

**As Passed by the House**

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**Sub. H. B. No. 605**

**Representative Huffman**

**Cosponsors: Representatives Blessing, Antonio, Driehaus, Garland, Mallory,  
McClain, Murray, Stebelton Speaker Batchelder**

**—**

**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 involving the operation of a 4  
scheme of chance under the Gambling Law, to 5  
require the Attorney General to adopt rules 6  
describing certain prohibited schemes of chance 7  
that use an electronic device to reveal the 8  
results, and to make other changes related to 9  
schemes of chance. 10

**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 11  
Revised Code be amended to read as follows: 12

**Sec. 109.54.** (A) The bureau of criminal identification and 13  
investigation may investigate any criminal activity in this state 14  
that is of statewide or intercounty concern when requested by 15  
local authorities and may aid federal authorities, when requested, 16  
in their investigation of any criminal activity in this state. The 17  
bureau may investigate any criminal activity in this state related 18

to the conduct of elections when requested by the secretary of 19  
state. The bureau may investigate any criminal activity in this 20  
state involving drug abuse or illegal drug distribution prohibited 21  
under Chapter 3719. or 4729. of the Revised Code or any violation 22  
of section 2915.02 of the Revised Code. The superintendent and any 23  
agent of the bureau may participate, as the director of an 24  
organized crime task force established under section 177.02 of the 25  
Revised Code or as a member of the investigatory staff of a task 26  
force established under that section, in an investigation of 27  
organized criminal activity anywhere within this state under 28  
sections 177.01 to 177.03 of the Revised Code. 29

(B) The bureau may provide any trained investigative 30  
personnel and specialized equipment that are requested by any 31  
sheriff or chief of police, by the authorized designee of any 32  
sheriff or chief of police, or by any other authorized law 33  
enforcement officer to aid and assist the officer in the 34  
investigation and solution of any crime or the control of any 35  
criminal activity occurring within the officer's jurisdiction. 36  
This assistance shall be furnished by the bureau without 37  
disturbing or impairing any of the existing law enforcement 38  
authority or the prerogatives of local law enforcement authorities 39  
or officers. Investigators provided pursuant to this section, or 40  
engaged in an investigation pursuant to section 109.83 of the 41  
Revised Code, may go armed in the same manner as sheriffs and 42  
regularly appointed police officers under section 2923.12 of the 43  
Revised Code. 44

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

closed circuit equipment that can be used to televise testimony of 51  
the type described in division (C) of section 2152.81 and division 52  
(C) of section 2945.481 or in division (B) of section 2937.11 of 53  
the Revised Code, and shall provide the equipment, upon request, 54  
to any court for use in recording any deposition or testimony of 55  
one of those types or in televising the testimony in accordance 56  
with the applicable division. 57

(2) The bureau shall obtain the names, addresses, and 58  
telephone numbers of persons who are experienced in questioning 59  
children in relation to an investigation of a violation of section 60  
2905.03, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 61  
2907.07, 2907.09, 2907.21, 2907.23, 2907.24, 2907.31, 2907.32, 62  
2907.321, 2907.322, 2907.323, or 2919.22 of the Revised Code or an 63  
offense of violence and shall maintain a list of those names, 64  
addresses, and telephone numbers. The list shall include a 65  
classification of the names, addresses, and telephone numbers by 66  
appellate district. Upon request, the bureau shall provide any 67  
county sheriff, chief of police, prosecuting attorney, village 68  
solicitor, city director of law, or similar chief legal officer 69  
with the name, address, and telephone number of any person 70  
contained in the list. 71

**Sec. 2915.01.** As used in this chapter: 72

(A) "Bookmaking" means the business of receiving or paying 73  
off bets. 74

(B) "Bet" means the hazarding of anything of value upon the 75  
result of an event, undertaking, or contingency, but does not 76  
include a bona fide business risk. 77

(C) "Scheme of chance" means a slot machine unless authorized 78  
under Chapter 3772. of the Revised Code, lottery unless authorized 79  
under Chapter 3770. of the Revised Code, numbers game, pool 80  
conducted for profit, or other scheme in which a participant gives 81

a valuable consideration for a chance to win a prize, but does not  
include bingo, a skill-based amusement machine, or a pool not  
conducted for profit. "Scheme of chance" includes the use of an  
electronic device to reveal the results of a game entry if  
valuable consideration is paid, directly or indirectly, for a  
chance to win a prize. Valuable consideration is deemed to be paid  
for a chance to win a prize in the following instances:

