as a nonprofit corporation and either has received a 179
letter from the state headquarters of the national veteran's 180
association indicating that the individual post or auxiliary unit 181
is in good standing with the national veteran's association or has 182
received a letter from the national veteran's association 183
indicating that the state headquarters is in good standing with 184
the national veteran's association. As used in this division, 185
"national veteran's association" means any veteran's association 186
that has been in continuous existence as such for a period of at 187
least five years and either is incorporated by an act of the 188
United States congress or has a national dues-paying membership of 189
at least five thousand persons. 190

(K) "Volunteer firefighter's organization" means any 191
organization of volunteer firefighters, as defined in section 192
146.01 of the Revised Code, that is organized and operated 193
exclusively to provide financial support for a volunteer fire 194
department or a volunteer fire company and that is recognized or 195
ratified by a county, municipal corporation, or township. 196

(L) "Fraternal organization" means any society, order, state 197
headquarters, or association within this state, except a college 198
or high school fraternity, that is not organized for profit, that 199
is a branch, lodge, or chapter of a national or state 200
organization, that exists exclusively for the common business or 201
sodality of its members. 202

(M) "Volunteer rescue service organization" means any 203
organization of volunteers organized to function as an emergency 204

medical service organization, as defined in section 4765.01 of the Revised Code.

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

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

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

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

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

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

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

has been covered on a bingo card or sheet being used by the	236
participant.	237
(2) Instant bingo, punch boards, and raffles.	238
(P) "Conduct" means to back, promote, organize, manage, carry	239
on, sponsor, or prepare for the operation of bingo or a game of	240
chance, <u>a scheme of chance, or a sweepstakes.</u>	241
(Q) "Bingo game operator" means any person, except security	242
personnel, who performs work or labor at the site of bingo,	243
including, but not limited to, collecting money from participants,	244
handing out bingo cards or sheets or objects to cover spaces on	245
bingo cards or sheets, selecting from a receptacle the objects	246
that contain the combination of letters and numbers that appear on	247
bingo cards or sheets, calling out the combinations of letters and	248
numbers, distributing prizes, selling or redeeming instant bingo	249
tickets or cards, supervising the operation of a punch board,	250
selling raffle tickets, selecting raffle tickets from a receptacle	251
and announcing the winning numbers in a raffle, and preparing,	252
selling, and serving food or beverages.	253
(R) "Participant" means any person who plays bingo.	254
(S) "Bingo session" means a period that includes both of the	255
following:	256
(1) Not to exceed five continuous hours for the conduct of	257
one or more games described in division (O)(1) of this section,	258
instant bingo, and seal cards;	259
(2) A period for the conduct of instant bingo and seal cards	260
for not more than two hours before and not more than two hours	261
after the period described in division (S)(1) of this section.	262
(T) "Gross receipts" means all money or assets, including	263
admission fees, that a person receives from bingo without the	264
deduction of any amounts for prizes paid out or for the expenses	265

of conducting bingo. "Gross receipts" does not include any money 266
directly taken in from the sale of food or beverages by a 267
charitable organization conducting bingo, or by a bona fide 268
auxiliary unit or society of a charitable organization conducting 269
bingo, provided all of the following apply: 270

(1) The auxiliary unit or society has been in existence as a 271
bona fide auxiliary unit or society of the charitable organization 272
for at least two years prior to conducting bingo. 273

(2) The person who purchases the food or beverage receives 274
nothing of value except the food or beverage and items customarily 275
received with the purchase of that food or beverage. 276

(3) The food and beverages are sold at customary and 277
reasonable prices. 278

(U) "Security personnel" includes any person who either is a 279
sheriff, deputy sheriff, marshal, deputy marshal, township 280
constable, or member of an organized police department of a 281
municipal corporation or has successfully completed a peace 282
officer's training course pursuant to sections 109.71 to 109.79 of 283
the Revised Code and who is hired to provide security for the 284
premises on which bingo is conducted. 285

(V) "Charitable purpose" means that the net profit of bingo, 286
other than instant bingo, is used by, or is given, donated, or 287
otherwise transferred to, any of the following: 288

