

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 194**

**Representatives Greenspan, Kelly**

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**A BILL**

To amend sections 109.572, 718.031, 3770.01, 1  
3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 2  
5747.063, 5747.08, 5747.20, 5751.01, 5753.01, 3  
5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 4  
5753.07, 5753.08, and 5753.10 and to enact 5  
sections 3770.30, 3770.31, 3770.32, 3770.33, 6  
3770.331, 3770.34, 3770.35, 3770.36, 3770.37, 7  
3770.38, 3770.39, 3770.40, 5753.021, and 8  
5753.031 of the Revised Code to create a Sports 9  
Gaming Advisory Board, to legalize and regulate 10  
sports gaming in this state, and to levy a tax 11  
on businesses that provide sports gaming. 12

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

**Section 1.** That sections 109.572, 718.031, 3770.01, 13  
3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 5747.063, 5747.08, 14  
5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 15  
5753.061, 5753.07, 5753.08, and 5753.10 be amended and sections 16  
3770.30, 3770.31, 3770.32, 3770.33, 3770.331, 3770.34, 3770.35, 17  
3770.36, 3770.37, 3770.38, 3770.39, 3770.40, 5753.021, and 18  
5753.031 of the Revised Code be enacted to read as follows: 19

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 20  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 21  
Code, a completed form prescribed pursuant to division (C) (1) of 22  
this section, and a set of fingerprint impressions obtained in 23  
the manner described in division (C) (2) of this section, the 24  
superintendent of the bureau of criminal identification and 25  
investigation shall conduct a criminal records check in the 26  
manner described in division (B) of this section to determine 27  
whether any information exists that indicates that the person 28  
who is the subject of the request previously has been convicted 29  
of or pleaded guilty to any of the following: 30

(a) A violation of section 2903.01, 2903.02, 2903.03, 31  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 32  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 33  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 34  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 35  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 36  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 37  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 38  
sexual penetration in violation of former section 2907.12 of the 39  
Revised Code, a violation of section 2905.04 of the Revised Code 40  
as it existed prior to July 1, 1996, a violation of section 41  
2919.23 of the Revised Code that would have been a violation of 42  
section 2905.04 of the Revised Code as it existed prior to July 43  
1, 1996, had the violation been committed prior to that date, or 44  
a violation of section 2925.11 of the Revised Code that is not a 45  
minor drug possession offense; 46

(b) A violation of an existing or former law of this 47  
state, any other state, or the United States that is 48  
substantially equivalent to any of the offenses listed in 49  
division (A) (1) (a) of this section; 50

(c) If the request is made pursuant to section 3319.39 of 51  
the Revised Code for an applicant who is a teacher, any offense 52  
specified in section 3319.31 of the Revised Code. 53

(2) On receipt of a request pursuant to section 3712.09 or 54  
3721.121 of the Revised Code, a completed form prescribed 55  
pursuant to division (C)(1) of this section, and a set of 56  
fingerprint impressions obtained in the manner described in 57  
division (C)(2) of this section, the superintendent of the 58  
bureau of criminal identification and investigation shall 59  
conduct a criminal records check with respect to any person who 60  
has applied for employment in a position for which a criminal 61  
records check is required by those sections. The superintendent 62  
shall conduct the criminal records check in the manner described 63  
in division (B) of this section to determine whether any 64  
information exists that indicates that the person who is the 65  
subject of the request previously has been convicted of or 66  
pleaded guilty to any of the following: 67

(a) A violation of section 2903.01, 2903.02, 2903.03, 68  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 69  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 70  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 71  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 72  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 73  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 74  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 75  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 76

(b) An existing or former law of this state, any other 77  
state, or the United States that is substantially equivalent to 78  
any of the offenses listed in division (A)(2)(a) of this 79  
section. 80

(3) On receipt of a request pursuant to section 173.27, 81  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 82  
5123.081, or 5123.169 of the Revised Code, a completed form 83  
prescribed pursuant to division (C)(1) of this section, and a 84  
set of fingerprint impressions obtained in the manner described 85  
in division (C)(2) of this section, the superintendent of the 86  
bureau of criminal identification and investigation shall 87  
conduct a criminal records check of the person for whom the 88  
request is made. The superintendent shall conduct the criminal 89  
records check in the manner described in division (B) of this 90  
section to determine whether any information exists that 91  
indicates that the person who is the subject of the request 92  
previously has been convicted of, has pleaded guilty to, or 93  
(except in the case of a request pursuant to section 5164.34, 94  
5164.341, or 5164.342 of the Revised Code) has been found 95  
eligible for intervention in lieu of conviction for any of the 96  
following, regardless of the date of the conviction, the date of 97  
entry of the guilty plea, or (except in the case of a request 98  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 99  
Revised Code) the date the person was found eligible for 100  
intervention in lieu of conviction: 101

(a) A violation of section 959.13, 959.131, 2903.01, 102  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 103  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 104  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 105  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 106  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 107  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 108  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 109  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 110  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 111

2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 112  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 113  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 114  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 115  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 116  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 117  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 118  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 119  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 120

(b) Felonious sexual penetration in violation of former 121  
section 2907.12 of the Revised Code; 122

(c) A violation of section 2905.04 of the Revised Code as 123  
it existed prior to July 1, 1996; 124

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 125  
the Revised Code when the underlying offense that is the object 126  
of the conspiracy, attempt, or complicity is one of the offenses 127  
listed in divisions (A) (3) (a) to (c) of this section; 128

(e) A violation of an existing or former municipal 129  
ordinance or law of this state, any other state, or the United 130  
States that is substantially equivalent to any of the offenses 131  
listed in divisions (A) (3) (a) to (d) of this section. 132

(4) On receipt of a request pursuant to section 2151.86 of 133  
the Revised Code, a completed form prescribed pursuant to 134  
division (C) (1) of this section, and a set of fingerprint 135  
impressions obtained in the manner described in division (C) (2) 136  
of this section, the superintendent of the bureau of criminal 137  
identification and investigation shall conduct a criminal 138  
records check in the manner described in division (B) of this 139  
section to determine whether any information exists that 140

indicates that the person who is the subject of the request 141  
previously has been convicted of or pleaded guilty to any of the 142  
following: 143

(a) A violation of section 959.13, 2903.01, 2903.02, 144  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 145  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 146  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 147  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 148  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 149  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 150  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 151  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 152  
2927.12, or 3716.11 of the Revised Code, a violation of section 153  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 154  
a violation of section 2919.23 of the Revised Code that would 155  
have been a violation of section 2905.04 of the Revised Code as 156  
it existed prior to July 1, 1996, had the violation been 157  
committed prior to that date, a violation of section 2925.11 of 158  
the Revised Code that is not a minor drug possession offense, 159  
two or more OVI or OVUAC violations committed within the three 160  
years immediately preceding the submission of the application or 161  
petition that is the basis of the request, or felonious sexual 162  
penetration in violation of former section 2907.12 of the 163  
Revised Code; 164

(b) A violation of an existing or former law of this 165  
state, any other state, or the United States that is 166  
substantially equivalent to any of the offenses listed in 167  
division (A) (4) (a) of this section. 168

(5) Upon receipt of a request pursuant to section 5104.013 169  
of the Revised Code, a completed form prescribed pursuant to 170

division (C) (1) of this section, and a set of fingerprint 171  
impressions obtained in the manner described in division (C) (2) 172  
of this section, the superintendent of the bureau of criminal 173  
identification and investigation shall conduct a criminal 174  
records check in the manner described in division (B) of this 175  
section to determine whether any information exists that 176  
indicates that the person who is the subject of the request has 177  
been convicted of or pleaded guilty to any of the following: 178

(a) A violation of section 2151.421, 2903.01, 2903.02, 179  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 180  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 181  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 182  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 183  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 184  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 185  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 186  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 187  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 188  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 189  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 190  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 191  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 192  
3716.11 of the Revised Code, felonious sexual penetration in 193  
violation of former section 2907.12 of the Revised Code, a 194  
violation of section 2905.04 of the Revised Code as it existed 195  
prior to July 1, 1996, a violation of section 2919.23 of the 196  
Revised Code that would have been a violation of section 2905.04 197  
of the Revised Code as it existed prior to July 1, 1996, had the 198  
violation been committed prior to that date, a violation of 199  
section 2925.11 of the Revised Code that is not a minor drug 200  
possession offense, a violation of section 2923.02 or 2923.03 of 201

the Revised Code that relates to a crime specified in this 202  
division, or a second violation of section 4511.19 of the 203  
Revised Code within five years of the date of application for 204  
licensure or certification. 205

(b) A violation of an existing or former law of this 206  
state, any other state, or the United States that is 207  
substantially equivalent to any of the offenses or violations 208  
described in division (A) (5) (a) of this section. 209

(6) Upon receipt of a request pursuant to section 5153.111 210  
of the Revised Code, a completed form prescribed pursuant to 211  
division (C) (1) of this section, and a set of fingerprint 212  
impressions obtained in the manner described in division (C) (2) 213  
of this section, the superintendent of the bureau of criminal 214  
identification and investigation shall conduct a criminal 215  
records check in the manner described in division (B) of this 216  
section to determine whether any information exists that 217  
indicates that the person who is the subject of the request 218  
previously has been convicted of or pleaded guilty to any of the 219  
following: 220