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

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

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

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

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

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

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

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

<u>location; or</u>	112
<u>(9) A participant makes a purchase or exchange in order to</u>	113
<u>obtain any good or service that may be used to facilitate play on</u>	114
<u>the electronic device.</u>	115
(D) "Game of chance" means poker, craps, roulette, or other	116
game in which a player gives anything of value in the hope of	117
gain, the outcome of which is determined largely by chance, but	118
does not include bingo.	119
(E) "Game of chance conducted for profit" means any game of	120
chance designed to produce income for the person who conducts or	121
operates the game of chance, but does not include bingo.	122
(F) "Gambling device" means any of the following:	123
(1) A book, totalizer, or other equipment for recording bets;	124
(2) A ticket, token, or other device representing a chance,	125
share, or interest in a scheme of chance or evidencing a bet;	126
(3) A deck of cards, dice, gaming table, roulette wheel, slot	127
machine, or other apparatus designed for use in connection with a	128
game of chance;	129
(4) Any equipment, device, apparatus, or paraphernalia	130
specially designed for gambling purposes;	131
(5) Bingo supplies sold or otherwise provided, or used, in	132
violation of this chapter.	133
(G) "Gambling offense" means any of the following:	134
(1) A violation of section 2915.02, 2915.03, 2915.04,	135
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,	136
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	137
(2) A violation of an existing or former municipal ordinance	138
or law of this or any other state or the United States	139
substantially equivalent to any section listed in division (G)(1)	140

of this section or a violation of section 2915.06 of the Revised 141  
Code as it existed prior to July 1, 1996; 142

(3) An offense under an existing or former municipal 143  
ordinance or law of this or any other state or the United States, 144  
of which gambling is an element; 145

(4) A conspiracy or attempt to commit, or complicity in 146  
committing, any offense under division (G)(1), (2), or (3) of this 147  
section. 148

(H) Except as otherwise provided in this chapter, "charitable 149  
organization" means either of the following: 150

(1) An organization that is, and has received from the 151  
internal revenue service a determination letter that currently is 152  
in effect stating that the organization is, exempt from federal 153  
income taxation under subsection 501(a) and described in 154  
subsection 501(c)(3) of the Internal Revenue Code; 155

(2) A volunteer rescue service organization, volunteer 156  
firefighter's organization, veteran's organization, fraternal 157  
organization, or sporting organization that is exempt from federal 158  
income taxation under subsection 501(c)(4), (c)(7), (c)(8), 159  
(c)(10), or (c)(19) of the Internal Revenue Code. 160

To qualify as a "charitable organization," an organization 161  
shall have been in continuous existence as such in this state for 162  
a period of two years immediately preceding either the making of 163  
an application for a bingo license under section 2915.08 of the 164  
Revised Code or the conducting of any game of chance as provided 165  
in division (D) of section 2915.02 of the Revised Code. 166

(I) "Religious organization" means any church, body of 167  
communicants, or group that is not organized or operated for 168  
profit and that gathers in common membership for regular worship 169  
and religious observances. 170

(J) "Veteran's organization" means any individual post or 171  
state headquarters of a national veteran's association or an 172  
auxiliary unit of any individual post of a national veteran's 173  
association, which post, state headquarters, or auxiliary unit is 174  
incorporated as a nonprofit corporation and either has received a 175  
letter from the state headquarters of the national veteran's 176  
association indicating that the individual post or auxiliary unit 177  
is in good standing with the national veteran's association or has 178  
received a letter from the national veteran's association 179  
indicating that the state headquarters is in good standing with 180  
the national veteran's association. As used in this division, 181  
"national veteran's association" means any veteran's association 182  
that has been in continuous existence as such for a period of at 183  
least five years and either is incorporated by an act of the 184  
United States congress or has a national dues-paying membership of 185  
at least five thousand persons. 186

(K) "Volunteer firefighter's organization" means any 187  
organization of volunteer firefighters, as defined in section 188  
146.01 of the Revised Code, that is organized and operated 189  
exclusively to provide financial support for a volunteer fire 190  
department or a volunteer fire company and that is recognized or 191  
ratified by a county, municipal corporation, or township. 192

(L) "Fraternal organization" means any society, order, state 193  
headquarters, or association within this state, except a college 194  
or high school fraternity, that is not organized for profit, that 195  
is a branch, lodge, or chapter of a national or state 196  
organization, that exists exclusively for the common business or 197  
sodality of its members. 198

(M) "Volunteer rescue service organization" means any 199  
organization of volunteers organized to function as an emergency 200  
medical service organization, as defined in section 4765.01 of the 201  
Revised Code. 202

(N) "Charitable bingo game" means any bingo game described in 203  
division (O)(1) or (2) of this section that is conducted by a 204  
charitable organization that has obtained a license pursuant to 205  
section 2915.08 of the Revised Code and the proceeds of which are 206  
used for a charitable purpose. 207

(O) "Bingo" means either of the following: 208

(1) A game with all of the following characteristics: 209

(a) The participants use bingo cards or sheets, including 210  
paper formats and electronic representation or image formats, that 211  
are divided into twenty-five spaces arranged in five horizontal 212  
and five vertical rows of spaces, with each space, except the 213  
central space, being designated by a combination of a letter and a 214  
number and with the central space being designated as a free 215  
space. 216