(1) Any organization that is described in subsection 289
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 290
and is either a governmental unit or an organization that is tax 291
exempt under subsection 501(a) and described in subsection 292
501(c)(3) of the Internal Revenue Code; 293

(2) A veteran's organization that is a post, chapter, or 294
organization of veterans, or an auxiliary unit or society of, or a 295
trust or foundation for, any such post, chapter, or organization 296

organized in the United States or any of its possessions, at least 297
seventy-five per cent of the members of which are veterans and 298
substantially all of the other members of which are individuals 299
who are spouses, widows, or widowers of veterans, or such 300
individuals, provided that no part of the net earnings of such 301
post, chapter, or organization inures to the benefit of any 302
private shareholder or individual, and further provided that the 303
net profit is used by the post, chapter, or organization for the 304
charitable purposes set forth in division (B)(12) of section 305
5739.02 of the Revised Code, is used for awarding scholarships to 306
or for attendance at an institution mentioned in division (B)(12) 307
of section 5739.02 of the Revised Code, is donated to a 308
governmental agency, or is used for nonprofit youth activities, 309
the purchase of United States or Ohio flags that are donated to 310
schools, youth groups, or other bona fide nonprofit organizations, 311
promotion of patriotism, or disaster relief; 312

(3) A fraternal organization that has been in continuous 313
existence in this state for fifteen years and that uses the net 314
profit exclusively for religious, charitable, scientific, 315
literary, or educational purposes, or for the prevention of 316
cruelty to children or animals, if contributions for such use 317
would qualify as a deductible charitable contribution under 318
subsection 170 of the Internal Revenue Code; 319

(4) A volunteer firefighter's organization that uses the net 320
profit for the purposes set forth in division (K) of this section. 321

(W) "Internal Revenue Code" means the "Internal Revenue Code 322
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 323
amended. 324

(X) "Youth athletic organization" means any organization, not 325
organized for profit, that is organized and operated exclusively 326
to provide financial support to, or to operate, athletic 327
activities for persons who are twenty-one years of age or younger 328

by means of sponsoring, organizing, operating, or contributing to 329
the support of an athletic team, club, league, or association. 330

(Y) "Youth athletic park organization" means any 331
organization, not organized for profit, that satisfies both of the 332
following: 333

(1) It owns, operates, and maintains playing fields that 334
satisfy both of the following: 335

(a) The playing fields are used at least one hundred days per 336
year for athletic activities by one or more organizations, not 337
organized for profit, each of which is organized and operated 338
exclusively to provide financial support to, or to operate, 339
athletic activities for persons who are eighteen years of age or 340
younger by means of sponsoring, organizing, operating, or 341
contributing to the support of an athletic team, club, league, or 342
association. 343

(b) The playing fields are not used for any profit-making 344
activity at any time during the year. 345

(2) It uses the proceeds of bingo it conducts exclusively for 346
the operation, maintenance, and improvement of its playing fields 347
of the type described in division (Y)(1) of this section. 348

(Z) "Bingo supplies" means bingo cards or sheets; instant 349
bingo tickets or cards; electronic bingo aids; raffle tickets; 350
punch boards; seal cards; instant bingo ticket dispensers; and 351
devices for selecting or displaying the combination of bingo 352
letters and numbers or raffle tickets. Items that are "bingo 353
supplies" are not gambling devices if sold or otherwise provided, 354
and used, in accordance with this chapter. For purposes of this 355
chapter, "bingo supplies" are not to be considered equipment used 356
to conduct a bingo game. 357

(AA) "Instant bingo" means a form of bingo that shall use 358
folded or banded tickets or paper cards with perforated break-open 359

tabs, a face of which is covered or otherwise hidden from view to 360
conceal a number, letter, or symbol, or set of numbers, letters, 361
or symbols, some of which have been designated in advance as prize 362
winners, and may also include games in which some winners are 363
determined by the random selection of one or more bingo numbers by 364
the use of a seal card or bingo blower. In all "instant bingo" the 365
prize amount and structure shall be predetermined. "Instant bingo" 366
does not include any device that is activated by the insertion of 367
a coin, currency, token, or an equivalent, and that contains as 368
one of its components a video display monitor that is capable of 369
displaying numbers, letters, symbols, or characters in winning or 370
losing combinations. 371

