

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 282

Representatives Holmes, A., LaRe

A BILL

To amend section 2915.01 and to enact section 1
2915.083 of the Revised Code to permit the use 2
of electronic instant bingo devices. 3

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

Section 1. That section 2915.01 be amended and section 4
2915.083 of the Revised Code be enacted to read as follows: 5

Sec. 2915.01. As used in this chapter: 6

(A) "Bookmaking" means the business of receiving or paying 7
off bets. 8

(B) "Bet" means the hazarding of anything of value upon 9
the result of an event, undertaking, or contingency, but does 10
not include a bona fide business risk. 11

(C) "Scheme of chance" means a slot machine unless 12
authorized under Chapter 3772. of the Revised Code, lottery 13
unless authorized under Chapter 3770. of the Revised Code, 14
numbers game, pool conducted for profit, or other scheme in 15
which a participant gives a valuable consideration for a chance 16
to win a prize, but does not include bingo, a skill-based 17
amusement machine, or a pool not conducted for profit. "Scheme 18

of chance" includes the use of an electronic device to reveal 19
the results of a game entry if valuable consideration is paid, 20
directly or indirectly, for a chance to win a prize. Valuable 21
consideration is deemed to be paid for a chance to win a prize 22
in the following instances: 23

(1) Less than fifty per cent of the goods or services sold 24
by a scheme of chance operator in exchange for game entries are 25
used or redeemed by participants at any one location; 26

(2) Less than fifty per cent of participants who purchase 27
goods or services at any one location do not accept, use, or 28
redeem the goods or services sold or purportedly sold; 29

(3) More than fifty per cent of prizes at any one location 30
are revealed to participants through an electronic device 31
simulating a game of chance or a "casino game" as defined in 32
section 3772.01 of the Revised Code; 33

(4) The good or service sold by a scheme of chance 34
operator in exchange for a game entry cannot be used or redeemed 35
in the manner advertised; 36

(5) A participant pays more than fair market value for 37
goods or services offered by a scheme of chance operator in 38
order to receive one or more game entries; 39

(6) A participant may use the electronic device to 40
purchase additional game entries; 41

(7) A participant may purchase additional game entries by 42
using points or credits won as prizes while using the electronic 43
device; 44

(8) A scheme of chance operator pays out in prize money 45
more than twenty per cent of the gross revenue received at one 46

location; or 47

(9) A participant makes a purchase or exchange in order to 48
obtain any good or service that may be used to facilitate play 49
on the electronic device. 50

As used in this division, "electronic device" means a 51
mechanical, video, digital, or electronic machine or device that 52
is capable of displaying information on a screen or other 53
mechanism and that is owned, leased, or otherwise possessed by 54
any person conducting a scheme of chance, or by that person's 55
partners, affiliates, subsidiaries, or contractors. "Electronic 56
device" does not include an electronic instant bingo device. 57

(D) "Game of chance" means poker, craps, roulette, or 58
other game in which a player gives anything of value in the hope 59
of gain, the outcome of which is determined largely by chance, 60
but does not include bingo. 61

(E) "Game of chance conducted for profit" means any game 62
of chance designed to produce income for the person who conducts 63
or operates the game of chance, but does not include bingo. 64

(F) "Gambling device" means any of the following: 65

(1) A book, totalizer, or other equipment for recording 66
bets; 67

(2) A ticket, token, or other device representing a 68
chance, share, or interest in a scheme of chance or evidencing a 69
bet; 70

(3) A deck of cards, dice, gaming table, roulette wheel, 71
slot machine, or other apparatus designed for use in connection 72
with a game of chance; 73

(4) Any equipment, device, apparatus, or paraphernalia 74

75 specially designed for gambling purposes;

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

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

79 (1) A violation of section 2915.02, 2915.03, 2915.04,
80 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,
81 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;

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

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

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

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

95 (1) An organization that is, and has received from the
96 internal revenue service a determination letter that currently
97 is in effect stating that the organization is, exempt from
98 federal income taxation under subsection 501(a) and described in
99 subsection 501(c) (3) of the Internal Revenue Code;

100 (2) A volunteer rescue service organization, volunteer
101 firefighter's organization, veteran's organization, fraternal
102 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.

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.

(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.

(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.