(b) The participants cover the spaces on the bingo cards or 217  
sheets that correspond to combinations of letters and numbers that 218  
are announced by a bingo game operator. 219

(c) A bingo game operator announces combinations of letters 220  
and numbers that appear on objects that a bingo game operator 221  
selects by chance, either manually or mechanically, from a 222  
receptacle that contains seventy-five objects at the beginning of 223  
each game, each object marked by a different combination of a 224  
letter and a number that corresponds to one of the seventy-five 225  
possible combinations of a letter and a number that can appear on 226  
the bingo cards or sheets. 227

(d) The winner of the bingo game includes any participant who 228  
properly announces during the interval between the announcements 229  
of letters and numbers as described in division (O)(1)(c) of this 230  
section, that a predetermined and preannounced pattern of spaces 231  
has been covered on a bingo card or sheet being used by the 232  
participant. 233



(2) Instant bingo, punch boards, and raffles. 234

(P) "Conduct" means to back, promote, organize, manage, carry 235  
on, sponsor, or prepare for the operation of bingo or a game of 236  
chance, a scheme of chance, or a sweepstakes. 237

(Q) "Bingo game operator" means any person, except security 238  
personnel, who performs work or labor at the site of bingo, 239  
including, but not limited to, collecting money from participants, 240  
handing out bingo cards or sheets or objects to cover spaces on 241  
bingo cards or sheets, selecting from a receptacle the objects 242  
that contain the combination of letters and numbers that appear on 243  
bingo cards or sheets, calling out the combinations of letters and 244  
numbers, distributing prizes, selling or redeeming instant bingo 245  
tickets or cards, supervising the operation of a punch board, 246  
selling raffle tickets, selecting raffle tickets from a receptacle 247  
and announcing the winning numbers in a raffle, and preparing, 248  
selling, and serving food or beverages. 249

(R) "Participant" means any person who plays bingo. 250

(S) "Bingo session" means a period that includes both of the 251  
following: 252

(1) Not to exceed five continuous hours for the conduct of 253  
one or more games described in division (O)(1) of this section, 254  
instant bingo, and seal cards; 255

(2) A period for the conduct of instant bingo and seal cards 256  
for not more than two hours before and not more than two hours 257  
after the period described in division (S)(1) of this section. 258

(T) "Gross receipts" means all money or assets, including 259  
admission fees, that a person receives from bingo without the 260  
deduction of any amounts for prizes paid out or for the expenses 261  
of conducting bingo. "Gross receipts" does not include any money 262  
directly taken in from the sale of food or beverages by a 263  
charitable organization conducting bingo, or by a bona fide 264

auxiliary unit or society of a charitable organization conducting 265  
bingo, provided all of the following apply: 266

(1) The auxiliary unit or society has been in existence as a 267  
bona fide auxiliary unit or society of the charitable organization 268  
for at least two years prior to conducting bingo. 269

(2) The person who purchases the food or beverage receives 270  
nothing of value except the food or beverage and items customarily 271  
received with the purchase of that food or beverage. 272

(3) The food and beverages are sold at customary and 273  
reasonable prices. 274

(U) "Security personnel" includes any person who either is a 275  
sheriff, deputy sheriff, marshal, deputy marshal, township 276  
constable, or member of an organized police department of a 277  
municipal corporation or has successfully completed a peace 278  
officer's training course pursuant to sections 109.71 to 109.79 of 279  
the Revised Code and who is hired to provide security for the 280  
premises on which bingo is conducted. 281

(V) "Charitable purpose" means that the net profit of bingo, 282  
other than instant bingo, is used by, or is given, donated, or 283  
otherwise transferred to, any of the following: 284

(1) Any organization that is described in subsection 285  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 286  
and is either a governmental unit or an organization that is tax 287  
exempt under subsection 501(a) and described in subsection 288  
501(c)(3) of the Internal Revenue Code; 289

(2) A veteran's organization that is a post, chapter, or 290  
organization of veterans, or an auxiliary unit or society of, or a 291  
trust or foundation for, any such post, chapter, or organization 292  
organized in the United States or any of its possessions, at least 293  
seventy-five per cent of the members of which are veterans and 294  
substantially all of the other members of which are individuals 295

who are spouses, widows, or widowers of veterans, or such 296  
individuals, provided that no part of the net earnings of such 297  
post, chapter, or organization inures to the benefit of any 298  
private shareholder or individual, and further provided that the 299  
net profit is used by the post, chapter, or organization for the 300  
charitable purposes set forth in division (B)(12) of section 301  
5739.02 of the Revised Code, is used for awarding scholarships to 302  
or for attendance at an institution mentioned in division (B)(12) 303  
of section 5739.02 of the Revised Code, is donated to a 304  
governmental agency, or is used for nonprofit youth activities, 305  
the purchase of United States or Ohio flags that are donated to 306  
schools, youth groups, or other bona fide nonprofit organizations, 307  
promotion of patriotism, or disaster relief; 308