(BB) "Seal card" means a form of instant bingo that uses 372
instant bingo tickets in conjunction with a board or placard that 373
contains one or more seals that, when removed or opened, reveal 374
predesignated winning numbers, letters, or symbols. 375

(CC) "Raffle" means a form of bingo in which the one or more 376
prizes are won by one or more persons who have purchased a raffle 377
ticket. The one or more winners of the raffle are determined by 378
drawing a ticket stub or other detachable section from a 379
receptacle containing ticket stubs or detachable sections 380
corresponding to all tickets sold for the raffle. "Raffle" does 381
not include the drawing of a ticket stub or other detachable 382
section of a ticket purchased to attend a professional sporting 383
event if both of the following apply: 384

(1) The ticket stub or other detachable section is used to 385
select the winner of a free prize given away at the professional 386
sporting event; and 387

(2) The cost of the ticket is the same as the cost of a 388
ticket to the professional sporting event on days when no free 389
prize is given away. 390

(DD) "Punch board" means a board containing a number of holes 391
or receptacles of uniform size in which are placed, mechanically 392
and randomly, serially numbered slips of paper that may be punched 393
or drawn from the hole or receptacle when used in conjunction with 394
instant bingo. A player may punch or draw the numbered slips of 395
paper from the holes or receptacles and obtain the prize 396
established for the game if the number drawn corresponds to a 397
winning number or, if the punch board includes the use of a seal 398
card, a potential winning number. 399

(EE) "Gross profit" means gross receipts minus the amount 400
actually expended for the payment of prize awards. 401

(FF) "Net profit" means gross profit minus expenses. 402

(GG) "Expenses" means the reasonable amount of gross profit 403
actually expended for all of the following: 404

(1) The purchase or lease of bingo supplies; 405

(2) The annual license fee required under section 2915.08 of 406
the Revised Code; 407

(3) Bank fees and service charges for a bingo session or game 408
account described in section 2915.10 of the Revised Code; 409

(4) Audits and accounting services; 410

(5) Safes; 411

(6) Cash registers; 412

(7) Hiring security personnel; 413

(8) Advertising bingo; 414

(9) Renting premises in which to conduct a bingo session; 415

(10) Tables and chairs; 416

(11) Expenses for maintaining and operating a charitable 417
organization's facilities, including, but not limited to, a post 418
home, club house, lounge, tavern, or canteen and any grounds 419

attached to the post home, club house, lounge, tavern, or canteen; 420

(12) Payment of real property taxes and assessments that are 421
levied on a premises on which bingo is conducted; 422

(13) Any other product or service directly related to the 423
conduct of bingo that is authorized in rules adopted by the 424
attorney general under division (B)(1) of section 2915.08 of the 425
Revised Code. 426

(HH) "Person" has the same meaning as in section 1.59 of the 427
Revised Code and includes any firm or any other legal entity, 428
however organized. 429

(II) "Revoke" means to void permanently all rights and 430
privileges of the holder of a license issued under section 431
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 432
gaming license issued by another jurisdiction. 433

(JJ) "Suspend" means to interrupt temporarily all rights and 434
privileges of the holder of a license issued under section 435
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 436
gaming license issued by another jurisdiction. 437

(KK) "Distributor" means any person who purchases or obtains 438
bingo supplies and who does either of the following: 439

(1) Sells, offers for sale, or otherwise provides or offers 440
to provide the bingo supplies to another person for use in this 441
state; 442

(2) Modifies, converts, adds to, or removes parts from the 443
bingo supplies to further their promotion or sale for use in this 444
state. 445

(LL) "Manufacturer" means any person who assembles completed 446
bingo supplies from raw materials, other items, or subparts or who 447
modifies, converts, adds to, or removes parts from bingo supplies 448
to further their promotion or sale. 449

(MM) "Gross annual revenues" means the annual gross receipts 450
derived from the conduct of bingo described in division (O)(1) of 451
this section plus the annual net profit derived from the conduct 452
of bingo described in division (O)(2) of this section. 453

(NN) "Instant bingo ticket dispenser" means a mechanical 454
device that dispenses an instant bingo ticket or card as the sole 455
item of value dispensed and that has the following 456
characteristics: 457