(K) "Volunteer firefighter's organization" means any 133
organization of volunteer firefighters, as defined in section 134
146.01 of the Revised Code, that is organized and operated 135
exclusively to provide financial support for a volunteer fire 136
department or a volunteer fire company and that is recognized or 137
ratified by a county, municipal corporation, or township. 138

(L) "Fraternal organization" means any society, order, 139
state headquarters, or association within this state, except a 140
college or high school fraternity, that is not organized for 141
profit, that is a branch, lodge, or chapter of a national or 142
state organization, that exists exclusively for the common 143
business or sodality of its members. 144

(M) "Volunteer rescue service organization" means any 145
organization of volunteers organized to function as an emergency 146
medical service organization, as defined in section 4765.01 of 147
the Revised Code. 148

(N) "Charitable bingo game" means any bingo game described 149
in division (O) (1) or (2) of this section that is conducted by a 150
charitable organization that has obtained a license pursuant to 151
section 2915.08 of the Revised Code and the proceeds of which 152
are used for a charitable purpose. 153

(O) "Bingo" means either of the following: 154

(1) A game with all of the following characteristics: 155

(a) The participants use bingo cards or sheets, including 156
paper formats and electronic representation or image formats, 157
that are divided into twenty-five spaces arranged in five 158
horizontal and five vertical rows of spaces, with each space, 159
except the central space, being designated by a combination of a 160
letter and a number and with the central space being designated 161

as a free space. 162

(b) The participants cover the spaces on the bingo cards 163
or sheets that correspond to combinations of letters and numbers 164
that are announced by a bingo game operator. 165

(c) A bingo game operator announces combinations of 166
letters and numbers that appear on objects that a bingo game 167
operator selects by chance, either manually or mechanically, 168
from a receptacle that contains seventy-five objects at the 169
beginning of each game, each object marked by a different 170
combination of a letter and a number that corresponds to one of 171
the seventy-five possible combinations of a letter and a number 172
that can appear on the bingo cards or sheets. 173

(d) The winner of the bingo game includes any participant 174
who properly announces during the interval between the 175
announcements of letters and numbers as described in division 176
(O) (1) (c) of this section, that a predetermined and preannounced 177
pattern of spaces has been covered on a bingo card or sheet 178
being used by the participant. 179

(2) Instant bingo, punch boards, and raffles. 180

(P) "Conduct" means to back, promote, organize, manage, 181
carry on, sponsor, or prepare for the operation of bingo or a 182
game of chance, a scheme of chance, or a sweepstakes. 183

(Q) "Bingo game operator" means any person, except 184
security personnel, who performs work or labor at the site of 185
bingo, including, but not limited to, collecting money from 186
participants, handing out bingo cards or sheets or objects to 187
cover spaces on bingo cards or sheets, selecting from a 188
receptacle the objects that contain the combination of letters 189
and numbers that appear on bingo cards or sheets, calling out 190

the combinations of letters and numbers, distributing prizes, 191
selling or redeeming instant bingo tickets or cards, supervising 192
the operation of a punch board, selling raffle tickets, 193
selecting raffle tickets from a receptacle and announcing the 194
winning numbers in a raffle, and preparing, selling, and serving 195
food or beverages. 196

(R) "Participant" means any person who plays bingo. 197

(S) "Bingo session" means a period that includes both of 198
the following: 199

(1) Not to exceed five continuous hours for the conduct of 200
one or more games described in division (O) (1) of this section, 201
instant bingo, and seal cards; 202

(2) A period for the conduct of instant bingo and seal 203
cards for not more than two hours before and not more than two 204
hours after the period described in division (S) (1) of this 205
section. 206

(T) "Gross receipts" means all money or assets, including 207
admission fees, that a person receives from bingo without the 208
deduction of any amounts for prizes paid out or for the expenses 209
of conducting bingo. "Gross receipts" does not include any money 210
directly taken in from the sale of food or beverages by a 211
charitable organization conducting bingo, or by a bona fide 212
auxiliary unit or society of a charitable organization 213
conducting bingo, provided all of the following apply: 214

(1) The auxiliary unit or society has been in existence as 215
a bona fide auxiliary unit or society of the charitable 216
organization for at least two years prior to conducting bingo. 217

(2) The person who purchases the food or beverage receives 218
nothing of value except the food or beverage and items 219

customarily received with the purchase of that food or beverage. 220

(3) The food and beverages are sold at customary and 221
reasonable prices. 222

(U) "Security personnel" includes any person who either is 223
a sheriff, deputy sheriff, marshal, deputy marshal, township 224
constable, or member of an organized police department of a 225
municipal corporation or has successfully completed a peace 226
officer's training course pursuant to sections 109.71 to 109.79 227
of the Revised Code and who is hired to provide security for the 228
premises on which bingo is conducted. 229

