

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 356

Senator Coley

A BILL

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

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

Section 1. That sections 2915.01 and 3772.03 of the
Revised Code be amended to read as follows:

Sec. 2915.01. As used in this chapter:

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

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

(C) "Scheme of chance" means a slot machine unless
authorized under Chapter 3772. of the Revised Code, lottery
unless authorized under Chapter 3770. of the Revised Code,
numbers game, pool conducted for profit, a fantasy sports

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

with a game of chance;	76
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	77 78
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	79 80
(G) "Gambling offense" means any of the following:	81
(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;	82 83 84
(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) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	85 86 87 88 89
(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;	90 91 92
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	93 94 95
(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:	96 97
(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;	98 99 100 101 102

(2) A volunteer rescue service organization, volunteer 103
firefighter's organization, veteran's organization, fraternal 104
organization, or sporting organization that is exempt from 105
federal income taxation under subsection 501(c)(4), (c)(7), (c) 106
(8), (c)(10), or (c)(19) of the Internal Revenue Code. 107

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

(I) "Religious organization" means any church, body of 115
communicants, or group that is not organized or operated for 116
profit and that gathers in common membership for regular worship 117
and religious observances. 118

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

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

(K) "Volunteer firefighter's organization" means any 136
organization of volunteer firefighters, as defined in section 137
146.01 of the Revised Code, that is organized and operated 138
exclusively to provide financial support for a volunteer fire 139
department or a volunteer fire company and that is recognized or 140
ratified by a county, municipal corporation, or township. 141

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

(M) "Volunteer rescue service organization" means any 148
organization of volunteers organized to function as an emergency 149
medical service organization, as defined in section 4765.01 of 150
the Revised Code. 151

(N) "Charitable bingo game" means any bingo game described 152
in division (O) (1) or (2) of this section that is conducted by a 153
charitable organization that has obtained a license pursuant to 154
section 2915.08 of the Revised Code and the proceeds of which 155
are used for a charitable purpose. 156

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

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

(a) The participants use bingo cards or sheets, including 159
paper formats and electronic representation or image formats, 160
that are divided into twenty-five spaces arranged in five 161

horizontal and five vertical rows of spaces, with each space, 162
except the central space, being designated by a combination of a 163
letter and a number and with the central space being designated 164
as a free space. 165

(b) The participants cover the spaces on the bingo cards 166
or sheets that correspond to combinations of letters and numbers 167
that are announced by a bingo game operator. 168

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

(d) The winner of the bingo game includes any participant 177
who properly announces during the interval between the 178
announcements of letters and numbers as described in division 179
(O) (1) (c) of this section, that a predetermined and preannounced 180
pattern of spaces has been covered on a bingo card or sheet 181
being used by the participant. 182

(2) Instant bingo, punch boards, and raffles. 183

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

(Q) "Bingo game operator" means any person, except 187
security personnel, who performs work or labor at the site of 188
bingo, including, but not limited to, collecting money from 189
participants, handing out bingo cards or sheets or objects to 190

cover spaces on bingo cards or sheets, selecting from a 191
receptacle the objects that contain the combination of letters 192
and numbers that appear on bingo cards or sheets, calling out 193
the combinations of letters and numbers, distributing prizes, 194
selling or redeeming instant bingo tickets or cards, supervising 195
the operation of a punch board, selling raffle tickets, 196
selecting raffle tickets from a receptacle and announcing the 197
winning numbers in a raffle, and preparing, selling, and serving 198
food or beverages. 199

(R) "Participant" means any person who plays bingo. 200

(S) "Bingo session" means a period that includes both of 201
the following: 202

(1) Not to exceed five continuous hours for the conduct of 203
one or more games described in division (O)(1) of this section, 204
instant bingo, and seal cards; 205

(2) A period for the conduct of instant bingo and seal 206
cards for not more than two hours before and not more than two 207
hours after the period described in division (S)(1) of this 208
section. 209

