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Sub. H. B. No. 605

Representative Huffman

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

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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 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 <u>unless authorized</u>	78
<u>under Chapter 3772. of the Revised Code</u> , lottery <u>unless authorized</u>	79
<u>under Chapter 3770. of the Revised Code</u> , 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	82
include bingo, a skill-based amusement machine, or a pool not	83
conducted for profit. <u>"Scheme of chance" includes the use of an</u>	84
<u>electronic device to reveal the results of a game entry if</u>	85
<u>valuable consideration is paid, directly or indirectly, for a</u>	86
<u>chance to win a prize. Valuable consideration is deemed to be paid</u>	87
<u>for a chance to win a prize in the following instances:</u>	88
(1) <u>Less than fifty per cent of the goods or services sold by</u>	89
<u>a scheme of chance operator in exchange for game entries are used</u>	90
<u>or redeemed by participants at any one location;</u>	91
(2) <u>Less than fifty per cent of participants who purchase</u>	92
<u>goods or services at any one location do not accept, use, or</u>	93
<u>redeem the goods or services sold or purportedly sold;</u>	94
(3) <u>More than fifty per cent of prizes at any one location</u>	95
<u>are revealed to participants through an electronic device</u>	96
<u>simulating a game of chance or a "casino game" as defined in</u>	97
<u>section 3772.01 of the Revised Code;</u>	98
(4) <u>The good or service sold by a scheme of chance operator</u>	99
<u>in exchange for a game entry cannot be used or redeemed in the</u>	100
<u>manner advertised;</u>	101
(5) <u>A participant pays more than fair market value for goods</u>	102
<u>or services offered by a scheme of chance operator in order to</u>	103
<u>receive one or more game entries;</u>	104
(6) <u>A participant may use the electronic device to purchase</u>	105
<u>additional game entries;</u>	106
(7) <u>A participant may purchase additional game entries by</u>	107
<u>using points or credits won as prizes while using the electronic</u>	108
<u>device;</u>	109
(8) <u>A scheme of chance operator pays out in prize money more</u>	110
<u>than twenty per cent of the gross revenue received at one</u>	111

<u>location; or</u>	112
<u>(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.</u>	113
<u>(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.</u>	116
<u>(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.</u>	120
<u>(F) "Gambling device" means any of the following:</u>	123
<u>(1) A book, totalizer, or other equipment for recording bets;</u>	124
<u>(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;</u>	125
<u>(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;</u>	127
<u>(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;</u>	130
<u>(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.</u>	132
<u>(G) "Gambling offense" means any of the following:</u>	134
<u>(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;</u>	135
<u>(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1)</u>	138
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of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	141 142
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	143 144 145
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	146 147 148
(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:	149 150
(1) An organization that is, and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;	151 152 153 154 155
(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code.	156 157 158 159 160
To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.	161 162 163 164 165 166
(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.	167 168 169 170

(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.	171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186
(K) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.	187 188 189 190 191 192
(L) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.	193 194 195 196 197 198
(M) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.	199 200 201 202

(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.	203 204 205 206 207
(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 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.	210 211 212 213 214 215 216
(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.	217 218 219
(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.	220 221 222 223 224 225 226 227
(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 participant.	228 229 230 231 232 233

(2) Instant bingo, punch boards, and raffles.	234
(P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, <u>a scheme of chance, or a sweepstakes.</u>	235
(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.	238
(R) "Participant" means any person who plays bingo.	249
(S) "Bingo session" means a period that includes both of the following:	250
(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and seal cards;	251
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.	252
(T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide	253
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auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:	265 266
(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.	267 268 269
(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.	270 271 272
(3) The food and beverages are sold at customary and reasonable prices.	273 274
(U) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.	275 276 277 278 279 280 281
(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:	282 283 284
(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;	285 286 287 288 289
(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals	290 291 292 293 294 295

who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;	296 297 298 299 300 301 302 303 304 305 306 307 308
(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;	309 310 311 312 313 314 315
(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (K) of this section.	316 317
(W) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.	318 319 320
(X) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.	321 322 323 324 325 326

(Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:	327 328 329
(1) It owns, operates, and maintains playing fields that satisfy both of the following:	330 331
(a) The playing fields are used at least one hundred days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.	332 333 334 335 336 337 338 339
(b) The playing fields are not used for any profit-making activity at any time during the year.	340 341
(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (Y)(1) of this section.	342 343 344
(Z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.	345 346 347 348 349 350 351 352 353
(AA) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters,	354 355 356 357

or symbols, some of which have been designated in advance as prize 358
winners, and may also include games in which some winners are 359
determined by the random selection of one or more bingo numbers by 360
the use of a seal card or bingo blower. In all "instant bingo" the 361
prize amount and structure shall be predetermined. "Instant bingo" 362
does not include any device that is activated by the insertion of 363
a coin, currency, token, or an equivalent, and that contains as 364
one of its components a video display monitor that is capable of 365
displaying numbers, letters, symbols, or characters in winning or 366
losing combinations. 367