(a) A violation of section 2903.01, 2903.02, 2903.03, 221  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 222  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 223  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 224  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 225  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 226  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 227  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 228  
Code, felonious sexual penetration in violation of former 229  
section 2907.12 of the Revised Code, a violation of section 230  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 231



a violation of section 2919.23 of the Revised Code that would 232  
have been a violation of section 2905.04 of the Revised Code as 233  
it existed prior to July 1, 1996, had the violation been 234  
committed prior to that date, or a violation of section 2925.11 235  
of the Revised Code that is not a minor drug possession offense; 236

(b) A violation of an existing or former law of this 237  
state, any other state, or the United States that is 238  
substantially equivalent to any of the offenses listed in 239  
division (A) (6) (a) of this section. 240

(7) On receipt of a request for a criminal records check 241  
from an individual pursuant to section 4749.03 or 4749.06 of the 242  
Revised Code, accompanied by a completed copy of the form 243  
prescribed in division (C) (1) of this section and a set of 244  
fingerprint impressions obtained in a manner described in 245  
division (C) (2) of this section, the superintendent of the 246  
bureau of criminal identification and investigation shall 247  
conduct a criminal records check in the manner described in 248  
division (B) of this section to determine whether any 249  
information exists indicating that the person who is the subject 250  
of the request has been convicted of or pleaded guilty to a 251  
felony in this state or in any other state. If the individual 252  
indicates that a firearm will be carried in the course of 253  
business, the superintendent shall require information from the 254  
federal bureau of investigation as described in division (B) (2) 255  
of this section. Subject to division (F) of this section, the 256  
superintendent shall report the findings of the criminal records 257  
check and any information the federal bureau of investigation 258  
provides to the director of public safety. 259

(8) On receipt of a request pursuant to section 1321.37, 260  
1321.53, or 4763.05 of the Revised Code, a completed form 261

prescribed pursuant to division (C)(1) of this section, and a 262  
set of fingerprint impressions obtained in the manner described 263  
in division (C)(2) of this section, the superintendent of the 264  
bureau of criminal identification and investigation shall 265  
conduct a criminal records check with respect to any person who 266  
has applied for a license, permit, or certification from the 267  
department of commerce or a division in the department. The 268  
superintendent shall conduct the criminal records check in the 269  
manner described in division (B) of this section to determine 270  
whether any information exists that indicates that the person 271  
who is the subject of the request previously has been convicted 272  
of or pleaded guilty to any of the following: a violation of 273  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 274  
Revised Code; any other criminal offense involving theft, 275  
receiving stolen property, embezzlement, forgery, fraud, passing 276  
bad checks, money laundering, or drug trafficking, or any 277  
criminal offense involving money or securities, as set forth in 278  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 279  
the Revised Code; or any existing or former law of this state, 280  
any other state, or the United States that is substantially 281  
equivalent to those offenses. 282

(9) On receipt of a request for a criminal records check 283  
from the treasurer of state under section 113.041 of the Revised 284  
Code or from an individual under section 4701.08, 4715.101, 285  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 286  
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 287  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 288  
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 289  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 290  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 291  
4779.091, or 4783.04 of the Revised Code, accompanied by a 292

completed form prescribed under division (C) (1) of this section 293  
and a set of fingerprint impressions obtained in the manner 294  
described in division (C) (2) of this section, the superintendent 295  
of the bureau of criminal identification and investigation shall 296  
conduct a criminal records check in the manner described in 297  
division (B) of this section to determine whether any 298  
information exists that indicates that the person who is the 299  
subject of the request has been convicted of or pleaded guilty 300  
to any criminal offense in this state or any other state. 301  
Subject to division (F) of this section, the superintendent 302  
shall send the results of a check requested under section 303  
113.041 of the Revised Code to the treasurer of state and shall 304  
send the results of a check requested under any of the other 305  
listed sections to the licensing board specified by the 306  
individual in the request. 307

(10) On receipt of a request pursuant to section 124.74, 308  
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 309  
completed form prescribed pursuant to division (C) (1) of this 310  
section, and a set of fingerprint impressions obtained in the 311  
manner described in division (C) (2) of this section, the 312  
superintendent of the bureau of criminal identification and 313  
investigation shall conduct a criminal records check in the 314  
manner described in division (B) of this section to determine 315  
whether any information exists that indicates that the person 316  
who is the subject of the request previously has been convicted 317  
of or pleaded guilty to any criminal offense under any existing 318  
or former law of this state, any other state, or the United 319  
States. 320

(11) On receipt of a request for a criminal records check 321  
from an appointing or licensing authority under section 3772.07 322  
of the Revised Code, a completed form prescribed under division 323

(C) (1) of this section, and a set of fingerprint impressions 324  
obtained in the manner prescribed in division (C) (2) of this 325  
section, the superintendent of the bureau of criminal 326  
identification and investigation shall conduct a criminal 327  
records check in the manner described in division (B) of this 328  
section to determine whether any information exists that 329  
indicates that the person who is the subject of the request 330  
previously has been convicted of or pleaded guilty or no contest 331  
to any offense under any existing or former law of this state, 332  
any other state, or the United States that is a disqualifying 333  
offense as defined in section 3772.07 of the Revised Code or 334  
substantially equivalent to such an offense. 335

(12) On receipt of a request pursuant to section 2151.33 336  
or 2151.412 of the Revised Code, a completed form prescribed 337  
pursuant to division (C) (1) of this section, and a set of 338  
fingerprint impressions obtained in the manner described in 339  
division (C) (2) of this section, the superintendent of the 340  
bureau of criminal identification and investigation shall 341  
conduct a criminal records check with respect to any person for 342  
whom a criminal records check is required under that section. 343  
The superintendent shall conduct the criminal records check in 344  
the manner described in division (B) of this section to 345  
determine whether any information exists that indicates that the 346  
person who is the subject of the request previously has been 347  
convicted of or pleaded guilty to any of the following: 348

(a) A violation of section 2903.01, 2903.02, 2903.03, 349  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 350  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 351  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 352  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 353  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 354

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 355  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 356  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 357

(b) An existing or former law of this state, any other 358  
state, or the United States that is substantially equivalent to 359  
any of the offenses listed in division (A)(12)(a) of this 360  
section. 361

(13) On receipt of a request pursuant to section 3796.12 362  
of the Revised Code, a completed form prescribed pursuant to 363  
division (C)(1) of this section, and a set of fingerprint 364  
impressions obtained in a manner described in division (C)(2) of 365  
this section, the superintendent of the bureau of criminal 366  
identification and investigation shall conduct a criminal 367  
records check in the manner described in division (B) of this 368  
section to determine whether any information exists that 369  
indicates that the person who is the subject of the request 370  
previously has been convicted of or pleaded guilty to the 371  
following: 372

(a) A disqualifying offense as specified in rules adopted 373  
under division (B)(2)(b) of section 3796.03 of the Revised Code 374  
if the person who is the subject of the request is an 375  
administrator or other person responsible for the daily 376  
operation of, or an owner or prospective owner, officer or 377  
prospective officer, or board member or prospective board member 378  
of, an entity seeking a license from the department of commerce 379  
under Chapter 3796. of the Revised Code; 380

(b) A disqualifying offense as specified in rules adopted 381  
under division (B)(2)(b) of section 3796.04 of the Revised Code 382  
if the person who is the subject of the request is an 383  
administrator or other person responsible for the daily 384

operation of, or an owner or prospective owner, officer or 385  
prospective officer, or board member or prospective board member 386  
of, an entity seeking a license from the state board of pharmacy 387  
under Chapter 3796. of the Revised Code. 388

(14) On receipt of a request required by section 3796.13 389  
of the Revised Code, a completed form prescribed pursuant to 390  
division (C)(1) of this section, and a set of fingerprint 391  
impressions obtained in a manner described in division (C)(2) of 392  
this section, the superintendent of the bureau of criminal 393  
identification and investigation shall conduct a criminal 394  
records check in the manner described in division (B) of this 395  
section to determine whether any information exists that 396  
indicates that the person who is the subject of the request 397  
previously has been convicted of or pleaded guilty to the 398  
following: 399

(a) A disqualifying offense as specified in rules adopted 400  
under division (B)(8)(a) of section 3796.03 of the Revised Code 401  
if the person who is the subject of the request is seeking 402  
employment with an entity licensed by the department of commerce 403  
under Chapter 3796. of the Revised Code; 404

(b) A disqualifying offense as specified in rules adopted 405  
under division (B)(14)(a) of section 3796.04 of the Revised Code 406  
if the person who is the subject of the request is seeking 407  
employment with an entity licensed by the state board of 408  
pharmacy under Chapter 3796. of the Revised Code. 409

(15) On receipt of a request pursuant to section 4768.06 410  
of the Revised Code, a completed form prescribed under division 411  
(C)(1) of this section, and a set of fingerprint impressions 412  
obtained in the manner described in division (C)(2) of this 413  
section, the superintendent of the bureau of criminal 414

identification and investigation shall conduct a criminal 415  
records check in the manner described in division (B) of this 416  
section to determine whether any information exists indicating 417  
that the person who is the subject of the request has been 418  
convicted of or pleaded guilty to a felony in this state or in 419  
any other state. 420