(V) "Charitable purpose" means that the net profit of 230
bingo, other than instant bingo, is used by, or is given, 231
donated, or otherwise transferred to, any of the following: 232

(1) Any organization that is described in subsection 233
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 234
and is either a governmental unit or an organization that is tax 235
exempt under subsection 501(a) and described in subsection 236
501(c)(3) of the Internal Revenue Code; 237

(2) A veteran's organization that is a post, chapter, or 238
organization of veterans, or an auxiliary unit or society of, or 239
a trust or foundation for, any such post, chapter, or 240
organization organized in the United States or any of its 241
possessions, at least seventy-five per cent of the members of 242
which are veterans and substantially all of the other members of 243
which are individuals who are spouses, widows, or widowers of 244
veterans, or such individuals, provided that no part of the net 245
earnings of such post, chapter, or organization inures to the 246
benefit of any private shareholder or individual, and further 247
provided that the net profit is used by the post, chapter, or 248

organization for the charitable purposes set forth in division 249
(B) (12) of section 5739.02 of the Revised Code, is used for 250
awarding scholarships to or for attendance at an institution 251
mentioned in division (B) (12) of section 5739.02 of the Revised 252
Code, is donated to a governmental agency, or is used for 253
nonprofit youth activities, the purchase of United States or 254
Ohio flags that are donated to schools, youth groups, or other 255
bona fide nonprofit organizations, promotion of patriotism, or 256
disaster relief; 257

(3) A fraternal organization that has been in continuous 258
existence in this state for fifteen years and that uses the net 259
profit exclusively for religious, charitable, scientific, 260
literary, or educational purposes, or for the prevention of 261
cruelty to children or animals, if contributions for such use 262
would qualify as a deductible charitable contribution under 263
subsection 170 of the Internal Revenue Code; 264

(4) A volunteer firefighter's organization that uses the 265
net profit for the purposes set forth in division (K) of this 266
section. 267

(W) "Internal Revenue Code" means the "Internal Revenue 268
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 269
amended. 270

(X) "Youth athletic organization" means any organization, 271
not organized for profit, that is organized and operated 272
exclusively to provide financial support to, or to operate, 273
athletic activities for persons who are twenty-one years of age 274
or younger by means of sponsoring, organizing, operating, or 275
contributing to the support of an athletic team, club, league, 276
or association. 277

(Y) "Youth athletic park organization" means any 278
organization, not organized for profit, that satisfies both of 279
the following: 280

(1) It owns, operates, and maintains playing fields that 281
satisfy both of the following: 282

(a) The playing fields are used at least one hundred days 283
per year for athletic activities by one or more organizations, 284
not organized for profit, each of which is organized and 285
operated exclusively to provide financial support to, or to 286
operate, athletic activities for persons who are eighteen years 287
of age or younger by means of sponsoring, organizing, operating, 288
or contributing to the support of an athletic team, club, 289
league, or association. 290

(b) The playing fields are not used for any profit-making 291
activity at any time during the year. 292

(2) It uses the proceeds of bingo it conducts exclusively 293
for the operation, maintenance, and improvement of its playing 294
fields of the type described in division (Y)(1) of this section. 295

(Z) "Bingo supplies" means bingo cards or sheets; instant 296
bingo tickets or cards; electronic bingo aids; raffle tickets; 297
punch boards; seal cards; instant bingo ticket dispensers; 298
electronic instant bingo devices; and devices for selecting or 299
displaying the combination of bingo letters and numbers or 300
raffle tickets. Items that are "bingo supplies" are not gambling 301
devices if sold or otherwise provided, and used, in accordance 302
with this chapter. For purposes of this chapter, "bingo 303
supplies" are not to be considered equipment used to conduct a 304
bingo game. 305

(AA) "Instant bingo" means a form of bingo that shall use 306

folded or banded tickets or paper cards with perforated break- 307
open tabs, a face of which is covered or otherwise hidden from 308
view to conceal a number, letter, or symbol, or set of numbers, 309
letters, or symbols, some of which have been designated in 310
advance as prize winners, and may also include games in which 311
some winners are determined by the random selection of one or 312
more bingo numbers by the use of a seal card or bingo blower. 313
"Instant bingo" also includes instant bingo played on an 314
electronic instant bingo device. In all "instant bingo" the 315
prize amount and structure shall be predetermined. ~~"Instant~~ 316
~~bingo" does not include any device that is activated by the~~ 317
~~insertion of a coin, currency, token, or an equivalent, and that~~ 318
~~contains as one of its components a video display monitor that~~ 319
~~is capable of displaying numbers, letters, symbols, or~~ 320
~~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. "Seal 325
card" also includes a digital or electronic representation of a 326
physical seal card. 327