(BB) "Seal card" means a form of instant bingo that uses 368
instant bingo tickets in conjunction with a board or placard that 369
contains one or more seals that, when removed or opened, reveal 370
predesignated winning numbers, letters, or symbols. 371

(CC) "Raffle" means a form of bingo in which the one or more 372
prizes are won by one or more persons who have purchased a raffle 373
ticket. The one or more winners of the raffle are determined by 374
drawing a ticket stub or other detachable section from a 375
receptacle containing ticket stubs or detachable sections 376
corresponding to all tickets sold for the raffle. "Raffle" does 377
not include the drawing of a ticket stub or other detachable 378
section of a ticket purchased to attend a professional sporting 379
event if both of the following apply: 380

(1) The ticket stub or other detachable section is used to 381
select the winner of a free prize given away at the professional 382
sporting event; and 383

(2) The cost of the ticket is the same as the cost of a 384
ticket to the professional sporting event on days when no free 385
prize is given away. 386

(DD) "Punch board" means a board containing a number of holes 387
or receptacles of uniform size in which are placed, mechanically 388

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 levied on a premises on which bingo is conducted;	417 418
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	419 420 421 422
(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	423 424 425
(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	426 427 428 429
(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	430 431 432 433
(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	434 435
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	436 437 438
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.	439 440 441
(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.	442 443 444 445
(MM) "Gross annual revenues" means the annual gross receipts	446

derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section.	447 448 449
(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:	450 451 452 453
(1) It is activated upon the insertion of United States currency.	454 455
(2) It performs no gaming functions.	456
(3) It does not contain a video display monitor or generate noise.	457 458
(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.	459 460
(5) It does not simulate or display rolling or spinning reels.	461 462
(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.	463 464 465 466
(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.	467 468
(8) It is not part of an electronic network and is not interactive.	469 470
(OO)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:	471 472 473 474
(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.	475 476

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.	477 478 479
(c) It identifies a winning bingo pattern.	480
(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.	481 482 483
(PP) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.	484 485
(QQ)(1) "Slot machine" means either of the following:	486
(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;	487 488 489 490
(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.	491 492 493 494
(2) "Slot machine" does not include a skill-based amusement machine or an instant bingo ticket dispenser.	495 496
(RR) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies, and, in the case of instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo is conducted.	497 498 499 500 501 502 503
(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the	504 505 506

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 chance event that cannot be altered by player actions.	567 568
(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.	569 570
(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.	571 572 573
(3) All of the following apply to any machine that is operated as described in division (UU)(1) of this section:	574 575
(a) As used in division (UU) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.	576 577 578 579 580 581 582
(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.	583 584 585 586 587
(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.	588 589 590 591 592 593 594
(4) For purposes of division (UU)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the	595 596 597

outcome of the play of the game does not make the device a skill-based amusement machine.	598 599
(VV) "Merchandise prize" means any item of value, but shall not include any of the following:	600 601
(1) Cash, gift cards, or any equivalent thereof;	602
(2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;	603 604
(3) Firearms, tobacco, or alcoholic beverages; or	605
(4) A redeemable voucher that is redeemable for any of the items listed in division (VV)(1), (2), or (3) of this section.	606 607
(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.	608 609
(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.	610 611 612 613
(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.	614 615 616 617 618 619 620
(ZZ) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.	621 622
<u>(AAA)(1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a</u>	623 624 625 626 627

<u>sweepstakes participant, and that is capable of displaying</u>	628
<u>information on a screen or other mechanism. A device is a</u>	629
<u>sweepstakes terminal device whether or not any of the following</u>	630
<u>apply:</u>	631
(a) <u>The device is server-based.</u>	632
(b) <u>The device uses a simulated game terminal as a</u>	633
<u>representation of the prizes associated with the results of the</u>	634
<u>sweepstakes entries.</u>	635
(c) <u>The device utilizes software such that the simulated game</u>	636
<u>influences or determines the winning of or value of the prize.</u>	637
(d) <u>The device selects prizes from a predetermined finite</u>	638
<u>pool of entries.</u>	639
(e) <u>The device utilizes a mechanism that reveals the content</u>	640
<u>of a predetermined sweepstakes entry.</u>	641
(f) <u>The device predetermines the prize results and stores</u>	642
<u>those results for delivery at the time the sweepstakes entry</u>	643
<u>results are revealed.</u>	644
(g) <u>The device utilizes software to create a game result.</u>	645
(h) <u>The device requires deposit of any money, coin, or token,</u>	646
<u>or the use of any credit card, debit card, prepaid card, or any</u>	647
<u>other method of payment to activate the electronic machine or</u>	648
<u>device.</u>	649
(i) <u>The device requires direct payment into the device, or</u>	650
<u>remote activation of the device.</u>	651
(j) <u>The device requires purchase of a related product.</u>	652
(k) <u>Any related product of which purchase is required has</u>	653
<u>legitimate value.</u>	654
(l) <u>The device reveals the prize incrementally, even though</u>	655
<u>the device does not influence the awarding of the prize or the</u>	656