(1) It is activated upon the insertion of United States 458
currency. 459

(2) It performs no gaming functions. 460

(3) It does not contain a video display monitor or generate 461
noise. 462

(4) It is not capable of displaying any numbers, letters, 463
symbols, or characters in winning or losing combinations. 464

(5) It does not simulate or display rolling or spinning 465
reels. 466

(6) It is incapable of determining whether a dispensed bingo 467
ticket or card is a winning or nonwinning ticket or card and 468
requires a winning ticket or card to be paid by a bingo game 469
operator. 470

(7) It may provide accounting and security features to aid in 471
accounting for the instant bingo tickets or cards it dispenses. 472

(8) It is not part of an electronic network and is not 473
interactive. 474

(OO)(1) "Electronic bingo aid" means an electronic device 475
used by a participant to monitor bingo cards or sheets purchased 476
at the time and place of a bingo session and that does all of the 477
following: 478

(a) It provides a means for a participant to input numbers 479

and letters announced by a bingo caller. 480

(b) It compares the numbers and letters entered by the 481
participant to the bingo faces previously stored in the memory of 482
the device. 483

(c) It identifies a winning bingo pattern. 484

(2) "Electronic bingo aid" does not include any device into 485
which a coin, currency, token, or an equivalent is inserted to 486
activate play. 487

(PP) "Deal of instant bingo tickets" means a single game of 488
instant bingo tickets all with the same serial number. 489

(QQ)(1) "Slot machine" means either of the following: 490

(a) Any mechanical, electronic, video, or digital device that 491
is capable of accepting anything of value, directly or indirectly, 492
from or on behalf of a player who gives the thing of value in the 493
hope of gain; 494

(b) Any mechanical, electronic, video, or digital device that 495
is capable of accepting anything of value, directly or indirectly, 496
from or on behalf of a player to conduct bingo or a scheme or game 497
of chance. 498

(2) "Slot machine" does not include a skill-based amusement 499
machine or an instant bingo ticket dispenser. 500

(RR) "Net profit from the proceeds of the sale of instant 501
bingo" means gross profit minus the ordinary, necessary, and 502
reasonable expense expended for the purchase of instant bingo 503
supplies, and, in the case of instant bingo conducted by a 504
veteran's, fraternal, or sporting organization, minus the payment 505
by that organization of real property taxes and assessments levied 506
on a premises on which instant bingo is conducted. 507

(SS) "Charitable instant bingo organization" means an 508
organization that is exempt from federal income taxation under 509

subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(TT) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

(1) The name of the game;

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

(3) The form number;

(4) The ticket count;

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

(6) The cost per play;

(7) The serial number of the game.

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

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

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

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

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

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

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

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

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

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be

controlled by a source other than any player playing the game. 570

(d) The success of any player is or may be determined by a 571
chance event that cannot be altered by player actions. 572

(e) The ability of any player to succeed at the game is 573
determined by game features not visible or known to the player. 574

(f) The ability of the player to succeed at the game is 575
impacted by the exercise of a skill that no reasonable player 576
could exercise. 577

(3) All of the following apply to any machine that is 578
operated as described in division (UU)(1) of this section: 579

(a) As used in division (UU) of this section, "game" and 580
"play" mean one event from the initial activation of the machine 581
until the results of play are determined without payment of 582
additional consideration. An individual utilizing a machine that 583
involves a single game, play, contest, competition, or tournament 584
may be awarded redeemable vouchers or merchandise prizes based on 585
the results of play. 586

(b) Advance play for a single game, play, contest, 587
competition, or tournament participation may be purchased. The 588
cost of the contest, competition, or tournament participation may 589
be greater than a single noncontest, competition, or tournament 590
play. 591

(c) To the extent that the machine is used in a contest, 592
competition, or tournament, that contest, competition, or 593
tournament has a defined starting and ending date and is open to 594
participants in competition for scoring and ranking results toward 595
the awarding of redeemable vouchers or merchandise prizes that are 596
stated prior to the start of the contest, competition, or 597
tournament. 598

(4) For purposes of division (UU)(1) of this section, the 599

mere presence of a device, such as a pin-setting, ball-releasing, 600
or scoring mechanism, that does not contribute to or affect the 601
outcome of the play of the game does not make the device a 602
skill-based amusement machine. 603