(CC) "Raffle" means a form of bingo in which the one or 328
more prizes are won by one or more persons who have purchased a 329
raffle ticket. The one or more winners of the raffle are 330
determined by drawing a ticket stub or other detachable section 331
from a receptacle containing ticket stubs or detachable sections 332
corresponding to all tickets sold for the raffle. "Raffle" does 333
not include the drawing of a ticket stub or other detachable 334
section of a ticket purchased to attend a professional sporting 335
event if both of the following apply: 336

(1) The ticket stub or other detachable section is used to 337
select the winner of a free prize given away at the professional 338
sporting event; and 339

(2) The cost of the ticket is the same as the cost of a 340
ticket to the professional sporting event on days when no free 341
prize is given away. 342

(DD) "Punch board" means a board containing a number of 343
holes or receptacles of uniform size in which are placed, 344
mechanically and randomly, serially numbered slips of paper that 345
may be punched or drawn from the hole or receptacle when used in 346
conjunction with instant bingo. A player may punch or draw the 347
numbered slips of paper from the holes or receptacles and obtain 348
the prize established for the game if the number drawn 349
corresponds to a winning number or, if the punch board includes 350
the use of a seal card, a potential winning number. 351

(EE) "Gross profit" means gross receipts minus the amount 352
actually expended for the payment of prize awards. 353

(FF) "Net profit" means gross profit minus expenses. 354

(GG) "Expenses" means the reasonable amount of gross 355
profit actually expended for all of the following: 356

(1) The purchase or lease of bingo supplies; 357

(2) The annual license fee required under section 2915.08 358
of the Revised Code; 359

(3) Bank fees and service charges for a bingo session or 360
game account described in section 2915.10 of the Revised Code; 361

(4) Audits and accounting services; 362

(5) Safes; 363

(6) Cash registers;	364
(7) Hiring security personnel;	365
(8) Advertising bingo;	366
(9) Renting premises in which to conduct a bingo session;	367
(10) Tables and chairs;	368
(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;	369 370 371 372 373
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	374 375
(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.	376 377 378 379
(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.	380 381 382
(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.	383 384 385 386
(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.	387 388 389 390

(KK) "Distributor" means any person who purchases or 391
obtains bingo supplies and who does either of the following: 392

(1) Sells, offers for sale, or otherwise provides or 393
offers to provide the bingo supplies to another person for use 394
in this state; 395

(2) Modifies, converts, adds to, or removes parts from the 396
bingo supplies to further their promotion or sale for use in 397
this state. 398

(LL) "Manufacturer" means any person who assembles 399
completed bingo supplies from raw materials, other items, or 400
subparts or who modifies, converts, adds to, or removes parts 401
from bingo supplies to further their promotion or sale. 402

(MM) "Gross annual revenues" means the annual gross 403
receipts derived from the conduct of bingo described in division 404
(O) (1) of this section plus the annual net profit derived from 405
the conduct of bingo described in division (O) (2) of this 406
section. 407

(NN) "Instant bingo ticket dispenser" means a mechanical 408
device that dispenses an instant bingo ticket or card as the 409
sole item of value dispensed and that has the following 410
characteristics: 411

(1) It is activated upon the insertion of United States 412
currency. 413

(2) It performs no gaming functions. 414

(3) It does not contain a video display monitor or 415
generate noise. 416

(4) It is not capable of displaying any numbers, letters, 417
symbols, or characters in winning or losing combinations. 418

(5) It does not simulate or display rolling or spinning 419
reels. 420

(6) It is incapable of determining whether a dispensed 421
bingo ticket or card is a winning or nonwinning ticket or card 422
and requires a winning ticket or card to be paid by a bingo game 423
operator. 424

(7) It may provide accounting and security features to aid 425
in accounting for the instant bingo tickets or cards it 426
dispenses. 427

(8) It is not part of an electronic network and is not 428
interactive. 429

(OO) (1) "Electronic bingo aid" means an electronic device 430
used by a participant to monitor bingo cards or sheets purchased 431
at the time and place of a bingo session and that does all of 432
the following: 433

(a) It provides a means for a participant to input numbers 434
and letters announced by a bingo caller. 435