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

(1) The auxiliary unit or society has been in existence as 218
a bona fide auxiliary unit or society of the charitable 219

organization for at least two years prior to conducting bingo.	220
(2) The person who purchases the food or beverage receives	221
nothing of value except the food or beverage and items	222
customarily received with the purchase of that food or beverage.	223
(3) The food and beverages are sold at customary and	224
reasonable prices.	225
(U) "Security personnel" includes any person who either is	226
a sheriff, deputy sheriff, marshal, deputy marshal, township	227
constable, or member of an organized police department of a	228
municipal corporation or has successfully completed a peace	229
officer's training course pursuant to sections 109.71 to 109.79	230
of the Revised Code and who is hired to provide security for the	231
premises on which bingo is conducted.	232
(V) "Charitable purpose" means that the net profit of	233
bingo, other than instant bingo, is used by, or is given,	234
donated, or otherwise transferred to, any of the following:	235
(1) Any organization that is described in subsection	236
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code	237
and is either a governmental unit or an organization that is tax	238
exempt under subsection 501(a) and described in subsection	239
501(c) (3) of the Internal Revenue Code;	240
(2) A veteran's organization that is a post, chapter, or	241
organization of veterans, or an auxiliary unit or society of, or	242
a trust or foundation for, any such post, chapter, or	243
organization organized in the United States or any of its	244
possessions, at least seventy-five per cent of the members of	245
which are veterans and substantially all of the other members of	246
which are individuals who are spouses, widows, or widowers of	247
veterans, or such individuals, provided that no part of the net	248

earnings of such post, chapter, or organization inures to the 249
benefit of any private shareholder or individual, and further 250
provided that the net profit is used by the post, chapter, or 251
organization for the charitable purposes set forth in division 252
(B)(12) of section 5739.02 of the Revised Code, is used for 253
awarding scholarships to or for attendance at an institution 254
mentioned in division (B)(12) of section 5739.02 of the Revised 255
Code, is donated to a governmental agency, or is used for 256
nonprofit youth activities, the purchase of United States or 257
Ohio flags that are donated to schools, youth groups, or other 258
bona fide nonprofit organizations, promotion of patriotism, or 259
disaster relief; 260

(3) A fraternal organization that has been in continuous 261
existence in this state for fifteen years and that uses the net 262
profit exclusively for religious, charitable, scientific, 263
literary, or educational purposes, or for the prevention of 264
cruelty to children or animals, if contributions for such use 265
would qualify as a deductible charitable contribution under 266
subsection 170 of the Internal Revenue Code; 267

(4) A volunteer firefighter's organization that uses the 268
net profit for the purposes set forth in division (K) of this 269
section. 270

(W) "Internal Revenue Code" means the "Internal Revenue 271
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 272
amended. 273

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

contributing to the support of an athletic team, club, league, or association.	279 280
(Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:	281 282 283
(1) It owns, operates, and maintains playing fields that satisfy both of the following:	284 285
(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.	286 287 288 289 290 291 292 293
(b) The playing fields are not used for any profit-making activity at any time during the year.	294 295
(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.	296 297 298
(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.	299 300 301 302 303 304 305 306 307

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

(BB) "Seal card" means a form of instant bingo that uses 322
instant bingo tickets in conjunction with a board or placard 323
that contains one or more seals that, when removed or opened, 324
reveal predesignated winning numbers, letters, or symbols. 325

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

(1) The ticket stub or other detachable section is used to 335
select the winner of a free prize given away at the professional 336
sporting event; and 337

(2) The cost of the ticket is the same as the cost of a 338
ticket to the professional sporting event on days when no free 339
prize is given away. 340

(DD) "Punch board" means a board containing a number of 341
holes or receptacles of uniform size in which are placed, 342
mechanically and randomly, serially numbered slips of paper that 343
may be punched or drawn from the hole or receptacle when used in 344
conjunction with instant bingo. A player may punch or draw the 345
numbered slips of paper from the holes or receptacles and obtain 346
the prize established for the game if the number drawn 347
corresponds to a winning number or, if the punch board includes 348
the use of a seal card, a potential winning number. 349

(EE) "Gross profit" means gross receipts minus the amount 350
actually expended for the payment of prize awards. 351

(FF) "Net profit" means gross profit minus expenses. 352

(GG) "Expenses" means the reasonable amount of gross 353
profit actually expended for all of the following: 354

(1) The purchase or lease of bingo supplies; 355

(2) The annual license fee required under section 2915.08 356
of the Revised Code; 357

(3) Bank fees and service charges for a bingo session or 358
game account described in section 2915.10 of the Revised Code; 359