(16) On receipt of a request pursuant to division (B) of 421  
section 4764.07 of the Revised Code, a completed form prescribed 422  
under division (C) (1) of this section, and a set of fingerprint 423  
impressions obtained in the manner described in division (C) (2) 424  
of this section, the superintendent of the bureau of criminal 425  
identification and investigation shall conduct a criminal 426  
records check in the manner described in division (B) of this 427  
section to determine whether any information exists indicating 428  
that the person who is the subject of the request has been 429  
convicted of or pleaded guilty to any crime of moral turpitude, 430  
a felony, or an equivalent offense in any other state or the 431  
United States. 432

(17) On receipt of a request for a criminal records check 433  
under section 147.022 of the Revised Code, a completed form 434  
prescribed under division (C) (1) of this section, and a set of 435  
fingerprint impressions obtained in the manner prescribed in 436  
division (C) (2) of this section, the superintendent of the 437  
bureau of criminal identification and investigation shall 438  
conduct a criminal records check in the manner described in 439  
division (B) of this section to determine whether any 440  
information exists that indicates that the person who is the 441  
subject of the request previously has been convicted of or 442  
pleaded guilty or no contest to any disqualifying offense, as 443  
defined in section 147.011 of the Revised Code, or to any 444  
offense under any existing or former law of this state, any 445

other state, or the United States that is substantially 446  
equivalent to such a disqualifying offense. 447

(18) On receipt of a request pursuant to section 3770.32 448  
of the Revised Code, a completed form prescribed under division 449  
(C) (1) of this section, and a set of fingerprint impressions 450  
obtained in the manner described in division (C) (2) of this 451  
section, the superintendent of the bureau of criminal 452  
identification and investigation shall conduct a criminal 453  
records check in the manner described in division (B) of this 454  
section to determine whether any information exists indicating 455  
that the person who is the subject of the request has been 456  
convicted of or pleaded guilty or no contest to any offense 457  
under any existing or former law of this state, any other state, 458  
or the United States that is a disqualifying offense as 459  
described in division (A) (3) of section 3770.36 of the Revised 460  
Code or substantially equivalent to a disqualifying offense as 461  
described in that section. 462

(B) Subject to division (F) of this section, the 463  
superintendent shall conduct any criminal records check to be 464  
conducted under this section as follows: 465

(1) The superintendent shall review or cause to be 466  
reviewed any relevant information gathered and compiled by the 467  
bureau under division (A) of section 109.57 of the Revised Code 468  
that relates to the person who is the subject of the criminal 469  
records check, including, if the criminal records check was 470  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 471  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 472  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 473  
3721.121, 3770.32, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 474  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 475



5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 476  
5153.111 of the Revised Code, any relevant information contained 477  
in records that have been sealed under section 2953.32 of the 478  
Revised Code; 479

(2) If the request received by the superintendent asks for 480  
information from the federal bureau of investigation, the 481  
superintendent shall request from the federal bureau of 482  
investigation any information it has with respect to the person 483  
who is the subject of the criminal records check, including 484  
fingerprint-based checks of national crime information databases 485  
as described in 42 U.S.C. 671 if the request is made pursuant to 486  
section 2151.86 or 5104.013 of the Revised Code or if any other 487  
Revised Code section requires fingerprint-based checks of that 488  
nature, and shall review or cause to be reviewed any information 489  
the superintendent receives from that bureau. If a request under 490  
section 3319.39 of the Revised Code asks only for information 491  
from the federal bureau of investigation, the superintendent 492  
shall not conduct the review prescribed by division (B)(1) of 493  
this section. 494

(3) The superintendent or the superintendent's designee 495  
may request criminal history records from other states or the 496  
federal government pursuant to the national crime prevention and 497  
privacy compact set forth in section 109.571 of the Revised 498  
Code. 499

(4) The superintendent shall include in the results of the 500  
criminal records check a list or description of the offenses 501  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 502  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 503  
of this section, whichever division requires the superintendent 504  
to conduct the criminal records check. The superintendent shall 505

exclude from the results any information the dissemination of 506  
which is prohibited by federal law. 507

(5) The superintendent shall send the results of the 508  
criminal records check to the person to whom it is to be sent 509  
not later than the following number of days after the date the 510  
superintendent receives the request for the criminal records 511  
check, the completed form prescribed under division (C) (1) of 512  
this section, and the set of fingerprint impressions obtained in 513  
the manner described in division (C) (2) of this section: 514

(a) If the superintendent is required by division (A) of 515  
this section (other than division (A) (3) of this section) to 516  
conduct the criminal records check, thirty; 517

(b) If the superintendent is required by division (A) (3) 518  
of this section to conduct the criminal records check, sixty. 519

(C) (1) The superintendent shall prescribe a form to obtain 520  
the information necessary to conduct a criminal records check 521  
from any person for whom a criminal records check is to be 522  
conducted under this section. The form that the superintendent 523  
prescribes pursuant to this division may be in a tangible 524  
format, in an electronic format, or in both tangible and 525  
electronic formats. 526

(2) The superintendent shall prescribe standard impression 527  
sheets to obtain the fingerprint impressions of any person for 528  
whom a criminal records check is to be conducted under this 529  
section. Any person for whom a records check is to be conducted 530  
under this section shall obtain the fingerprint impressions at a 531  
county sheriff's office, municipal police department, or any 532  
other entity with the ability to make fingerprint impressions on 533  
the standard impression sheets prescribed by the superintendent. 534

The office, department, or entity may charge the person a 535  
reasonable fee for making the impressions. The standard 536  
impression sheets the superintendent prescribes pursuant to this 537  
division may be in a tangible format, in an electronic format, 538  
or in both tangible and electronic formats. 539

(3) Subject to division (D) of this section, the 540  
superintendent shall prescribe and charge a reasonable fee for 541  
providing a criminal records check under this section. The 542  
person requesting the criminal records check shall pay the fee 543  
prescribed pursuant to this division. In the case of a request 544  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 545  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 546  
fee shall be paid in the manner specified in that section. 547

(4) The superintendent of the bureau of criminal 548  
identification and investigation may prescribe methods of 549  
forwarding fingerprint impressions and information necessary to 550  
conduct a criminal records check, which methods shall include, 551  
but not be limited to, an electronic method. 552

(D) The results of a criminal records check conducted 553  
under this section, other than a criminal records check 554  
specified in division (A) (7) of this section, are valid for the 555  
person who is the subject of the criminal records check for a 556  
period of one year from the date upon which the superintendent 557  
completes the criminal records check. If during that period the 558  
superintendent receives another request for a criminal records 559  
check to be conducted under this section for that person, the 560  
superintendent shall provide the results from the previous 561  
criminal records check of the person at a lower fee than the fee 562  
prescribed for the initial criminal records check. 563

(E) When the superintendent receives a request for 564

information from a registered private provider, the 565  
superintendent shall proceed as if the request was received from 566  
a school district board of education under section 3319.39 of 567  
the Revised Code. The superintendent shall apply division (A) (1) 568  
(c) of this section to any such request for an applicant who is 569  
a teacher. 570

(F) (1) Subject to division (F) (2) of this section, all 571  
information regarding the results of a criminal records check 572  
conducted under this section that the superintendent reports or 573  
sends under division (A) (7) or (9) of this section to the 574  
director of public safety, the treasurer of state, or the 575  
person, board, or entity that made the request for the criminal 576  
records check shall relate to the conviction of the subject 577  
person, or the subject person's plea of guilty to, a criminal 578  
offense. 579

(2) Division (F) (1) of this section does not limit, 580  
restrict, or preclude the superintendent's release of 581  
information that relates to the arrest of a person who is 582  
eighteen years of age or older, to an adjudication of a child as 583  
a delinquent child, or to a criminal conviction of a person 584  
under eighteen years of age in circumstances in which a release 585  
of that nature is authorized under division (E) (2), (3), or (4) 586  
of section 109.57 of the Revised Code pursuant to a rule adopted 587  
under division (E) (1) of that section. 588

(G) As used in this section: 589

(1) "Criminal records check" means any criminal records 590  
check conducted by the superintendent of the bureau of criminal 591  
identification and investigation in accordance with division (B) 592  
of this section. 593

(2) "Minor drug possession offense" has the same meaning 594  
as in section 2925.01 of the Revised Code. 595

(3) "OVI or OVUAC violation" means a violation of section 596  
4511.19 of the Revised Code or a violation of an existing or 597  
former law of this state, any other state, or the United States 598  
that is substantially equivalent to section 4511.19 of the 599  
Revised Code. 600

(4) "Registered private provider" means a nonpublic school 601  
or entity registered with the superintendent of public 602  
instruction under section 3310.41 of the Revised Code to 603  
participate in the autism scholarship program or section 3310.58 604  
of the Revised Code to participate in the Jon Peterson special 605  
needs scholarship program. 606

**Sec. 718.031.** As used in this section, "sports gaming 607  
facility" and "sports gaming agent" have the same meanings as in 608  
section 3770.30 of the Revised Code. 609

(A) A municipal corporation shall require a casino 610  
facility or a casino operator, as defined in Section 6(C)(9) of 611  
Article XV, Ohio Constitution, and section 3772.01 of the 612  
Revised Code, respectively, a sports gaming agent, or a lottery 613  
sales agent conducting video lottery terminals on behalf of the 614  
state to withhold and remit municipal income tax with respect to 615  
amounts other than qualifying wages as provided in this section. 616