(b) It compares the numbers and letters entered by the 436
participant to the bingo faces previously stored in the memory 437
of the device. 438

(c) It identifies a winning bingo pattern. 439

(2) "Electronic bingo aid" does not include any device 440
into which a coin, currency, token, or an equivalent is inserted 441
to activate play. 442

(PP) "Deal of instant bingo tickets" means a single game 443
of instant bingo tickets all with the same serial number. 444

(QQ) (1) "Slot machine" means either of the following: 445

(a) Any mechanical, electronic, video, or digital device 446
that is capable of accepting anything of value, directly or 447
indirectly, from or on behalf of a player who gives the thing of 448
value in the hope of gain; 449

(b) Any mechanical, electronic, video, or digital device 450
that is capable of accepting anything of value, directly or 451
indirectly, from or on behalf of a player to conduct bingo or a 452
scheme or game of chance. 453

(2) "Slot machine" does not include a skill-based 454
amusement machine~~or, an instant bingo ticket dispenser, or an~~ 455
electronic instant bingo device. 456

(RR) "Net profit from the proceeds of the sale of instant 457
bingo" means gross profit minus the ordinary, necessary, and 458
reasonable expense expended for the purchase of instant bingo 459
supplies, and, in the case of instant bingo conducted by a 460
veteran's, fraternal, or sporting organization, minus the 461
payment by that organization of real property taxes and 462
assessments levied on a premises on which instant bingo is 463
conducted. 464

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

organization, or a sporting organization pursuant to section 476
2915.13 of the Revised Code. 477

(TT) "Game flare" means the board or placard, or the 478
electronic representation of the board or placard, that 479
accompanies each deal of instant bingo tickets and that has 480
printed on or affixed to it the following information for the 481
game: 482

(1) The name of the game; 483

(2) The manufacturer's name or distinctive logo; 484

(3) The form number; 485

(4) The ticket count; 486

(5) The prize structure, including the number of winning 487
instant bingo tickets by denomination and the respective winning 488
symbol or number combinations for the winning instant bingo 489
tickets; 490

(6) The cost per play; 491

(7) The serial number of the game. 492

(UU) (1) "Skill-based amusement machine" means a 493
mechanical, video, digital, or electronic device that rewards 494
the player or players, if at all, only with merchandise prizes 495
or with redeemable vouchers redeemable only for merchandise 496
prizes, provided that with respect to rewards for playing the 497
game all of the following apply: 498

(a) The wholesale value of a merchandise prize awarded as 499
a result of the single play of a machine does not exceed ten 500
dollars; 501

(b) Redeemable vouchers awarded for any single play of a 502

machine are not redeemable for a merchandise prize with a 503
wholesale value of more than ten dollars; 504

(c) Redeemable vouchers are not redeemable for a 505
merchandise prize that has a wholesale value of more than ten 506
dollars times the fewest number of single plays necessary to 507
accrue the redeemable vouchers required to obtain that prize; 508
and 509

(d) Any redeemable vouchers or merchandise prizes are 510
distributed at the site of the skill-based amusement machine at 511
the time of play. 512

A card for the purchase of gasoline is a redeemable 513
voucher for purposes of division (UU) (1) of this section even if 514
the skill-based amusement machine for the play of which the card 515
is awarded is located at a place where gasoline may not be 516
legally distributed to the public or the card is not redeemable 517
at the location of, or at the time of playing, the skill-based 518
amusement machine. 519

(2) A device shall not be considered a skill-based 520
amusement machine and shall be considered a slot machine if it 521
pays cash or one or more of the following apply: 522

(a) The ability of a player to succeed at the game is 523
impacted by the number or ratio of prior wins to prior losses of 524
players playing the game. 525

(b) Any reward of redeemable vouchers is not based solely 526
on the player achieving the object of the game or the player's 527
score; 528

(c) The outcome of the game, or the value of the 529
redeemable voucher or merchandise prize awarded for winning the 530
game, can be controlled by a source other than any player 531

playing the game. 532

(d) The success of any player is or may be determined by a 533
chance event that cannot be altered by player actions. 534

(e) The ability of any player to succeed at the game is 535
determined by game features not visible or known to the player. 536

(f) The ability of the player to succeed at the game is 537
impacted by the exercise of a skill that no reasonable player 538
could exercise. 539

(3) All of the following apply to any machine that is 540
operated as described in division (UU) (1) of this section: 541