(VV) "Merchandise prize" means any item of value, but shall 604
not include any of the following: 605

(1) Cash, gift cards, or any equivalent thereof; 606

(2) Plays on games of chance, state lottery tickets, bingo, 607
or instant bingo; 608

(3) Firearms, tobacco, or alcoholic beverages; or 609

(4) A redeemable voucher that is redeemable for any of the 610
items listed in division (VV)(1), (2), or (3) of this section. 611

(WW) "Redeemable voucher" means any ticket, token, coupon, 612
receipt, or other noncash representation of value. 613

(XX) "Pool not conducted for profit" means a scheme in which 614
a participant gives a valuable consideration for a chance to win a 615
prize and the total amount of consideration wagered is distributed 616
to a participant or participants. 617

(YY) "Sporting organization" means a hunting, fishing, or 618
trapping organization, other than a college or high school 619
fraternity or sorority, that is not organized for profit, that is 620
affiliated with a state or national sporting organization, 621
including but not limited to, the league of Ohio sportsmen, and 622
that has been in continuous existence in this state for a period 623
of three years. 624

(ZZ) "Community action agency" has the same meaning as in 625
section 122.66 of the Revised Code. 626

(AAA)(1) "Sweepstakes terminal device" means a mechanical, 627
video, digital, or electronic machine or device that is owned, 628
leased, or otherwise possessed by any person conducting a 629

sweepstakes, or by that person's partners, affiliates, 630
subsidiaries, or contractors, that is intended to be used by a 631
sweepstakes participant, and that is capable of displaying 632
information on a screen or other mechanism. A device is a 633
sweepstakes terminal device if any of the following apply: 634

(a) The device uses a simulated game terminal as a 635
representation of the prizes associated with the results of the 636
sweepstakes entries. 637

(b) The device utilizes software such that the simulated game 638
influences or determines the winning of or value of the prize. 639

(c) The device selects prizes from a predetermined finite 640
pool of entries. 641

(d) The device utilizes a mechanism that reveals the content 642
of a predetermined sweepstakes entry. 643

(e) The device predetermines the prize results and stores 644
those results for delivery at the time the sweepstakes entry 645
results are revealed. 646

(f) The device utilizes software to create a game result. 647

(g) The device reveals the prize incrementally, even though 648
the device does not influence the awarding of the prize or the 649
value of any prize awarded. 650

(h) The device determines and associates the prize with an 651
entry or entries at the time the sweepstakes is entered. 652

(2) As used in this division and in section 2915.02 of the 653
Revised Code: 654

(a) "Enter" means the act by which a person becomes eligible 655
to receive any prize offered in a sweepstakes. 656

(b) "Entry" means one event from the initial activation of 657
the sweepstakes terminal device until all the sweepstakes prize 658
results from that activation are revealed. 659

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize. 660
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(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code. 665
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(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code. 669
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Sec. 2915.02. (A) No person shall do any of the following: 678

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking; 679
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(2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance; 681
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(3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance; 684
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(4) Engage in betting or in playing any scheme or game of 689

chance as a substantial source of income or livelihood; 690

(5) Conduct, or participate in the conduct of, a sweepstakes 691
with the use of a sweepstakes terminal device at a sweepstakes 692
terminal device facility and either: 693

(a) Give to another person any item described in division 694
(VV)(1), (2), (3), or (4) of section 2915.01 of the Revised Code 695
as a prize for playing or participating in a sweepstakes; or 696

(b) Give to another person any merchandise prize, or a 697
redeemable voucher for a merchandise prize, the wholesale value of 698
which is in excess of ten dollars and which is awarded as a single 699
entry for playing or participating in a sweepstakes. Redeemable 700
vouchers shall not be redeemable for a merchandise prize that has 701
a wholesale value of more than ten dollars. 702

(6) Conduct, or participate in the conduct of, a sweepstakes 703
with the use of a sweepstakes terminal device at a sweepstakes 704
terminal device facility without first obtaining a current annual 705
"certificate of registration" from the attorney general as 706
required by division (F) of this section; 707