(4) Audits and accounting services; 360

(5) Safes; 361

(6) Cash registers; 362

(7) Hiring security personnel; 363

(8) Advertising bingo; 364

(9) Renting premises in which to conduct a bingo session;	365
(10) Tables and chairs;	366
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	367 368 369 370 371
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	372 373
(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.	374 375 376 377
(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.	378 379 380
(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.	381 382 383 384
(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.	385 386 387 388
(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	389 390
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use	391 392

in this state;	393
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.	394 395 396
(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.	397 398 399 400
(MM) "Gross annual revenues" means the annual gross receipts 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.	401 402 403 404 405
(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:	406 407 408 409
(1) It is activated upon the insertion of United States currency.	410 411
(2) It performs no gaming functions.	412
(3) It does not contain a video display monitor or generate noise.	413 414
(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.	415 416
(5) It does not simulate or display rolling or spinning reels.	417 418
(6) It is incapable of determining whether a dispensed	419

bingo ticket or card is a winning or nonwinning ticket or card 420
and requires a winning ticket or card to be paid by a bingo game 421
operator. 422

(7) It may provide accounting and security features to aid 423
in accounting for the instant bingo tickets or cards it 424
dispenses. 425

(8) It is not part of an electronic network and is not 426
interactive. 427

(00) (1) "Electronic bingo aid" means an electronic device 428
used by a participant to monitor bingo cards or sheets purchased 429
at the time and place of a bingo session and that does all of 430
the following: 431

(a) It provides a means for a participant to input numbers 432
and letters announced by a bingo caller. 433

(b) It compares the numbers and letters entered by the 434
participant to the bingo faces previously stored in the memory 435
of the device. 436

(c) It identifies a winning bingo pattern. 437

(2) "Electronic bingo aid" does not include any device 438
into which a coin, currency, token, or an equivalent is inserted 439
to activate play. 440

(PP) "Deal of instant bingo tickets" means a single game 441
of instant bingo tickets all with the same serial number. 442

(QQ) (1) "Slot machine" means either of the following: 443

(a) Any mechanical, electronic, video, or digital device 444
that is capable of accepting anything of value, directly or 445
indirectly, from or on behalf of a player who gives the thing of 446

value in the hope of gain; 447

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

(2) "Slot machine" does not include a skill-based 452
amusement machine, a device used to conduct fantasy sports 453
contests, a device used to conduct E sports contests, or an 454
instant bingo ticket dispenser. 455

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

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

(TT) "Game flare" means the board or placard that 477
accompanies each deal of instant bingo tickets and that has 478
printed on or affixed to it the following information for the 479
game: 480

(1) The name of the game; 481

(2) The manufacturer's name or distinctive logo; 482

(3) The form number; 483

(4) The ticket count; 484

(5) The prize structure, including the number of winning 485
instant bingo tickets by denomination and the respective winning 486
symbol or number combinations for the winning instant bingo 487
tickets; 488

(6) The cost per play; 489

(7) The serial number of the game. 490

(UU) (1) "Skill-based amusement machine" means a 491
mechanical, video, digital, or electronic device that rewards 492
the player or players, if at all, only with merchandise prizes 493
or with redeemable vouchers redeemable only for merchandise 494
prizes, provided that with respect to rewards for playing the 495
game all of the following apply: 496

(a) The wholesale value of a merchandise prize awarded as 497
a result of the single play of a machine does not exceed ten 498
dollars; 499

(b) Redeemable vouchers awarded for any single play of a 500
machine are not redeemable for a merchandise prize with a 501
wholesale value of more than ten dollars; 502

(c) Redeemable vouchers are not redeemable for a 503

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

(d) Any redeemable vouchers or merchandise prizes are 508
distributed at the site of the skill-based amusement machine at 509
the time of play. 510

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

(2) A device shall not be considered a skill-based 518
amusement machine and shall be considered a slot machine if it 519
pays cash or one or more of the following apply: 520

(a) The ability of a player to succeed at the game is 521
impacted by the number or ratio of prior wins to prior losses of 522
players playing the game. 523

(b) Any reward of redeemable vouchers is not based solely 524
on the player achieving the object of the game or the player's 525
score; 526

(c) The outcome of the game, or the value of the 527
redeemable voucher or merchandise prize awarded for winning the 528
game, can be controlled by a source other than any player 529
playing the game. 530