(B) If a person's winnings at a casino facility or sports 617  
gaming facility are an amount for which reporting to the 618  
internal revenue service of the amount is required by section 619  
6041 of the Internal Revenue Code, as amended, the casino 620  
operator or sports gaming agent shall deduct and withhold 621  
municipal income tax from the person's winnings at the rate of 622

the tax imposed by the municipal corporation in which the ~~casino~~ 623  
facility is located. 624

(C) Amounts deducted and withheld by a casino operator or 625  
sports gaming agent are held in trust for the benefit of the 626  
municipal corporation to which the tax is owed. 627

(1) On or before the tenth day of each month, the casino 628  
operator or sports gaming agent shall file a return 629  
electronically with the tax administrator of the municipal 630  
corporation, providing the name, address, and social security 631  
number of the person from whose winnings amounts were deducted 632  
and withheld, the amount of each such deduction and withholding 633  
during the preceding calendar month, the amount of the winnings 634  
from which each such amount was withheld, the type of casino 635  
gaming or sports gaming that resulted in such winnings, and any 636  
other information required by the tax administrator. With this 637  
return, the ~~casino~~-operator or agent shall remit electronically 638  
to the municipal corporation all amounts deducted and withheld 639  
during the preceding month. 640

(2) Annually, on or before the thirty-first day of 641  
January, a casino operator or sports gaming agent shall file an 642  
annual return electronically with the tax administrator of the 643  
municipal corporation in which the casino facility or sports 644  
gaming facility is located, indicating the total amount deducted 645  
and withheld during the preceding calendar year. The ~~casino~~- 646  
operator or agent shall remit electronically with the annual 647  
return any amount that was deducted and withheld and that was 648  
not previously remitted. If the name, address, or social 649  
security number of a person or the amount deducted and withheld 650  
with respect to that person was omitted on a monthly return for 651  
that reporting period, that information shall be indicated on 652

the annual return.

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(3) Annually, on or before the thirty-first day of  
January, a casino operator or sports gaming agent shall issue an  
information return to each person with respect to whom an amount  
has been deducted and withheld during the preceding calendar  
year. The information return shall show the total amount of  
municipal income tax deducted from the person's winnings during  
the preceding year. The ~~casino operator~~ or agent shall provide  
to the tax administrator a copy of each information return  
issued under this division. The administrator may require that  
such copies be transmitted electronically.

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(4) A casino operator or sports gaming agent that fails to  
file a return and remit the amounts deducted and withheld shall  
be personally liable for the amount withheld and not remitted.  
Such personal liability extends to any penalty and interest  
imposed for the late filing of a return or the late payment of  
tax deducted and withheld.

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(5) If a casino operator or sports gaming agent sells the  
casino facility or sports gaming facility, or otherwise quits  
the casino or sports gaming business, the amounts deducted and  
withheld along with any penalties and interest thereon are  
immediately due and payable. The successor shall withhold an  
amount of the purchase money that is sufficient to cover the  
amounts deducted and withheld along with any penalties and  
interest thereon until the predecessor casino operator or sports  
gaming agent produces either of the following:

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(a) A receipt from the tax administrator showing that the  
amounts deducted and withheld and penalties and interest thereon  
have been paid;

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(b) A certificate from the tax administrator indicating 682  
that no amounts are due. 683

If the successor fails to withhold purchase money, the 684  
successor is personally liable for the payment of the amounts 685  
deducted and withheld and penalties and interest thereon. 686

(6) The failure of a casino operator or sports gaming 687  
agent to deduct and withhold the required amount from a person's 688  
winnings does not relieve that person from liability for the 689  
municipal income tax with respect to those winnings. 690

(D) If a person's prize award from a video lottery 691  
terminal is an amount for which reporting to the internal 692  
revenue service is required by section 6041 of the Internal 693  
Revenue Code, as amended, the video lottery sales agent shall 694  
deduct and withhold municipal income tax from the person's prize 695  
award at the rate of the tax imposed by the municipal 696  
corporation in which the video lottery terminal facility is 697  
located. 698

(E) Amounts deducted and withheld by a video lottery sales 699  
agent are held in trust for the benefit of the municipal 700  
corporation to which the tax is owed. 701

(1) The video lottery sales agent shall issue to a person 702  
from whose prize award an amount has been deducted and withheld 703  
a receipt for the amount deducted and withheld, and shall obtain 704  
from the person receiving a prize award the person's name, 705  
address, and social security number in order to facilitate the 706  
preparation of returns required by this section. 707

(2) On or before the tenth day of each month, the video 708  
lottery sales agent shall file a return electronically with the 709  
tax administrator of the municipal corporation providing the 710



names, addresses, and social security numbers of the persons 711  
from whose prize awards amounts were deducted and withheld, the 712  
amount of each such deduction and withholding during the 713  
preceding calendar month, the amount of the prize award from 714  
which each such amount was withheld, and any other information 715  
required by the tax administrator. With the return, the video 716  
lottery sales agent shall remit electronically to the tax 717  
administrator all amounts deducted and withheld during the 718  
preceding month. 719

(3) A video lottery sales agent shall maintain a record of 720  
all receipts issued under division (E) of this section and shall 721  
make those records available to the tax administrator upon 722  
request. Such records shall be maintained in accordance with 723  
section 5747.17 of the Revised Code and any rules adopted 724  
pursuant thereto. 725

(4) Annually, on or before the thirty-first day of 726  
January, each video lottery terminal sales agent shall file an 727  
annual return electronically with the tax administrator of the 728  
municipal corporation in which the facility is located 729  
indicating the total amount deducted and withheld during the 730  
preceding calendar year. The video lottery sales agent shall 731  
remit electronically with the annual return any amount that was 732  
deducted and withheld and that was not previously remitted. If 733  
the name, address, or social security number of a person or the 734  
amount deducted and withheld with respect to that person was 735  
omitted on a monthly return for that reporting period, that 736  
information shall be indicated on the annual return. 737

(5) Annually, on or before the thirty-first day of 738  
January, a video lottery sales agent shall issue an information 739  
return to each person with respect to whom an amount has been 740

deducted and withheld during the preceding calendar year. The 741  
information return shall show the total amount of municipal 742  
income tax deducted and withheld from the person's prize award 743  
by the video lottery sales agent during the preceding year. A 744  
video lottery sales agent shall provide to the tax administrator 745  
of the municipal corporation a copy of each information return 746  
issued under this division. The tax administrator may require 747  
that such copies be transmitted electronically. 748

(6) A video lottery sales agent who fails to file a return 749  
and remit the amounts deducted and withheld is personally liable 750  
for the amount deducted and withheld and not remitted. Such 751  
personal liability extends to any penalty and interest imposed 752  
for the late filing of a return or the late payment of tax 753  
deducted and withheld. 754

(F) If a video lottery sales agent ceases to operate video 755  
lottery terminals, the amounts deducted and withheld along with 756  
any penalties and interest thereon are immediately due and 757  
payable. The successor of the video lottery sales agent that 758  
purchases the video lottery terminals from the agent shall 759  
withhold an amount from the purchase money that is sufficient to 760  
cover the amounts deducted and withheld and any penalties and 761  
interest thereon until the predecessor video lottery sales agent 762  
operator produces either of the following: 763

(1) A receipt from the tax administrator showing that the 764  
amounts deducted and withheld and penalties and interest thereon 765  
have been paid; 766

(2) A certificate from the tax administrator indicating 767  
that no amounts are due. 768

If the successor fails to withhold purchase money, the 769

successor is personally liable for the payment of the amounts 770  
deducted and withheld and penalties and interest thereon. 771

(G) The failure of a video lottery sales agent to deduct 772  
and withhold the required amount from a person's prize award 773  
does not relieve that person from liability for the municipal 774  
income tax with respect to that prize award. 775

(H) If a casino operator, sports gaming agent, or lottery 776  
sales agent files a return late, fails to file a return, remits 777  
amounts deducted and withheld late, or fails to remit amounts 778  
deducted and withheld as required under this section, the tax 779  
administrator of a municipal corporation may impose the 780  
following applicable penalty: 781

(1) For the late remittance of, or failure to remit, tax 782  
deducted and withheld under this section, a penalty equal to 783  
fifty per cent of the tax deducted and withheld; 784

(2) For the failure to file, or the late filing of, a 785  
monthly or annual return, a penalty of five hundred dollars for 786  
each return not filed or filed late. Interest shall accrue on 787  
past due amounts deducted and withheld at the rate prescribed in 788  
section 5703.47 of the Revised Code. 789

(I) Amounts deducted and withheld on behalf of a municipal 790  
corporation shall be allowed as a credit against payment of the 791  
tax imposed by the municipal corporation and shall be treated as 792  
taxes paid for purposes of section 718.08 of the Revised Code. 793  
This division applies only to the person for whom the amount is 794  
deducted and withheld. 795

(J) The tax administrator shall prescribe the forms of the 796  
receipts and returns required under this section. 797

**Sec. 3770.01.** (A) There is hereby created the state 798

lottery commission consisting of ~~nine~~eleven members appointed 799  
by the governor with the advice and consent of the senate. No 800  
more than ~~five~~six members of the commission shall be members of 801  
the same political party. Of the additional and new appointments 802  
made to the commission pursuant to the amendment of August 1, 803  
1980, three shall be for terms ending August 1, 1981, three 804  
shall be for terms ending August 1, 1982, and three shall be for 805  
terms ending August 1, 1983. The additional two members first 806  
appointed to the commission after the effective date of this 807  
amendment shall be appointed to terms ending August 1, 2022. 808  
Thereafter, terms of office shall be for three years, each term 809  
ending on the same day of the same month of the year as did the 810  
term which it succeeds. 811