(3) A fraternal organization that has been in continuous 309  
existence in this state for fifteen years and that uses the net 310  
profit exclusively for religious, charitable, scientific, 311  
literary, or educational purposes, or for the prevention of 312  
cruelty to children or animals, if contributions for such use 313  
would qualify as a deductible charitable contribution under 314  
subsection 170 of the Internal Revenue Code; 315

(4) A volunteer firefighter's organization that uses the net 316  
profit for the purposes set forth in division (K) of this section. 317

(W) "Internal Revenue Code" means the "Internal Revenue Code 318  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 319  
amended. 320

(X) "Youth athletic organization" means any organization, not 321  
organized for profit, that is organized and operated exclusively 322  
to provide financial support to, or to operate, athletic 323  
activities for persons who are twenty-one years of age or younger 324  
by means of sponsoring, organizing, operating, or contributing to 325  
the support of an athletic team, club, league, or association. 326

(Y) "Youth athletic park organization" means any 327  
organization, not organized for profit, that satisfies both of the 328  
following: 329

(1) It owns, operates, and maintains playing fields that 330  
satisfy both of the following: 331

(a) The playing fields are used at least one hundred days per 332  
year for athletic activities by one or more organizations, not 333  
organized for profit, each of which is organized and operated 334  
exclusively to provide financial support to, or to operate, 335  
athletic activities for persons who are eighteen years of age or 336  
younger by means of sponsoring, organizing, operating, or 337  
contributing to the support of an athletic team, club, league, or 338  
association. 339

(b) The playing fields are not used for any profit-making 340  
activity at any time during the year. 341

(2) It uses the proceeds of bingo it conducts exclusively for 342  
the operation, maintenance, and improvement of its playing fields 343  
of the type described in division (Y)(1) of this section. 344

(Z) "Bingo supplies" means bingo cards or sheets; instant 345  
bingo tickets or cards; electronic bingo aids; raffle tickets; 346  
punch boards; seal cards; instant bingo ticket dispensers; and 347  
devices for selecting or displaying the combination of bingo 348  
letters and numbers or raffle tickets. Items that are "bingo 349  
supplies" are not gambling devices if sold or otherwise provided, 350  
and used, in accordance with this chapter. For purposes of this 351  
chapter, "bingo supplies" are not to be considered equipment used 352  
to conduct a bingo game. 353

(AA) "Instant bingo" means a form of bingo that shall use 354  
folded or banded tickets or paper cards with perforated break-open 355  
tabs, a face of which is covered or otherwise hidden from view to 356  
conceal a number, letter, or symbol, or set of numbers, letters, 357

or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

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

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

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

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

(DD) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically

and randomly, serially numbered slips of paper that may be punched 389  
or drawn from the hole or receptacle when used in conjunction with 390  
instant bingo. A player may punch or draw the numbered slips of 391  
paper from the holes or receptacles and obtain the prize 392  
established for the game if the number drawn corresponds to a 393  
winning number or, if the punch board includes the use of a seal 394  
card, a potential winning number. 395

(EE) "Gross profit" means gross receipts minus the amount 396  
actually expended for the payment of prize awards. 397

(FF) "Net profit" means gross profit minus expenses. 398

(GG) "Expenses" means the reasonable amount of gross profit 399  
actually expended for all of the following: 400

(1) The purchase or lease of bingo supplies; 401

(2) The annual license fee required under section 2915.08 of 402  
the Revised Code; 403

(3) Bank fees and service charges for a bingo session or game 404  
account described in section 2915.10 of the Revised Code; 405

(4) Audits and accounting services; 406

(5) Safes; 407

(6) Cash registers; 408

(7) Hiring security personnel; 409

(8) Advertising bingo; 410

(9) Renting premises in which to conduct a bingo session; 411

(10) Tables and chairs; 412

(11) Expenses for maintaining and operating a charitable 413  
organization's facilities, including, but not limited to, a post 414  
home, club house, lounge, tavern, or canteen and any grounds 415  
attached to the post home, club house, lounge, tavern, or canteen; 416

(12) Payment of real property taxes and assessments that are 417  
levied on a premises on which bingo is conducted; 418

(13) Any other product or service directly related to the 419  
conduct of bingo that is authorized in rules adopted by the 420  
attorney general under division (B)(1) of section 2915.08 of the 421  
Revised Code. 422

(HH) "Person" has the same meaning as in section 1.59 of the 423  
Revised Code and includes any firm or any other legal entity, 424  
however organized. 425

(II) "Revoke" means to void permanently all rights and 426  
privileges of the holder of a license issued under section 427  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 428  
gaming license issued by another jurisdiction. 429