(d) The success of any player is or may be determined by a 531
chance event that cannot be altered by player actions. 532

(e) The ability of any player to succeed at the game is 533
determined by game features not visible or known to the player. 534

(f) The ability of the player to succeed at the game is 535
impacted by the exercise of a skill that no reasonable player 536
could exercise. 537

(3) All of the following apply to any machine that is 538
operated as described in division (UU) (1) of this section: 539

(a) As used in division (UU) of this section, "game" and 540
"play" mean one event from the initial activation of the machine 541
until the results of play are determined without payment of 542
additional consideration. An individual utilizing a machine that 543
involves a single game, play, contest, competition, or 544
tournament may be awarded redeemable vouchers or merchandise 545
prizes based on the results of play. 546

(b) Advance play for a single game, play, contest, 547
competition, or tournament participation may be purchased. The 548
cost of the contest, competition, or tournament participation 549
may be greater than a single noncontest, competition, or 550
tournament play. 551

(c) To the extent that the machine is used in a contest, 552
competition, or tournament, that contest, competition, or 553
tournament has a defined starting and ending date and is open to 554
participants in competition for scoring and ranking results 555
toward the awarding of redeemable vouchers or merchandise prizes 556
that are stated prior to the start of the contest, competition, 557
or tournament. 558

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

affect the outcome of the play of the game does not make the device a skill-based amusement machine. (VV) "Merchandise prize" means any item of value, but shall not include any of the following: (1) Cash, gift cards, or any equivalent thereof; (2) Plays on games of chance, state lottery tickets, bingo, or instant bingo; (3) Firearms, tobacco, or alcoholic beverages; or (4) A redeemable voucher that is redeemable for any of the items listed in division (VV) (1), (2), or (3) of this section. (WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value. (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. (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. (ZZ) "Community action agency" has the same meaning as in section 122.66 of the Revised Code. (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 589
sweepstakes, or by that person's partners, affiliates, 590
subsidiaries, or contractors, that is intended to be used by a 591
sweepstakes participant, and that is capable of displaying 592
information on a screen or other mechanism. A device is a 593
sweepstakes terminal device if any of the following apply: 594

(a) The device uses a simulated game terminal as a 595
representation of the prizes associated with the results of the 596
sweepstakes entries. 597

(b) The device utilizes software such that the simulated 598
game influences or determines the winning of or value of the 599
prize. 600

(c) The device selects prizes from a predetermined finite 601
pool of entries. 602

(d) The device utilizes a mechanism that reveals the 603
content of a predetermined sweepstakes entry. 604

(e) The device predetermines the prize results and stores 605
those results for delivery at the time the sweepstakes entry 606
results are revealed. 607

(f) The device utilizes software to create a game result. 608

(g) The device reveals the prize incrementally, even 609
though the device does not influence the awarding of the prize 610
or the value of any prize awarded. 611

(h) The device determines and associates the prize with an 612
entry or entries at the time the sweepstakes is entered. 613

(2) As used in this division and in section 2915.02 of the 614
Revised Code: 615

(a) "Enter" means the act by which a person becomes 616
eligible to receive any prize offered in a sweepstakes. 617

(b) "Entry" means one event from the initial activation of 618
the sweepstakes terminal device until all the sweepstakes prize 619
results from that activation are revealed. 620

(c) "Prize" means any gift, award, gratuity, good, 621
service, credit, reward, or any other thing of value that may be 622
transferred to a person, whether possession of the prize is 623
actually transferred, or placed on an account or other record as 624
evidence of the intent to transfer the prize. 625

(d) "Sweepstakes terminal device facility" means any 626
location in this state where a sweepstakes terminal device is 627
provided to a sweepstakes participant, except as provided in 628
division (G) of section 2915.02 of the Revised Code. 629

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

(CCC) "Fantasy sports contest" means any game or contest 640
conducted in which an entry fee is charged, a prize is awarded, 641
less than one hundred per cent of the entry fees for a fantasy 642
sports contest is awarded as a prize to a player or players, and 643
the outcome is dependent, in whole or in part, upon the 644

accumulated statistical performance of an athlete or team of 645
athletes in a sporting event. 646

(DDD) "E sports contest" means any game or contest in 647
which persons compete against each other on an electronic, 648
virtual, or digital platform, and the outcome of which is 649
determined at least in part by a person's performance as 650
compared to the performance of another person in the contest or 651
the platform itself. 652