(7) With purpose to violate division (A)(1), (2), (3), or 708
(4), (5), or (6) of this section, acquire, possess, control, or 709
operate any gambling device. 710

(B) For purposes of division (A)(1) of this section, a person 711
facilitates bookmaking if the person in any way knowingly aids an 712
illegal bookmaking operation, including, without limitation, 713
placing a bet with a person engaged in or facilitating illegal 714
bookmaking. For purposes of division (A)(2) of this section, a 715
person facilitates a game of chance conducted for profit or a 716
scheme of chance if the person in any way knowingly aids in the 717
conduct or operation of any such game or scheme, including, 718
without limitation, playing any such game or scheme. 719

(C) This section does not prohibit conduct in connection with 720

gambling expressly permitted by law. 721

(D) This section does not apply to any of the following: 722

(1) Games of chance, if all of the following apply: 723

(a) The games of chance are not craps for money or roulette 724
for money. 725

(b) The games of chance are conducted by a charitable 726
organization that is, and has received from the internal revenue 727
service a determination letter that is currently in effect, 728
stating that the organization is, exempt from federal income 729
taxation under subsection 501(a) and described in subsection 730
501(c)(3) of the Internal Revenue Code. 731

(c) The games of chance are conducted at festivals of the 732
charitable organization that are conducted not more than a total 733
of five days a calendar year, and are conducted on premises owned 734
by the charitable organization for a period of no less than one 735
year immediately preceding the conducting of the games of chance, 736
on premises leased from a governmental unit, or on premises that 737
are leased from a veteran's or fraternal organization and that 738
have been owned by the lessor veteran's or fraternal organization 739
for a period of no less than one year immediately preceding the 740
conducting of the games of chance. 741

A charitable organization shall not lease premises from a 742
veteran's or fraternal organization to conduct a festival 743
described in division (D)(1)(c) of this section if the veteran's 744
or fraternal organization already has leased the premises twelve 745
times during the preceding year to charitable organizations for 746
that purpose. If a charitable organization leases premises from a 747
veteran's or fraternal organization to conduct a festival 748
described in division (D)(1)(c) of this section, the charitable 749
organization shall not pay a rental rate for the premises per day 750
of the festival that exceeds the rental rate per bingo session 751

that a charitable organization may pay under division (B)(1) of 752
section 2915.09 of the Revised Code when it leases premises from 753
another charitable organization to conduct bingo games. 754

(d) All of the money or assets received from the games of 755
chance after deduction only of prizes paid out during the conduct 756
of the games of chance are used by, or given, donated, or 757
otherwise transferred to, any organization that is described in 758
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 759
Revenue Code and is either a governmental unit or an organization 760
that is tax exempt under subsection 501(a) and described in 761
subsection 501(c)(3) of the Internal Revenue Code; 762

(e) The games of chance are not conducted during, or within 763
ten hours of, a bingo game conducted for amusement purposes only 764
pursuant to section 2915.12 of the Revised Code. 765

No person shall receive any commission, wage, salary, reward, 766
tip, donation, gratuity, or other form of compensation, directly 767
or indirectly, for operating or assisting in the operation of any 768
game of chance. 769

(2) Any tag fishing tournament operated under a permit issued 770
under section 1533.92 of the Revised Code, as "tag fishing 771
tournament" is defined in section 1531.01 of the Revised Code; 772

(3) Bingo conducted by a charitable organization that holds a 773
license issued under section 2915.08 of the Revised Code. 774

(E) Division (D) of this section shall not be construed to 775
authorize the sale, lease, or other temporary or permanent 776
transfer of the right to conduct games of chance, as granted by 777
that division, by any charitable organization that is granted that 778
right. 779

(F) Any person desiring to conduct, or participate in the 780
conduct of, a sweepstakes with the use of a sweepstakes terminal 781
device at a sweepstakes terminal device facility shall first 782

register with the office of the attorney general and obtain an 783
annual certificate of registration by providing a filing fee of 784
two hundred dollars and all information as required by rule 785
adopted under division (H) of this section. Not later than the 786
tenth day of each month, each sweepstakes terminal device operator 787
shall file a sweepstakes terminal device monthly report with the 788
attorney general and provide a filing fee of fifty dollars and all 789
information required by rule adopted under division (H) of this 790
section. All information provided to the attorney general under 791
this division shall be available to law enforcement upon request. 792