(JJ) "Suspend" means to interrupt temporarily 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

(KK) "Distributor" means any person who purchases or obtains 434  
bingo supplies and who does either of the following: 435

(1) Sells, offers for sale, or otherwise provides or offers 436  
to provide the bingo supplies to another person for use in this 437  
state; 438

(2) Modifies, converts, adds to, or removes parts from the 439  
bingo supplies to further their promotion or sale for use in this 440  
state. 441

(LL) "Manufacturer" means any person who assembles completed 442  
bingo supplies from raw materials, other items, or subparts or who 443  
modifies, converts, adds to, or removes parts from bingo supplies 444  
to further their promotion or sale. 445

(MM) "Gross annual revenues" means the annual gross receipts 446

derived from the conduct of bingo described in division (O)(1) of 447  
this section plus the annual net profit derived from the conduct 448  
of bingo described in division (O)(2) of this section. 449

(NN) "Instant bingo ticket dispenser" means a mechanical 450  
device that dispenses an instant bingo ticket or card as the sole 451  
item of value dispensed and that has the following 452  
characteristics: 453

(1) It is activated upon the insertion of United States 454  
currency. 455

(2) It performs no gaming functions. 456

(3) It does not contain a video display monitor or generate 457  
noise. 458

(4) It is not capable of displaying any numbers, letters, 459  
symbols, or characters in winning or losing combinations. 460

(5) It does not simulate or display rolling or spinning 461  
reels. 462

(6) It is incapable of determining whether a dispensed bingo 463  
ticket or card is a winning or nonwinning ticket or card and 464  
requires a winning ticket or card to be paid by a bingo game 465  
operator. 466

(7) It may provide accounting and security features to aid in 467  
accounting for the instant bingo tickets or cards it dispenses. 468

(8) It is not part of an electronic network and is not 469  
interactive. 470

(OO)(1) "Electronic bingo aid" means an electronic device 471  
used by a participant to monitor bingo cards or sheets purchased 472  
at the time and place of a bingo session and that does all of the 473  
following: 474

(a) It provides a means for a participant to input numbers 475  
and letters announced by a bingo caller. 476



(b) It compares the numbers and letters entered by the 477  
participant to the bingo faces previously stored in the memory of 478  
the device. 479

(c) It identifies a winning bingo pattern. 480

(2) "Electronic bingo aid" does not include any device into 481  
which a coin, currency, token, or an equivalent is inserted to 482  
activate play. 483

(PP) "Deal of instant bingo tickets" means a single game of 484  
instant bingo tickets all with the same serial number. 485

(QQ)(1) "Slot machine" means either of the following: 486

(a) Any mechanical, electronic, video, or digital device that 487  
is capable of accepting anything of value, directly or indirectly, 488  
from or on behalf of a player who gives the thing of value in the 489  
hope of gain; 490

(b) 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 to conduct bingo or a scheme or game 493  
of chance. 494

(2) "Slot machine" does not include a skill-based amusement 495  
machine or an instant bingo ticket dispenser. 496

(RR) "Net profit from the proceeds of the sale of instant 497  
bingo" means gross profit minus the ordinary, necessary, and 498  
reasonable expense expended for the purchase of instant bingo 499  
supplies, and, in the case of instant bingo conducted by a 500  
veteran's, fraternal, or sporting organization, minus the payment 501  
by that organization of real property taxes and assessments levied 502  
on a premises on which instant bingo is conducted. 503

(SS) "Charitable instant bingo organization" means an 504  
organization that is exempt from federal income taxation under 505  
subsection 501(a) and described in subsection 501(c)(3) of the 506

Internal Revenue Code and is a charitable organization as defined 507  
in this section. A "charitable instant bingo organization" does 508  
not include a charitable organization that is exempt from federal 509  
income taxation under subsection 501(a) and described in 510  
subsection 501(c)(3) of the Internal Revenue Code and that is 511  
created by a veteran's organization, a fraternal organization, or 512  
a sporting organization in regards to bingo conducted or assisted 513  
by a veteran's organization, a fraternal organization, or a 514  
sporting organization pursuant to section 2915.13 of the Revised 515  
Code. 516

(TT) "Game flare" means the board or placard that accompanies 517  
each deal of instant bingo tickets and that has printed on or 518  
affixed to it the following information for the game: 519

(1) The name of the game; 520

(2) The manufacturer's name or distinctive logo; 521

(3) The form number; 522

(4) The ticket count; 523

(5) The prize structure, including the number of winning 524  
instant bingo tickets by denomination and the respective winning 525  
symbol or number combinations for the winning instant bingo 526  
tickets; 527

(6) The cost per play; 528

(7) The serial number of the game. 529

(UU)(1) "Skill-based amusement machine" means a mechanical, 530  
video, digital, or electronic device that rewards the player or 531  
players, if at all, only with merchandise prizes or with 532  
redeemable vouchers redeemable only for merchandise prizes, 533  
provided that with respect to rewards for playing the game all of 534  
the following apply: 535