(B) Each member shall hold office from the date of 812  
appointment until the end of the term for which the member was 813  
appointed. Any member appointed to fill a vacancy occurring 814  
prior to the expiration of the term for which the member's 815  
predecessor was appointed shall hold office for the remainder of 816  
that term. Any member shall continue in office subsequent to the 817  
expiration date of the member's term until the member's 818  
successor takes office, or until a period of sixty days has 819  
elapsed, whichever occurs first. 820

(C) All members of the commission shall be citizens of the 821  
United States and residents of this state. The members of the 822  
commission shall represent the various geographic regions of the 823  
state. No member of the commission shall have any pecuniary 824  
interest in any contract or license awarded by the commission. 825  
One person appointed as a member of the commission shall have 826  
experience or training in the area of problem gambling or other 827  
addictions and in assistance to recovering gambling or other 828  
addicts. Each person appointed as a member of the commission, 829

except the member appointed as having experience or training in 830  
the area of problem gambling or other addictions and in 831  
assistance to recovering gambling or other addicts, shall have 832  
prior experience or education in business administration, 833  
management, sales, marketing, or advertising. Three persons 834  
appointed as members of the commission shall have gaming 835  
experience. 836

(D) The commission shall elect annually one of its members 837  
to serve as chairperson for a term of one year. Election as 838  
chairperson shall not extend a member's appointive term. Each 839  
member of the commission shall receive an annual salary of five 840  
thousand dollars, payable in monthly installments. Each member 841  
of the commission also shall receive the member's actual and 842  
necessary expenses incurred in the discharge of the member's 843  
official duties. 844

(E) Each member of the commission, before entering upon 845  
the discharge of the member's official duties, shall give a 846  
bond, payable to the treasurer of state, in the sum of ten 847  
thousand dollars with sufficient sureties to be approved by the 848  
treasurer of state, which bond shall be filed with the secretary 849  
of state. 850

(F) The governor may remove any member of the commission 851  
for malfeasance, misfeasance, or nonfeasance in office, giving 852  
the member a copy of the charges against the member and 853  
affording the member an opportunity to be publicly heard in 854  
person or by counsel in the member's own defense upon not less 855  
than ten days' notice. If the member is removed, the governor 856  
shall file in the office of the secretary of state a complete 857  
statement of all charges made against the member and the 858  
governor's finding on the charges, together with a complete 859

report of the proceedings, and the governor's decision on the 860  
charges is final. 861

(G) The commission shall maintain offices at locations in 862  
the state as it may consider necessary for the efficient 863  
performance of its functions. The director shall maintain an 864  
office in Columbus to coordinate the activities of the state 865  
lottery commission with other state departments. 866

**Sec. 3770.02.** (A) Subject to the advice and consent of the 867  
senate, the governor shall appoint a director of the state 868  
lottery commission who shall serve at the pleasure of the 869  
governor. The director shall devote full time to the duties of 870  
the office and shall hold no other office or employment. The 871  
director shall meet all requirements for appointment as a member 872  
of the commission and shall, by experience and training, possess 873  
management skills that equip the director to administer an 874  
enterprise of the nature of a state lottery. The director shall 875  
receive an annual salary in accordance with pay range 48 of 876  
section 124.152 of the Revised Code. 877

(B) (1) The director shall attend all meetings of the 878  
commission and shall act as its secretary. The director shall 879  
keep a record of all commission proceedings and shall keep the 880  
commission's records, files, and documents at the commission's 881  
principal office. All records of the commission's meetings shall 882  
be available for inspection by any member of the public, upon a 883  
showing of good cause and prior notification to the director. 884

(2) The director shall be the commission's executive 885  
officer and shall be responsible for keeping all commission 886  
records and supervising and administering the state lottery in 887  
accordance with this chapter, and carrying out all commission 888  
rules adopted under section 3770.03 of the Revised Code. 889

(C) (1) The director shall appoint deputy directors as 890  
necessary and as many regional managers as are required. The 891  
director may also appoint necessary professional, technical, and 892  
clerical assistants. All such officers and employees shall be 893  
appointed and compensated pursuant to Chapter 124. of the 894  
Revised Code. Regional and assistant regional managers, sales 895  
representatives, and any lottery executive account 896  
representatives shall remain in the unclassified service. The 897  
assistant director shall act as director in the absence or 898  
disability of the director. If the director does not appoint an 899  
assistant director, the director shall designate a deputy 900  
director to act as director in the absence or disability of the 901  
director. 902

(2) The director, in consultation with the director of 903  
administrative services, may establish standards of proficiency 904  
and productivity for commission field representatives. 905

(D) The director shall request the bureau of criminal 906  
identification and investigation, the department of public 907  
safety, or any other state, local, or federal agency to supply 908  
the director with the criminal records of any job applicant and 909  
may periodically request the criminal records of commission 910  
employees. At or prior to the time of making such a request, the 911  
director shall require a job applicant or commission employee to 912  
obtain fingerprint cards prescribed by the superintendent of the 913  
bureau of criminal identification and investigation at a 914  
qualified law enforcement agency, and the director shall cause 915  
these fingerprint cards to be forwarded to the bureau of 916  
criminal identification and investigation and the federal bureau 917  
of investigation. The commission shall assume the cost of 918  
obtaining the fingerprint cards and shall pay to each agency 919  
supplying criminal records for each investigation under this 920

division a reasonable fee, as determined by the agency. 921

(E) The director shall license lottery sales agents 922  
pursuant to section 3770.05 of the Revised Code and, when it is 923  
considered necessary, may revoke or suspend the license of any 924  
lottery sales agent. The director may license video lottery 925  
technology providers, independent testing laboratories, and 926  
gaming employees, and promulgate rules relating thereto. When 927  
the director considers it necessary, the director may suspend or 928  
revoke the license of a video lottery technology provider, 929  
independent testing laboratory, or gaming employee, including 930  
suspension or revocation without affording an opportunity for a 931  
prior hearing under section 119.07 of the Revised Code when the 932  
public safety, convenience, or trust requires immediate action. 933

(F) The director shall confer at least once each month 934  
with the commission, at which time the director shall advise it 935  
regarding the operation and administration of the lottery. The 936  
director shall make available at the request of the commission 937  
all documents, files, and other records pertaining to the 938  
operation and administration of the lottery. The director shall 939  
prepare and make available to the commission each month a 940  
complete and accurate accounting of lottery revenues, prize 941  
money disbursements and the cost of goods and services awarded 942  
as prizes, operating expenses, and all other relevant financial 943  
information, including an accounting of all transfers made from 944  
any lottery funds in the custody of the treasurer of state to 945  
benefit education. 946

(G) The director may enter into contracts for the 947  
operation or promotion of the lottery pursuant to Chapter 125. 948  
of the Revised Code. 949

(H) (1) Pursuant to rules adopted by the commission under 950



section 3770.03 of the Revised Code, the director shall require 951  
any lottery sales agents to deposit to the credit of the state 952  
lottery fund, in banking institutions designated by the 953  
treasurer of state, net proceeds due the commission as 954  
determined by the director. 955

(2) Pursuant to rules adopted by the commission under 956  
Chapter 119. of the Revised Code, the director may impose 957  
penalties for the failure of a sales agent to transfer funds to 958  
the commission in a timely manner. Penalties may include 959  
monetary penalties, immediate suspension or revocation of a 960  
license, or any other penalty the commission adopts by rule. 961

(I) The director may arrange for any person, or any 962  
banking institution, to perform functions and services in 963  
connection with the operation of the lottery as the director may 964  
consider necessary to carry out this chapter. 965

(J) (1) As used in this chapter, "statewide joint lottery 966  
game" means a lottery game that the commission sells solely 967  
within this state under an agreement with other lottery 968  
jurisdictions to sell the same lottery game solely within their 969  
statewide or other jurisdictional boundaries. 970

(2) If the governor directs the director to do so, the 971  
director shall enter into an agreement with other lottery 972  
jurisdictions to conduct statewide joint lottery games. If the 973  
governor signs the agreement personally or by means of an 974  
authenticating officer pursuant to section 107.15 of the Revised 975  
Code, the director then may conduct statewide joint lottery 976  
games under the agreement. 977

(3) The entire net proceeds from any statewide joint 978  
lottery games shall be used to fund elementary, secondary, 979

vocational, and special education programs in this state. 980

(4) The commission shall conduct any statewide joint 981  
lottery games in accordance with rules it adopts under division 982  
(B) (5) of section 3770.03 of the Revised Code. 983

(K) (1) The director shall enter into an agreement with the 984  
department of mental health and addiction services under which 985  
the department shall provide a program of gambling addiction 986  
services on behalf of the commission. The commission shall pay 987  
the costs of the program provided pursuant to the agreement. 988

(2) As used in this section, "gambling addiction services" 989  
has the same meaning as in section 5119.01 of the Revised Code. 990

(L) The director shall do both of the following with 991  
respect to the sports gaming lottery: 992