(a) As used in division (UU) of this section, "game" and 542
"play" mean one event from the initial activation of the machine 543
until the results of play are determined without payment of 544
additional consideration. An individual utilizing a machine that 545
involves a single game, play, contest, competition, or 546
tournament may be awarded redeemable vouchers or merchandise 547
prizes based on the results of play. 548

(b) Advance play for a single game, play, contest, 549
competition, or tournament participation may be purchased. The 550
cost of the contest, competition, or tournament participation 551
may be greater than a single noncontest, competition, or 552
tournament play. 553

(c) To the extent that the machine is used in a contest, 554
competition, or tournament, that contest, competition, or 555
tournament has a defined starting and ending date and is open to 556
participants in competition for scoring and ranking results 557
toward the awarding of redeemable vouchers or merchandise prizes 558
that are stated prior to the start of the contest, competition, 559
or tournament. 560

(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 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, 589
video, digital, or electronic machine or device that is owned, 590
leased, or otherwise possessed by any person conducting a 591
sweepstakes, or by that person's partners, affiliates, 592
subsidiaries, or contractors, that is intended to be used by a 593
sweepstakes participant, and that is capable of displaying 594
information on a screen or other mechanism. A device is a 595
sweepstakes terminal device if any of the following apply: 596

(a) The device uses a simulated game terminal as a 597
representation of the prizes associated with the results of the 598
sweepstakes entries. 599

(b) The device utilizes software such that the simulated 600
game influences or determines the winning of or value of the 601
prize. 602

(c) The device selects prizes from a predetermined finite 603
pool of entries. 604

(d) The device utilizes a mechanism that reveals the 605
content of a predetermined sweepstakes entry. 606

(e) The device predetermines the prize results and stores 607
those results for delivery at the time the sweepstakes entry 608
results are revealed. 609

(f) The device utilizes software to create a game result. 610

(g) The device reveals the prize incrementally, even 611
though the device does not influence the awarding of the prize 612
or the value of any prize awarded. 613

(h) The device determines and associates the prize with an 614
entry or entries at the time the sweepstakes is entered. 615

(2) As used in this division and in section 2915.02 of the 616

Revised Code: 617

(a) "Enter" means the act by which a person becomes 618
eligible to receive any prize offered in a sweepstakes. 619

(b) "Entry" means one event from the initial activation of 620
the sweepstakes terminal device until all the sweepstakes prize 621
results from that activation are revealed. 622

(c) "Prize" means any gift, award, gratuity, good, 623
service, credit, reward, or any other thing of value that may be 624
transferred to a person, whether possession of the prize is 625
actually transferred, or placed on an account or other record as 626
evidence of the intent to transfer the prize. 627

(d) "Sweepstakes terminal device facility" means any 628
location in this state where a sweepstakes terminal device is 629
provided to a sweepstakes participant, except as provided in 630
division (G) of section 2915.02 of the Revised Code. 631

(BBB) "Sweepstakes" means any game, contest, advertising 632
scheme or plan, or other promotion where consideration is not 633
required for a person to enter to win or become eligible to 634
receive any prize, the determination of which is based upon 635
chance. "Sweepstakes" does not include bingo as authorized under 636
this chapter, pari-mutuel wagering as authorized by Chapter 637
3769. of the Revised Code, lotteries conducted by the state 638
lottery commission as authorized by Chapter 3770. of the Revised 639
Code, and casino gaming as authorized by Chapter 3772. of the 640
Revised Code. 641

(CCC) "Electronic instant bingo device" means an 642
electronic device that allows a person to play an electronic or 643
digital representation of a form of physical instant bingo. 644

Sec. 2915.083. (A) The attorney general shall adopt rules 645

under Chapter 119. of the Revised Code to ensure the integrity 646
of electronic instant bingo. 647

(B) An electronic instant bingo device shall not be 648
provided to a charitable organization unless both of the 649
following are true: 650

(1) The device and supporting system have been reviewed by 651
the attorney general. 652

(2) An independent testing laboratory has issued a report 653
stating that the electronic instant bingo device and supporting 654
system have been tested, analyzed, and determined to meet the 655
requirements of this chapter and of any rules adopted by the 656
attorney general under this chapter. 657

(C) All electronic instant bingo devices and supporting 658
systems shall interface with a centralized report management 659
system. The system shall track all information required by this 660
chapter and by rules adopted by the attorney general under this 661
chapter. The system shall have the capability to monitor all 662
electronic instant bingo devices used in this state in real time 663
and to remotely deactivate any such device. 664

Section 2. That existing section 2915.01 of the Revised 665
Code is hereby repealed. 666