(a) The wholesale value of a merchandise prize awarded as a 536

result of the single play of a machine does not exceed ten 537  
dollars; 538

(b) Redeemable vouchers awarded for any single play of a 539  
machine are not redeemable for a merchandise prize with a 540  
wholesale value of more than ten dollars; 541

(c) Redeemable vouchers are not redeemable for a merchandise 542  
prize that has a wholesale value of more than ten dollars times 543  
the fewest number of single plays necessary to accrue the 544  
redeemable vouchers required to obtain that prize; and 545

(d) Any redeemable vouchers or merchandise prizes are 546  
distributed at the site of the skill-based amusement machine at 547  
the time of play. 548

A card for the purchase of gasoline is a redeemable voucher 549  
for purposes of division (UU)(1) of this section even if the 550  
skill-based amusement machine for the play of which the card is 551  
awarded is located at a place where gasoline may not be legally 552  
distributed to the public or the card is not redeemable at the 553  
location of, or at the time of playing, the skill-based amusement 554  
machine. 555

(2) A device shall not be considered a skill-based amusement 556  
machine and shall be considered a slot machine if it pays cash or 557  
one or more of the following apply: 558

(a) The ability of a player to succeed at the game is 559  
impacted by the number or ratio of prior wins to prior losses of 560  
players playing the game. 561

(b) Any reward of redeemable vouchers is not based solely on 562  
the player achieving the object of the game or the player's score; 563

(c) The outcome of the game, or the value of the redeemable 564  
voucher or merchandise prize awarded for winning the game, can be 565  
controlled by a source other than any player playing the game. 566

(d) The success of any player is or may be determined by a 567  
chance event that cannot be altered by player actions. 568

(e) The ability of any player to succeed at the game is 569  
determined by game features not visible or known to the player. 570

(f) The ability of the player to succeed at the game is 571  
impacted by the exercise of a skill that no reasonable player 572  
could exercise. 573

(3) All of the following apply to any machine that is 574  
operated as described in division (UU)(1) of this section: 575

(a) As used in division (UU) of this section, "game" and 576  
"play" mean one event from the initial activation of the machine 577  
until the results of play are determined without payment of 578  
additional consideration. An individual utilizing a machine that 579  
involves a single game, play, contest, competition, or tournament 580  
may be awarded redeemable vouchers or merchandise prizes based on 581  
the results of play. 582

(b) Advance play for a single game, play, contest, 583  
competition, or tournament participation may be purchased. The 584  
cost of the contest, competition, or tournament participation may 585  
be greater than a single noncontest, competition, or tournament 586  
play. 587

(c) To the extent that the machine is used in a contest, 588  
competition, or tournament, that contest, competition, or 589  
tournament has a defined starting and ending date and is open to 590  
participants in competition for scoring and ranking results toward 591  
the awarding of redeemable vouchers or merchandise prizes that are 592  
stated prior to the start of the contest, competition, or 593  
tournament. 594

(4) For purposes of division (UU)(1) of this section, the 595  
mere presence of a device, such as a pin-setting, ball-releasing, 596  
or scoring mechanism, that does not contribute to or affect the 597

outcome of the play of the game does not make the device a 598  
skill-based amusement machine. 599

(VV) "Merchandise prize" means any item of value, but shall 600  
not include any of the following: 601

(1) Cash, gift cards, or any equivalent thereof; 602

(2) Plays on games of chance, state lottery tickets, bingo, 603  
or instant bingo; 604

(3) Firearms, tobacco, or alcoholic beverages; or 605

(4) A redeemable voucher that is redeemable for any of the 606  
items listed in division (VV)(1), (2), or (3) of this section. 607

(WW) "Redeemable voucher" means any ticket, token, coupon, 608  
receipt, or other noncash representation of value. 609

(XX) "Pool not conducted for profit" means a scheme in which 610  
a participant gives a valuable consideration for a chance to win a 611  
prize and the total amount of consideration wagered is distributed 612  
to a participant or participants. 613

(YY) "Sporting organization" means a hunting, fishing, or 614  
trapping organization, other than a college or high school 615  
fraternity or sorority, that is not organized for profit, that is 616  
affiliated with a state or national sporting organization, 617  
including but not limited to, the league of Ohio sportsmen, and 618  
that has been in continuous existence in this state for a period 619  
of three years. 620

(ZZ) "Community action agency" has the same meaning as in 621  
section 122.66 of the Revised Code. 622

(AAA)(1) "Sweepstakes terminal device" means a mechanical, 623  
video, digital, or electronic machine or device that is owned, 624  
leased, or otherwise possessed by any person conducting a 625  
sweepstakes, or by that person's partners, affiliates, 626  
subsidiaries, or contractors, that is intended to be used by a 627

sweepstakes participant, and that is capable of displaying 628  
information on a screen or other mechanism. A device is a 629  
sweepstakes terminal device whether or not any of the following 630  
apply: 631