(1) Employ a monitoring system utilizing software to 993  
identify abnormal irregularities in volume or odds swings that 994  
could signal suspicious activities that require further 995  
investigation. System requirements and specifications shall be 996  
developed according to industry standards and implemented by the 997  
state lottery commission as part of the minimum internal control 998  
standards. 999

(2) Promptly report to the state lottery commission and 1000  
the casino control commission any facts or circumstances related 1001  
to the operation of a sports gaming licensee that constitute a 1002  
violation of state or federal law and immediately report any 1003  
suspicious wagering to the appropriate state or federal 1004  
authorities. 1005

**Sec. 3770.30. As used in this chapter:** 1006

"Casino operator" has the same meaning as defined in 1007

section 3772.01 of the Revised Code. 1008

"Collegiate sport or athletic event" means a sport or 1009  
athletic event offered or sponsored by, or played in connection 1010  
with, a public or private institution that offers educational 1011  
services beyond the secondary level. 1012

"Commission" or "state lottery commission" means the state 1013  
lottery commission created under section 3770.01 of the Revised 1014  
Code. 1015

"Director" means the director of the state lottery 1016  
commission. 1017

"Government" means any governmental unit of a national, 1018  
state, or local body exercising governmental functions, other 1019  
than the United States government. 1020

"Professional sport or athletic event" means an event at 1021  
which two or more persons participate in sports or athletic 1022  
events and receive compensation in excess of actual expenses for 1023  
their participation in the event. 1024

"Sports event" or "sporting event" means any professional 1025  
sport or athletic event, any collegiate sport or athletic event, 1026  
motor race event, or any other special event the commission 1027  
authorizes under this chapter. 1028

"Sports gaming" means participating in the sports gaming 1029  
lottery operated by the state lottery commission through the 1030  
business of accepting wagers on sporting events and other 1031  
events, the individual performance statistics of athletes in a 1032  
sporting event or other events, or a combination of any of the 1033  
same by any system or method of gaming the commission approves. 1034  
"Sports gaming" includes purchasing lottery tickets whose prize 1035  
determinations are based on exchange wagering, parlays, over- 1036

under, moneyline, pools, pari-mutuel sports wagering pools, and 1037  
straight bets. "Sports gaming" does not include: 1038

(A) Pari-mutuel betting on the outcome of a horse race 1039  
authorized under Chapter 3769. of the Revised Code; 1040

(B) Video lottery terminals authorized under this chapter; 1041

(C) Other lottery games of the state lottery authorized 1042  
under this chapter and operated by the state lottery commission; 1043

(D) Casino gaming authorized under Section 6(C) of Article 1044  
XV, Ohio Constitution and Chapter 3772. of the Revised Code; and 1045

(E) Fantasy contests authorized under Chapter 3774. of the 1046  
Revised Code. 1047

"Sports gaming agent" means a person licensed to offer 1048  
sports gaming in this state. "Sports gaming agent" does not 1049  
include a veteran's or fraternal organization that contracts 1050  
with a sports gaming agent to offer sports gaming on a terminal 1051  
in the organization's facility pursuant to section 3770.331 of 1052  
the Revised Code. 1053

"Sports gaming agent license" means authorization granted 1054  
under this chapter by the commission to a person to operate 1055  
sports gaming in a designated area or facility as determined by 1056  
the commission. 1057

"Sports gaming equipment" means any mechanical, 1058  
electronic, or other device, mechanism, or equipment, and 1059  
related supplies used or consumed in the operation of sports 1060  
gaming at a sports gaming facility. 1061

"Sports gaming facility" means a designated area on the 1062  
premises of a casino facility, racing facility authorized to 1063  
conduct a horse racing meeting in this state, or facility with 1064

an approved sports gaming terminal under section 3770.331 of the 1065  
Revised Code. 1066

"Sports gaming license" means a sports gaming agent 1067  
license issued under section 3770.33 of the Revised Code, a 1068  
management services provider license issued under section 1069  
3770.34 of the Revised Code, or an occupational license issued 1070  
under section 3770.35 of the Revised Code. 1071

"Sports gaming receipts" has the same meaning as in 1072  
section 5753.01 of the Revised Code. 1073

"Video lottery sales agent" means an agent of the state 1074  
lottery authorized to operate an electronic device approved by 1075  
the state lottery commission that provides immediate prize 1076  
determinations for participants on an electronic display that is 1077  
located at a facility owned by a holder of a permit as defined 1078  
in rule 3769-1-05 of the Administrative Code. 1079

"Wager" means purchasing a sports gaming lottery ticket 1080  
through which a sum of money or thing of value is risked on an 1081  
uncertain occurrence. 1082

**Sec. 3770.31.** The commission shall adopt rules under 1083  
Chapter 119. of the Revised Code as are necessary to complete 1084  
the functions and address the subjects enumerated in division 1085  
(A) of this section. 1086

(A) The commission shall adopt, and as advisable and 1087  
necessary may amend or repeal, rules that include all of the 1088  
following: 1089

(1) Procedures for accepting wagers on a sports event or 1090  
series of sports events; 1091

(2) The maximum wager that may be accepted by a sports 1092

gaming agent from any one individual on any one sports event; 1093

(3) The types of wagering tickets to be used; 1094

(4) The manner in which tickets are issued; 1095

(5) The type of records to be kept by licensees; 1096

(6) The system to be used to place a wager; 1097

(7) Protections for a player placing a wager; 1098

(8) Measures to promote responsible sports gaming; 1099

(9) Penalties and fines for violating this section or 1100  
rules adopted under this section; 1101

(10) Prohibiting sports gaming advertising targeting 1102  
individuals under age twenty-one; 1103

(11) Any other procedure or thing the commission 1104  
determines necessary to ensure the integrity of sports gaming. 1105

(B) The commission shall establish minimum internal 1106  
control standards and may approve minimum internal control 1107  
standards proposed by sports gaming agents for the 1108  
administration of sports gaming operations, sports gaming 1109  
equipment and systems, or other items used to conduct sports 1110  
gaming, as well as maintenance of financial records and other 1111  
required records. 1112

(C) The commission shall determine a person's eligibility 1113  
to hold or renew a sports gaming license, shall issue all sports 1114  
gaming licenses, and shall maintain a record of all sports 1115  
gaming licenses issued under this chapter. The commission shall 1116  
accept applications, evaluate qualifications of applicants, and 1117  
undertake initial review of sports gaming licenses before the 1118  
commission has adopted rules governing issuing sports gaming 1119

licenses under this chapter. 1120

(D) The commission shall levy and collect all fees, 1121  
surcharges, and civil penalties imposed under this chapter and 1122  
rules adopted under this chapter, and shall deposit all moneys 1123  
into the sports gaming revenue fund created under section 1124  
5753.031 of the Revised Code. 1125

(E) The commission, in an adjudication conducted under 1126  
Chapter 119. of the Revised Code, may penalize, limit, 1127  
condition, restrict, suspend, revoke, deny, or refuse to renew 1128  
the sports wagering license of any licensee or applicant. The 1129  
commission may take into account any relevant aggravating or 1130  
mitigating factors without in any manner limiting the authority 1131  
of the commission to impose the level and type of discipline the 1132  
commission considers appropriate. 1133

(F) The commission may promulgate rules that establish 1134  
standards for advertising on items that are used in the conduct 1135  
of, or to promote, a sports gaming event. The commission may 1136  
develop its own advertising or enter into a contract for 1137  
advertising services. Any revenue derived from the sale of 1138  
advertising on sports gaming items shall be deposited into the 1139  
sports gaming revenue fund. 1140

(G) The commission may make anonymized sports gaming data 1141  
available to professional and collegiate sports leagues as the 1142  
commission determines necessary to ensure the integrity of 1143  
sports gaming. 1144

**Sec. 3770.32.** (A) No person may operate, conduct, or 1145  
assist in operating or conducting sports gaming in this state 1146  
without first obtaining the appropriate sports gaming license 1147  
from the commission. The commission shall issue three types of 1148

sports gaming licenses: sports gaming agent, management services 1149  
provider, and occupational. No commission employee shall be 1150  
issued a license under this chapter. 1151

(B) Each person applying for a sports gaming license 1152  
issued under this chapter shall submit one complete set of 1153  
fingerprints directly to the superintendent of the bureau of 1154  
criminal identification and investigation for the purpose of 1155  
conducting a criminal records check. The person shall provide 1156  
the fingerprints using a method the superintendent of the bureau 1157  
of criminal identification and investigation prescribes pursuant 1158  
to division (C) (2) of section 109.572 of the Revised Code and 1159  
fill out the form the superintendent of the bureau of criminal 1160  
identification and investigation prescribes pursuant to division 1161  
(C) (1) of section 109.572 of the Revised Code. Upon receiving an 1162  
application under this section, the director of the state 1163  
lottery commission shall request the superintendent of the 1164  
bureau of criminal identification and investigation, or a vendor 1165  
approved by the bureau, to conduct a criminal records check 1166  
based on the applicant's fingerprint impressions in accordance 1167  
with division (A) (18) of section 109.572 of the Revised Code. 1168  
Any fee required under division (C) (3) of section 109.572 of the 1169  
Revised Code shall be paid by the applicant, or in the case of 1170  
an occupational license, by the applicant's employer. The 1171  
commission may require additional criminal records checks from a 1172  
licensee applying to renew a sports gaming license, and any 1173  
applicant convicted of any disqualifying offense as described in 1174  
division (A) (3) of section 3770.36 of the Revised Code shall not 1175  
be issued a license. 1176