(G) A person may apply to the attorney general, on a form 793
prescribed by the attorney general, for a certificate of 794
compliance that the person is not operating a sweepstakes terminal 795
device facility. The form shall require the person to include the 796
address of the business location where sweepstakes terminal 797
devices will be used and to make the following certifications: 798

(1) That the person will not use more than two sweepstakes 799
terminal devices at the business location; 800

(2) That the retail value of sweepstakes prizes to be awarded 801
at the business location using sweepstakes terminal devices during 802
a reporting period will be less than three per cent of the gross 803
revenue received at the business location during the reporting 804
period; 805

(3) That no other form of gaming except lottery ticket sales 806
as authorized under Chapter 3770. of the Revised Code will be 807
conducted at the business location or in an adjoining area of the 808
business location; 809

(4) That any sweepstakes terminal device at the business 810
location will not allow any deposit of any money, coin, or token, 811
or the use of any credit card, debit card, prepaid card, or any 812
other method of similar payment to be used, directly or 813

indirectly, to participate in a sweepstakes; 814

(5) That notification of any prize will not take place on the 815
same day as a participant's sweepstakes entry; and 816

(6) That the person consents to provide any other information 817
to the attorney general as required by rule adopted under division 818
(H) of this section. 819

The filing fee for a certificate of compliance is two hundred 820
fifty dollars. The attorney general may charge up to an additional 821
two hundred fifty dollars for reasonable expenses resulting from 822
any investigation related to an application for a certificate of 823
compliance. 824

A certificate of compliance is effective for one year. The 825
certificate holder may reapply for a certificate of compliance. A 826
person issued a certificate of compliance shall file semiannual 827
reports with the attorney general stating the number of 828
sweepstakes terminal devices at the business location and that the 829
retail value of prizes awarded at the business location using 830
sweepstakes terminal devices is less than three per cent of the 831
gross revenue received at the business location. The reports are 832
confidential and are not public records under section 149.43 of 833
the Revised Code. 834

(H) The attorney general shall adopt rules setting forth: 835

(1) The required information to be submitted by persons 836
conducting a sweepstakes with the use of a sweepstakes terminal 837
device at a sweepstakes terminal device facility as described in 838
division (F) of this section; and 839

(2) The requirements for pertaining to a certificate of 840
compliance under division (G) of this section, which shall provide 841
for a person to file a consolidated semiannual report if a person 842
has more than one business location. 843

The attorney general shall issue a certificate of registration or a certificate of compliance to all persons who have successfully satisfied the applicable requirements of this section. The attorney general shall post online a registry of all properly registered and certified sweepstakes terminal device operators. 844
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(I) The attorney general may refuse to issue an annual certificate of registration or certificate of compliance to any person or, if one has been issued, the attorney general may revoke a certificate of registration or a certificate of compliance if the applicant has provided any information to the attorney general as part of a registration, certification, monthly report, semiannual report, or any other information that is materially false or misleading, or if the applicant or any officer, partner, or owner of five per cent or more interest in the applicant has violated any provision of this chapter. 850
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(J) The attorney general may take any necessary and reasonable action to determine a violation of this chapter, including requesting documents and information, performing inspections of premises, or requiring the attendance of any person at an examination under oath. 860
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(K) Notwithstanding division (I) of section 2915.08 of the Revised Code, the attorney general shall enter into a written contract with the state lottery commission to delegate to the state lottery commission the powers assigned to the attorney general under divisions (F), (G), (H), and (I) of this section. 865
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(L) Whoever violates this section is guilty of gambling, a ~~misdemeanor~~ felony of the ~~first~~ fifth degree. If the offender previously has been convicted of any gambling offense, gambling is a felony of the ~~fifth~~ fourth degree. Notwithstanding this division, failing to file a sweepstakes terminal device monthly report as required by division (F) of this section or the 870
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semiannual report required by division (G) of this section is a 876
misdemeanor of the first degree. 877

Section 2. That existing sections 109.54, 2915.01, and 878
2915.02 of the Revised Code are hereby repealed. 879