Sec. 3772.03. (A) To ensure the integrity of casino 653
gaming, the commission shall have authority to complete the 654
functions of licensing, regulating, investigating, and 655
penalizing casino operators, management companies, holding 656
companies, key employees, casino gaming employees, and gaming- 657
related vendors. The commission also shall have jurisdiction 658
over all persons participating in casino gaming authorized by 659
Section 6(C) of Article XV, Ohio Constitution, and this chapter. 660

(B) All rules adopted by the commission under this chapter 661
shall be adopted under procedures established in Chapter 119. of 662
the Revised Code. The commission may contract for the services 663
of experts and consultants to assist the commission in carrying 664
out its duties under this section. 665

(C) The commission shall adopt rules as are necessary for 666
completing the functions stated in division (A) of this section 667
and for addressing the subjects enumerated in division (D) of 668
this section. 669

(D) The commission shall adopt, and as advisable and 670
necessary shall amend or repeal, rules that include all of the 671
following: 672

(1) The prevention of practices detrimental to the public 673

interest;	674
(2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;	675 676 677
(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;	678 679 680
(4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;	681 682 683 684 685
(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;	686 687 688
(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;	689 690 691
(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;	692 693
(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;	694 695 696 697 698 699 700 701

(9) Tournament play in any casino facility;	702
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	703 704
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.	705 706 707
(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.	708 709 710
(c) Except as provided by commission rule, no person who participates in the program shall petition the commission for admittance into a casino facility.	711 712 713
(d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator and the agents and employees of the casino operator for purposes of enforcement and to other entities, upon request of the participant and agreement by the commission.	714 715 716 717 718 719
(e) A casino operator shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.	720 721 722
(f) A casino operator shall not cash the check of a person participating in the program or extend credit to the person in any manner. However, the program shall not exclude a casino operator from seeking the payment of a debt accrued by a person before participating in the program.	723 724 725 726 727
(g) Any and all locations at which a person may register as a participant in the program shall be published.	728 729

(11) Requiring the commission to adopt standards regarding the marketing materials of a licensed casino operator, including allowing the commission to prohibit marketing materials that are contrary to the adopted standards;	730 731 732 733
(12) Requiring that the records, including financial statements, of any casino operator, management company, holding company, and gaming-related vendor be maintained in the manner prescribed by the commission and made available for inspection upon demand by the commission, but shall be subject to section 3772.16 of the Revised Code;	734 735 736 737 738 739
(13) Permitting a licensed casino operator, management company, key employee, or casino gaming employee to question a person suspected of violating this chapter;	740 741 742
(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;	743 744 745 746
(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using electronic fingerprint reading devices.	747 748 749 750 751 752 753 754 755 756 757 758

(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code;	759 760 761
(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code;	762 763 764 765
(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;	766 767 768
(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;	769 770
(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;	771 772 773 774 775 776
(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;	777 778 779 780
(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;	781 782 783 784 785 786
(23) Defining penalties for violation of commission rules	787

and a process for imposing such penalties subject to the review	788
of the joint committee on gaming and wagering;	789
(24) Establishing standards for decertifying contractors	790
that violate statutes or rules of this state or the federal	791
government;	792
(25) Establishing standards for the repair of casino	793
gaming equipment;	794
(26) Establishing procedures to ensure that casino	795
operators, management companies, and holding companies are	796
compliant with the compulsive and problem gambling plan	797
submitted under section 3772.18 of the Revised Code;	798
(27) Prescribing, for institutional investors in or	799
holding companies of a casino operator, management company,	800
holding company, or gaming-related vendor that fall below the	801
threshold needed to be considered an institutional investor or a	802
holding company, standards regarding what any employees,	803
members, or owners of those investors or holding companies may	804
do and shall not do in relation to casino facilities and casino	805
gaming in this state, which standards shall rationally relate to	806
the need to proscribe conduct that is inconsistent with passive	807
institutional investment status;	808
(28) Providing for any other thing necessary and proper	809
for successful and efficient regulation of casino gaming under	810
this chapter.	811
(E) The commission shall employ and assign gaming agents	812
as necessary to assist the commission in carrying out the duties	813
of this chapter and Chapter 2915. of the Revised Code. In order	814
to maintain employment as a gaming agent, the gaming agent shall	815
successfully complete all continuing training programs required	816

by the commission and shall not have been convicted of or 817
pleaded guilty or no contest to a disqualifying offense as 818
defined in section 3772.07 of the Revised Code. 819