(a) The device is server-based. 632

(b) The device uses a simulated game terminal as a 633  
representation of the prizes associated with the results of the 634  
sweepstakes entries. 635

(c) The device utilizes software such that the simulated game 636  
influences or determines the winning of or value of the prize. 637

(d) The device selects prizes from a predetermined finite 638  
pool of entries. 639

(e) The device utilizes a mechanism that reveals the content 640  
of a predetermined sweepstakes entry. 641

(f) The device predetermines the prize results and stores 642  
those results for delivery at the time the sweepstakes entry 643  
results are revealed. 644

(g) The device utilizes software to create a game result. 645

(h) The device requires deposit of any money, coin, or token, 646  
or the use of any credit card, debit card, prepaid card, or any 647  
other method of payment to activate the electronic machine or 648  
device. 649

(i) The device requires direct payment into the device, or 650  
remote activation of the device. 651

(j) The device requires purchase of a related product. 652

(k) Any related product of which purchase is required has 653  
legitimate value. 654

(l) The device reveals the prize incrementally, even though 655  
the device does not influence the awarding of the prize or the 656

value of any prize awarded. 657

(m) The device determines and associates the prize with an 658  
entry or entries at the time the sweepstakes is entered. 659

(n) The device is a slot machine or other form of electrical, 660  
mechanical, or computer game. 661

(2) As used in this division and in section 2915.02 of the 662  
Revised Code: 663

(a) "Enter" means the act by which a person becomes eligible 664  
to receive any prize offered in a sweepstakes. 665

(b) "Entry" means one event from the initial activation of 666  
the sweepstakes terminal device until all the sweepstakes prize 667  
results from that activation are revealed. 668

(c) "Prize" means any gift, award, gratuity, good, service, 669  
credit, reward, or any other thing of value that may be 670  
transferred to a person, whether possession of the prize is 671  
actually transferred, or placed on an account or other record as 672  
evidence of the intent to transfer the prize. 673

(d) "Sweepstakes" means any game, contest, advertising scheme 674  
or plan, or other promotion where consideration is not required 675  
for a person to enter to win or become eligible to receive any 676  
prize, the determination of which is based upon chance. 677  
"Sweepstakes" does not include bingo authorized under this 678  
chapter, pari-mutuel wagering as authorized by Chapter 3769. of 679  
the Revised Code, lotteries conducted by the state lottery 680  
commission as authorized by Chapter 3770. of the Revised Code, and 681  
casino gaming as authorized by Chapter 3772. of the Revised Code. 682

(e) "Sweepstakes terminal device facility" means any location 683  
in this state where a sweepstakes terminal device is provided to a 684  
sweepstakes participant. 685

**Sec. 2915.02. (A) No person shall do any of the following:** 686

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking; 687  
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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; 689  
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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; 692  
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(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood; 697  
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(5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either: 699  
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701

(a) Give to another person any item described in division (VV)(1), (2), (3), or (4) of section 2915.01 of the Revised Code as a prize for playing or participating in a sweepstakes; or 702  
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704

(b) Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars. 705  
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(6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the attorney general as required by division (F) of this section; 711  
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(7) With purpose to violate division (A)(1), (2), (3), or 716



(4), (5), or (6) of this section, acquire, possess, control, or 717  
operate any gambling device. 718

(B) For purposes of division (A)(1) of this section, a person 719  
facilitates bookmaking if the person in any way knowingly aids an 720  
illegal bookmaking operation, including, without limitation, 721  
placing a bet with a person engaged in or facilitating illegal 722  
bookmaking. For purposes of division (A)(2) of this section, a 723  
person facilitates a game of chance conducted for profit or a 724  
scheme of chance if the person in any way knowingly aids in the 725  
conduct or operation of any such game or scheme, including, 726  
without limitation, playing any such game or scheme. 727

(C) This section does not prohibit conduct in connection with 728  
gambling expressly permitted by law. 729

(D) This section does not apply to any of the following: 730

(1) Games of chance, if all of the following apply: 731

(a) The games of chance are not craps for money or roulette 732  
for money. 733

(b) The games of chance are conducted by a charitable 734  
organization that is, and has received from the internal revenue 735  
service a determination letter that is currently in effect, 736  
stating that the organization is, exempt from federal income 737  
taxation under subsection 501(a) and described in subsection 738  
501(c)(3) of the Internal Revenue Code. 739

(c) The games of chance are conducted at festivals of the 740  
charitable organization that are conducted not more than a total 741  
of five days a calendar year, and are conducted on premises owned 742  
by the charitable organization for a period of no less than one 743  
year immediately preceding the conducting of the games of chance, 744  
on premises leased from a governmental unit, or on premises that 745  
are leased from a veteran's or fraternal organization and that 746  
have been owned by the lessor veteran's or fraternal organization 747

for a period of no less than one year immediately preceding the 748  
conducting of the games of chance. 749