(C) The commission shall not grant a sports gaming agent 1177  
or management services provider license until it has determined 1178  
that each person who has control of the applicant has met the 1179



qualifications for sports gaming licensure established in this 1180  
chapter and in rules adopted by the commission. The following 1181  
persons are considered to have control of an applicant: 1182

(1) Each person associated with a corporate applicant, 1183  
including any corporate holding company, parent company, or 1184  
subsidiary company of the applicant that has the ability to 1185  
control the activities of the corporate applicant or elect a 1186  
majority of the board of directors of that corporation; this 1187  
does not include any bank or other licensed lending institution 1188  
that holds a mortgage or other lien acquired in the course of 1189  
ordinary business; 1190

(2) Each person associated with a noncorporate applicant 1191  
that directly or indirectly holds a beneficial or proprietary 1192  
interest in the applicant's business operation, or that the 1193  
commission otherwise determines has the ability to control the 1194  
applicant; and 1195

(3) Key personnel of an applicant, including any 1196  
executive, employee, or agency, having the power to exercise 1197  
significant influence over decisions concerning any part of the 1198  
applicant's business operation. 1199

(D) Each licensed sports gaming agent or management 1200  
services provider shall display the license conspicuously in its 1201  
place of business or have the license available for inspection 1202  
by any agent of the commission or any law enforcement agency. 1203  
Each holder of an occupational license issued under section 1204  
3770.35 of the Revised Code shall have an indicator of licensure 1205  
prominently displayed when present in a sports gaming facility 1206  
at all times, in accordance with the rules of the commission. 1207

(E) Each person issued a sports gaming license under this 1208

chapter shall give the commission written notice within thirty 1209  
days of any change to any information provided in the licensee's 1210  
application for a license or renewal. 1211

**Sec. 3770.33.** (A) A person may not offer sports gaming in 1212  
this state without first obtaining a sports gaming agent license 1213  
from the commission. A sports gaming agent license allows a 1214  
person to offer sports gaming in a location approved by the 1215  
commission. 1216

(B) The commission shall issue a sports gaming agent 1217  
license to an applicant that is a casino operator or video 1218  
lottery sales agent after the applicant satisfies the following 1219  
conditions: 1220

(1) Submits a written application on a form furnished by 1221  
the commission; 1222

(2) Pays a nonrefundable application fee of one hundred 1223  
thousand dollars; 1224

(3) Agrees to a minimum capital investment as approved by 1225  
the commission; 1226

(4) Commits to employing a certain number of individuals 1227  
on a full-time basis as approved by the commission; and 1228

(5) Any other conditions for licensure required under this 1229  
chapter and rules adopted under this chapter. 1230

A sports gaming agent license has a term that is 1231  
concurrent with the term of the licensee's casino operator 1232  
license issued by the casino control commission under Chapter 1233  
3772. of the Revised Code and the rules adopted under that 1234  
chapter, or video lottery sales agent license issued by the 1235  
state lottery commission under this chapter and the rules 1236

adopted under this chapter. 1237

Unless a sports gaming operator license is suspended or 1238  
revoked, or the licensee's casino operator license or video 1239  
lottery sales agent license is suspended or revoked, the sports 1240  
gaming license may be renewed after the commission determines 1241  
that the licensee is in compliance with this chapter and the 1242  
rules adopted under this chapter. The licensee shall pay a 1243  
nonrefundable renewal fee of one hundred thousand dollars or one 1244  
per cent of the licensee's handle over the previous one-year 1245  
license term, whichever is less. 1246

(C) A sports gaming agent licensee may not enter into a 1247  
management services provider contract to permit a person other 1248  
than the licensee to act as the commission's agent in operating 1249  
sports gaming, unless the management services provider contract 1250  
meets all of the following conditions: 1251

(1) The person is licensed under this chapter as a 1252  
management services provider; 1253

(2) The contract is in writing; and 1254

(3) The commission has approved the contract. 1255

Before a material change in a management services provider 1256  
contract may take effect, the licensee shall submit the material 1257  
change to the commission for its approval or rejection. The 1258  
duties and responsibilities of a management services provider 1259  
under a management services provider contract may not be 1260  
assigned, delegated, subcontracted, or transferred to a third 1261  
party without the prior approval of the commission. Third 1262  
parties must be licensed as a management services provider under 1263  
this chapter before providing services. 1264

(D) A sports gaming agent licensee shall execute a surety 1265

bond in an amount and in the form approved by the commission, to 1266  
be given to the state, to guarantee the licensee faithfully 1267  
makes all payments in accordance with this chapter and rules 1268  
adopted under this chapter. 1269

(E) Upon application for a license and annually 1270  
thereafter, a sports gaming agent licensee shall submit to the 1271  
commission an annual audit of the financial transactions and 1272  
condition of the licensee's total operations prepared by a 1273  
certified public accountant in accordance with generally 1274  
accepted accounting principles and applicable federal and state 1275  
laws. 1276

**Sec. 3770.331.** (A) As used in this section, "fraternal 1277  
organization" and "veteran's organization" have the same 1278  
meanings as in section 2915.01 of the Revised Code. 1279

(B) The commission shall adopt rules under Chapter 119. of 1280  
the Revised Code to permit a veteran's or fraternal organization 1281  
to contract with a sports gaming agent to offer sports gaming 1282  
through the agent on a single terminal in the organization's 1283  
facility. The rules shall incorporate all of the following: 1284

(1) Requiring the veteran's or fraternal organization to 1285  
permit only individuals who are members of the organization to 1286  
participate in sports gaming offered by the organization; 1287

(2) Requiring an organization seeking a sports gaming 1288  
terminal to pay a nonrefundable one-thousand-dollar application 1289  
fee; 1290

(3) Requiring the organization to hold a D-class liquor 1291  
permit issued under Chapter 4303. of the Revised Code for the 1292  
facility where the organization seeks to operate the sports 1293  
gaming terminal; 1294

(4) Establishing the compensation due to an organization 1295  
with a sports gaming terminal, which shall be substantially 1296  
similar to the compensation percentages paid to licensed lottery 1297  
sales agents; and 1298

(5) Any other procedure or thing the commission determines 1299  
necessary to complete its duties under this section. 1300

A contract entered into under this section has a term of 1301  
one year. The contract may be renewed after the commission 1302  
determines that the organization is in compliance with this 1303  
chapter and the rules adopted under this chapter. The 1304  
organization shall pay a nonrefundable renewal fee of one 1305  
thousand dollars. 1306

**Sec. 3770.34.** (A) A licensed sports gaming agent may 1307  
contract with a person to conduct sports gaming at the agent's 1308  
sports gaming facility in accordance with the rules adopted by 1309  
the commission under this chapter. That person shall obtain a 1310  
license as a management services provider under this section and 1311  
any rules adopted under this chapter before the execution of any 1312  
contract to that effect. Any person who shares in revenue, 1313  
including any affiliate operating under a revenue share 1314  
agreement, shall be licensed under this section. 1315

(B) Each applicant for a management services provider 1316  
license shall meet all requirements for licensure and pay a 1317  
nonrefundable license and application fee of one thousand 1318  
dollars. The commission may accept another jurisdiction's 1319  
license, if the commission determines it has similar licensing 1320  
requirements, as evidence that the applicant meets the 1321  
requirements for a license issued under this section. The 1322  
commission may adopt rules under Chapter 119. of the Revised 1323  
Code establishing additional requirements to obtain a management 1324

services provider license. 1325

(C) A management services provider license shall be 1326  
renewed annually. The commission shall renew a license for any 1327  
licensee that remains in compliance with all requirements for a 1328  
license and pays an annual renewal fee of one thousand dollars. 1329

**Sec. 3770.35.** (A) All individuals employed to be engaged 1330  
directly in sports gaming-related activities, or otherwise 1331  
conducting or operating sports gaming, shall be licensed by the 1332  
commission and maintain a valid occupational license at all 1333  
times. The commission shall issue a license to be employed in 1334  
the operation of sports gaming to an individual who meets the 1335  
requirements of this section. 1336

(B) An occupational license to be employed by a sports 1337  
gaming facility permits the licensee to be employed in the 1338  
capacity the commission designates during the duration of the 1339  
license. The commission may establish, by rules adopted under 1340  
Chapter 119. of the Revised Code, job classifications with 1341  
different requirements. 1342

(C) Applicants shall submit any required application forms 1343  
established by the commission and pay a nonrefundable 1344  
application fee of one hundred dollars. The employer may pay the 1345  
fee on behalf of an applicant. 1346

(D) Each licensed employee shall pay to the commission a 1347  
nonrefundable annual renewal fee of one hundred dollars by the 1348  
last day of June of each year. The employer may pay the fee on 1349  
behalf of an applicant. In addition to a renewal fee, each 1350  
licensed employee annually shall submit a renewal application on 1351  
a form required by the commission. 1352

**Sec. 3770.36.** (A) The commission shall not grant any 1353

sports gaming license if evidence satisfactory to the commission 1354  
exists that the applicant has done any of the following: 1355

(1) Knowingly made a false statement of a material fact to 1356  
the commission; 1357

(2) Been suspended from operating a gambling game, gaming 1358  
device, or gaming operation, or had a license revoked by any 1359  
government; 1360