(F) The commission, as a law enforcement agency, and its 820
gaming agents, as law enforcement officers as defined in section 821
2901.01 of the Revised Code, shall have authority with regard to 822
the detection and investigation of, the seizure of evidence 823
allegedly relating to, and the apprehension and arrest of 824
persons allegedly committing violations of this chapter or 825
gambling offenses as defined in section 2915.01 of the Revised 826
Code or violations of any other law of this state that may 827
affect the integrity of casino gaming, the integrity of pools 828
not conducted for profit, or the operation of skill-based 829
amusement machines, and shall have access to casino facilities, 830
pools not conducted for profit facilities, and skill-based 831
amusement machine facilities to carry out the requirements of 832
this chapter. 833

(G) The commission may eject or exclude or authorize the 834
ejection or exclusion of and a gaming agent may eject a person 835
from a casino facility for any of the following reasons: 836

(1) The person's name is on the list of persons 837
voluntarily excluding themselves from all casinos in a program 838
established according to rules adopted by the commission; 839

(2) The person violates or conspires to violate this 840
chapter or a rule adopted thereunder; or 841

(3) The commission determines that the person's conduct or 842
reputation is such that the person's presence within a casino 843
facility may call into question the honesty and integrity of the 844
casino gaming operations or interfere with the orderly conduct 845

of the casino gaming operations. 846

(H) A person, other than a person participating in a 847
voluntary exclusion program, may petition the commission for a 848
public hearing on the person's ejection or exclusion under this 849
chapter. 850

(I) A casino operator or management company shall have the 851
same authority to eject or exclude a person from the management 852
company's casino facilities as authorized in division (G) of 853
this section. The licensee shall immediately notify the 854
commission of an ejection or exclusion. 855

(J) The commission shall submit a written annual report 856
with the governor, president and minority leader of the senate, 857
speaker and minority leader of the house of representatives, and 858
joint committee on gaming and wagering before the first day of 859
September each year. The annual report shall cover the previous 860
fiscal year and shall include all of the following: 861

(1) A statement describing the receipts and disbursements 862
of the commission; 863

(2) Relevant financial data regarding casino gaming, 864
including gross revenues and disbursements made under this 865
chapter; 866

(3) Actions taken by the commission; 867

(4) An update on casino operators', management companies', 868
and holding companies' compulsive and problem gambling plans and 869
the voluntary exclusion program and list; 870

(5) Information regarding prosecutions for conduct 871
described in division (H) of section 3772.99 of the Revised 872
Code, including, but not limited to, the total number of 873

prosecutions commenced and the name of each person prosecuted; 874

(6) Any additional information that the commission 875
considers useful or that the governor, president or minority 876
leader of the senate, speaker or minority leader of the house of 877
representatives, or joint committee on gaming and wagering 878
requests. 879

(K) To ensure the integrity of skill-based amusement 880
machine operations, the commission shall have jurisdiction over 881
all persons conducting or participating in the conduct of skill- 882
based amusement machine operations authorized by this chapter 883
and Chapter 2915. of the Revised Code, including the authority 884
to complete the functions of licensing, regulating, 885
investigating, and penalizing those persons in a manner that is 886
consistent with the commission's authority to do the same with 887
respect to casino gaming. To carry out this division, the 888
commission may adopt rules under Chapter 119. of the Revised 889
Code, including rules establishing fees and penalties related to 890
the operation of skill-based amusement machines. 891

(L) To ensure the integrity of pools not conducted for 892
profit and to ensure persons conducting pools not for profit are 893
conducting the pools in a manner consistent with Chapter 2915. 894
of the Revised Code, the commission shall have jurisdiction over 895
all persons conducting or participating in the conduct of pools 896
not conducted for profit as defined in section 2915.01 of the 897
Revised Code, including the authority to complete the functions 898
of licensing, regulating, investigating, and penalizing those 899
persons in a manner that is consistent with the commission's 900
authority to do the same with respect to casino gaming. To carry 901
out this division, the commission may adopt rules under Chapter 902
119. of the Revised Code, including rules establishing fees and 903

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