A charitable organization shall not lease premises from a 750  
veteran's or fraternal organization to conduct a festival 751  
described in division (D)(1)(c) of this section if the veteran's 752  
or fraternal organization already has leased the premises twelve 753  
times during the preceding year to charitable organizations for 754  
that purpose. If a charitable organization leases premises from a 755  
veteran's or fraternal organization to conduct a festival 756  
described in division (D)(1)(c) of this section, the charitable 757  
organization shall not pay a rental rate for the premises per day 758  
of the festival that exceeds the rental rate per bingo session 759  
that a charitable organization may pay under division (B)(1) of 760  
section 2915.09 of the Revised Code when it leases premises from 761  
another charitable organization to conduct bingo games. 762

(d) All of the money or assets received from the games of 763  
chance after deduction only of prizes paid out during the conduct 764  
of the games of chance are used by, or given, donated, or 765  
otherwise transferred to, any organization that is described in 766  
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 767  
Revenue Code and is either a governmental unit or an organization 768  
that is tax exempt under subsection 501(a) and described in 769  
subsection 501(c)(3) of the Internal Revenue Code; 770

(e) The games of chance are not conducted during, or within 771  
ten hours of, a bingo game conducted for amusement purposes only 772  
pursuant to section 2915.12 of the Revised Code. 773

No person shall receive any commission, wage, salary, reward, 774  
tip, donation, gratuity, or other form of compensation, directly 775  
or indirectly, for operating or assisting in the operation of any 776  
game of chance. 777

(2) Any tag fishing tournament operated under a permit issued 778

under section 1533.92 of the Revised Code, as "tag fishing 779  
tournament" is defined in section 1531.01 of the Revised Code; 780

(3) Bingo conducted by a charitable organization that holds a 781  
license issued under section 2915.08 of the Revised Code. 782

(E) Division (D) of this section shall not be construed to 783  
authorize the sale, lease, or other temporary or permanent 784  
transfer of the right to conduct games of chance, as granted by 785  
that division, by any charitable organization that is granted that 786  
right. 787

(F) Any person desiring to conduct, or participate in the 788  
conduct of, a sweepstakes with the use of a sweepstakes terminal 789  
device at a sweepstakes terminal device facility shall first 790  
register with the office of the attorney general and obtain an 791  
annual certificate of registration by providing a filing fee and 792  
all information as required by rule adopted under division (G) of 793  
this section. Not later than the tenth day of each month, each 794  
sweepstakes terminal device operator shall file a sweepstakes 795  
terminal device monthly report with the attorney general and 796  
provide a filing fee and all information as required by rule 797  
adopted under division (G) of this section. All information 798  
provided to the attorney general under this division shall be 799  
available to law enforcement upon request. 800

(G) The attorney general shall adopt rules describing types 801  
of schemes that are prohibited schemes of chance under division 802  
(C) of section 2915.01 of the Revised Code. The attorney general 803  
shall adopt rules setting forth filing fees and required 804  
information to be submitted by persons conducting a sweepstakes 805  
with the use of a sweepstakes terminal device at a sweepstakes 806  
terminal device facility as described in division (F) of this 807  
section. The attorney general shall issue a certificate of 808  
registration to all persons who have successfully registered as 809  
required by this section. The attorney general shall post online a 810

registry of all properly registered sweepstakes terminal device 811  
operators. 812

(H) The attorney general may refuse to issue an annual 813  
certificate of registration to any person or, if one has been 814  
issued, the attorney general may revoke a certificate of 815  
registration if the applicant has provided any information to the 816  
attorney general as part of a registration, monthly report, or any 817  
other information that is materially false or misleading, or if 818  
the applicant or any officer, partner, or owner of five per cent 819  
or more interest in the applicant has violated any provision of 820  
this chapter. The attorney general may take any necessary and 821  
reasonable action to determine a violation of this chapter, 822  
including requesting documents and information, performing 823  
inspections of premises, or requiring the attendance of any person 824  
at an examination under oath. The attorney general shall adopt 825  
rules to enforce this section to ensure the integrity of 826  
sweepstakes. 827

(I) Whoever violates this section is guilty of gambling, a 828  
~~misdemeanor~~ felony of the ~~first~~ fifth degree. If the offender 829  
previously has been convicted of any gambling offense, gambling is 830  
a felony of the ~~fifth~~ fourth degree. Notwithstanding this 831  
division, failing to file a sweepstakes terminal device monthly 832  
report as required by division (F) of this section is a 833  
misdemeanor of the first degree. 834

**Section 2.** That existing sections 109.54, 2915.01, and 835  
2915.02 of the Revised Code are hereby repealed. 836