<u>value of any prize awarded.</u>	657
<u>(m) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.</u>	658 659
<u>(n) The device is a slot machine or other form of electrical, mechanical, or computer game.</u>	660 661
<u>(2) As used in this division and in section 2915.02 of the Revised Code:</u>	662 663
<u>(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.</u>	664 665
<u>(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.</u>	666 667 668
<u>(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.</u>	669 670 671 672 673
<u>(d) "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 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.</u>	674 675 676 677 678 679 680 681 682
<u>(e) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant.</u>	683 684 685
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;	687 688
(2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;	689 690 691
(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;	692 693 694 695 696
(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;	697 698
(5) <u>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:</u>	699 700 701
(a) <u>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</u>	702 703 704
(b) <u>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.</u>	705 706 707 708 709 710
(6) <u>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;</u>	711 712 713 714 715
(7) <u>With purpose to violate division (A)(1), (2), (3), or</u>	716

(4), (5), or (6) of this section, acquire, possess, control, or operate any gambling device.	717 718
(B) For purposes of division (A)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.	719 720 721 722 723 724 725 726 727
(C) This section does not prohibit conduct in connection with gambling expressly permitted by law.	728 729
(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 for money.	732 733
(b) The games of chance are conducted by a charitable organization that is, and has received from the internal revenue service a determination letter that is currently in effect, stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.	734 735 736 737 738 739
(c) The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization	740 741 742 743 744 745 746 747

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	
veteran's or fraternal organization to conduct a festival	750
described in division (D)(1)(c) of this section if the veteran's	751
or fraternal organization already has leased the premises twelve	752
times during the preceding year to charitable organizations for	753
that purpose. If a charitable organization leases premises from a	754
veteran's or fraternal organization to conduct a festival	755
described in division (D)(1)(c) of this section, the charitable	756
organization shall not pay a rental rate for the premises per day	757
of the festival that exceeds the rental rate per bingo session	758
that a charitable organization may pay under division (B)(1) of	759
section 2915.09 of the Revised Code when it leases premises from	760
another charitable organization to conduct bingo games.	761
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(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
771	
(e) The games of chance are not conducted during, or within	772
ten hours of, a bingo game conducted for amusement purposes only	773
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) <u>Any person desiring to conduct, or participate in the</u>	788
<u>conduct of, a sweepstakes with the use of a sweepstakes terminal</u>	789
<u>device at a sweepstakes terminal device facility shall first</u>	790
<u>register with the office of the attorney general and obtain an</u>	791
<u>annual certificate of registration by providing a filing fee and</u>	792
<u>all information as required by rule adopted under division (G) of</u>	793
<u>this section. Not later than the tenth day of each month, each</u>	794
<u>sweepstakes terminal device operator shall file a sweepstakes</u>	795
<u>terminal device monthly report with the attorney general and</u>	796
<u>provide a filing fee and all information as required by rule</u>	797
<u>adopted under division (G) of this section. All information</u>	798
<u>provided to the attorney general under this division shall be</u>	799
<u>available to law enforcement upon request.</u>	800
(G) <u>The attorney general shall adopt rules describing types</u>	801
<u>of schemes that are prohibited schemes of chance under division</u>	802
<u>(C) of section 2915.01 of the Revised Code. The attorney general</u>	803
<u>shall adopt rules setting forth filing fees and required</u>	804
<u>information to be submitted by persons conducting a sweepstakes</u>	805
<u>with the use of a sweepstakes terminal device at a sweepstakes</u>	806
<u>terminal device facility as described in division (F) of this</u>	807
<u>section. The attorney general shall issue a certificate of</u>	808
<u>registration to all persons who have successfully registered as</u>	809
<u>required by this section. The attorney general shall post online a</u>	810

<u>registry of all properly registered sweepstakes terminal device operators.</u>	811
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<u>(H) The attorney general may refuse to issue an annual certificate of registration to any person or, if one has been issued, the attorney general may revoke a certificate of registration if the applicant has provided any information to the attorney general as part of a registration, monthly 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. 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. The attorney general shall adopt rules to enforce this section to ensure the integrity of sweepstakes.</u>	813
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<u>(I) 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 is a misdemeanor of the first degree.</u>	828
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Section 2. That existing sections 109.54, 2915.01, and 2915.02 of the Revised Code are hereby repealed.	835
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