(3) Been convicted of a disqualifying offense, which shall 1361  
be a crime of moral turpitude, a gambling-related offense, a 1362  
theft or fraud offense, or has otherwise demonstrated a lack of 1363  
respect for law and order as demonstrated in the criminal 1364  
records check conducted under section 3770.32 of the Revised 1365  
Code; or 1366

(4) Been directly employed by any offshore wagering market 1367  
that serviced the United States or otherwise accepted illegal 1368  
wagers from individuals located in the United States. 1369

(B) The commission may deny a sports gaming agent license 1370  
to any applicant, reprimand any licensee, or suspend or revoke a 1371  
sports gaming agent license for any of the following: 1372

(1) If the applicant or licensee has not demonstrated to 1373  
the commission's satisfaction financial responsibility 1374  
sufficient to adequately meet the requirements of the proposed 1375  
enterprise; 1376

(2) If the applicant or licensee is not the true owner of 1377  
the business or is not the sole owner and has not disclosed the 1378  
existence or identity of other persons who have an ownership 1379  
interest in the business; or 1380

(3) If the applicant or licensee is a corporation that 1381

sells more than five per cent of a licensee's voting stock, or 1382  
more than five per cent of the voting stock of a corporation 1383  
that controls the licensee, or sells a licensee's assets, other 1384  
than those bought and sold in the ordinary course of business, 1385  
or any interest in the assets, to any person not already 1386  
determined by the commission to have met the qualifications of a 1387  
licensee under section 3770.33 of the Revised Code. 1388

**Sec. 3770.37.** A sports gaming agent shall adopt 1389  
comprehensive house rules for game play governing sports gaming 1390  
transactions with its patrons. These comprehensive rules shall 1391  
be made public as part of the minimum internal control 1392  
standards. The rules shall specify the amounts to be paid on 1393  
winning wagers and the effect of schedule changes. House rules 1394  
shall be approved by the commission before implementation. 1395

The house rules, together with any other information the 1396  
commission considers appropriate, shall be conspicuously 1397  
displayed in the sports gaming facility. A sports gaming agent 1398  
shall make copies readily available to patrons. 1399

**Sec. 3770.38.** (A) A sports gaming agent licensed under 1400  
this chapter to conduct sports gaming shall do all of the 1401  
following: 1402

(1) Conduct all sports gaming activities and functions in 1403  
a manner that does not pose a threat to the public health, 1404  
safety, or welfare of the citizens of this state; 1405

(2) Assist the commission in maximizing sports gaming 1406  
revenues; and 1407

(3) Keep current in all payments and obligations to the 1408  
commission. 1409

(B) A sports gaming agent licensee shall do all of the 1410



following: 1411

(1) Acquire sports gaming equipment by purchase, lease, or 1412  
other assignment and provide a secure location for the 1413  
placement, operation, and play of sports gaming equipment; 1414

(2) Prevent any person from tampering with or interfering 1415  
with the operation of sports gaming; 1416

(3) Ensure that sports gaming conducted at a sports gaming 1417  
facility is within the sight and control of designated employees 1418  
of the licensee and sports gaming is conducted under continuous 1419  
observation by security equipment in conformity with 1420  
specifications and requirements of the commission; 1421

(4) Ensure that sports gaming occurs only in the sports 1422  
gaming facilities approved by the commission. Sports gaming 1423  
shall only be relocated or offered in accordance with the rules 1424  
of the commission; 1425

(5) Ensure that all sports gaming is conducted through a 1426  
centralized lottery gaming system operated by the commission; 1427

(6) Ensure that all sports wagering equipment owned or 1428  
operated by the agent is connected to and operates through a 1429  
centralized lottery gaming system operated by the commission; 1430

(7) Conspicuously post a sign at each sports gaming 1431  
facility indicating the minimum and maximum wagers permitted at 1432  
that facility and comply with the posted limits; 1433

(8) Maintain sufficient cash and other supplies to conduct 1434  
sports gaming at all times; and 1435

(9) Maintain daily records showing the sports gaming 1436  
receipts of the licensee from sports gaming and timely file with 1437  
the commission any additional reports required by rule or by 1438

other provisions of the Revised Code. 1439

**Sec. 3770.39.** (A) A sports gaming agent shall accept 1440  
wagers on sports events and other events authorized under this 1441  
chapter from individuals physically present in a sports gaming 1442  
facility where authorized sports gaming occurs, or from a sports 1443  
gaming facility with an approved sports gaming terminal under 1444  
section 3770.331 of the Revised Code. An individual placing a 1445  
wager shall be at least age twenty-one. 1446

(B) The commission or sports gaming agent may ban any 1447  
individual from entering a sports gaming facility or the grounds 1448  
of a sports gaming facility or from participating in the play or 1449  
operation of sports gaming. A log of all excluded players shall 1450  
be kept by the commission and each licensee, and no player on 1451  
the commission's exclusion list or the licensed agent's 1452  
exclusion list shall engage in any sports gaming under this 1453  
chapter. 1454

(C) No sports gaming facility employee may engage in any 1455  
sports gaming at the employer's facility. 1456

(D) No commission employee may knowingly wager or be paid 1457  
any prize from any wager placed at any sports gaming facility 1458  
within this state or at any facility outside this state that is 1459  
directly or indirectly owned or operated by a sports gaming 1460  
licensee. 1461

**Sec. 3770.40.** (A) All shipments of gambling devices, 1462  
including any sports gaming devices or related materials, to 1463  
licensed sports gaming facilities in this state are legal 1464  
shipments of gambling devices into this state, as long as the 1465  
registering, recording, and labeling of the devices or materials 1466  
have been completed by the supplier in accordance with Chapter 1467

1194, 64 Stat. 1134, 15 U.S.C. sections 1171 to 1178. 1468

(B) The state is exempt from Chapter 1194, 64 Stat. 1134, 1469  
15 U.S.C. sections 1171 to 1178. 1470

**Sec. 3770.99.** (A) Whoever is prohibited from claiming a 1471  
lottery prize award under division (E) of section 3770.07 of the 1472  
Revised Code and attempts to claim or is paid a lottery prize 1473  
award is guilty of a minor misdemeanor, and shall provide 1474  
restitution to the state lottery commission of any moneys 1475  
erroneously paid as a lottery prize award to that person. 1476

(B) Whoever violates division (C) of section 3770.071 or 1477  
section 3770.08 of the Revised Code is guilty of a misdemeanor 1478  
of the third degree. 1479

(C) Any person not issued a sports gaming license under 1480  
this chapter who knowingly engages in accepting, facilitating, 1481  
or operating a sports gaming operation is guilty of a 1482  
misdemeanor of the first degree. 1483

(D) A sports gaming licensee who knowingly does any of the 1484  
following commits a misdemeanor of the first degree on the first 1485  
offense and a felony of the fifth degree for a subsequent 1486  
offense: 1487

(1) Operates sports gaming without authority of the 1488  
commission to do so; 1489

(2) Operates sports gaming in any location or by any 1490  
manner that is not approved by the commission; 1491

(3) Conducts, carries on, operates, or allows any sports 1492  
gaming to occur on premises or through any other device if 1493  
equipment or material has been tampered with, or exposed to 1494  
conditions in which it will be operated in a manner designed to 1495

deceive the public; 1496

(4) Employs an individual who does not hold a valid 1497  
occupational license in a position or otherwise allows an 1498  
individual to perform duties for which such license is required 1499  
by this chapter or continues to employ an individual after the 1500  
employee's occupational license is no longer valid; 1501

(5) Acts or employs another person to act as if the person 1502  
is not an agent or employee of the licensee in order to 1503  
encourage participation in sports gaming at the sports gaming 1504  
facility; 1505

(6) Permits an individual under twenty-one years of age to 1506  
enter or remain in a sports gaming facility or to engage in 1507  
sports gaming at a sports gaming facility; 1508

(7) Enters or attempts to enter a sports gaming facility 1509  
while under twenty-one years of age; or 1510

(8) Exchanges tokens, chips, electronic media, or other 1511  
forms of credit used for wagering for anything of value except 1512  
money or credits at a sports gaming facility authorized under 1513  
this chapter. 1514

(E) A person who knowingly does any of the following 1515  
commits a felony of the fifth degree on a first offense and a 1516  
felony of the fourth degree for a subsequent offense. If the 1517  
person is a sports wagering licensee under this chapter, the 1518  
commission shall revoke the person's license after the first 1519  
offense. 1520

(1) Offers, promises, or gives anything of value to anyone 1521  
for the purpose of influencing the outcome of a race, sporting 1522  
event, contest, or game upon which a wager may be made, or 1523  
places, increases, or decreases a wager after acquiring 1524

knowledge, not available to the general public, that anyone has 1525  
been offered, promised, or given anything of value for the 1526  
purpose of influencing the outcome of the race, sporting event, 1527  
contest, or game upon which the wager is placed, increased, or 1528  
decreased, or attempts to do any of the same; 1529

(2) Manufactures, sells, or distributes any device that is 1530  
intended by that person to be used to violate any provision of 1531  
this chapter or the sports gaming laws of any other state; 1532

(3) Places a bet or aids any other individual in placing a 1533  
bet on a sporting event or other sports gaming game or offering 1534  
authorized under this chapter after unlawfully acquiring 1535  
knowledge of the outcome on which winnings from that bet are 1536  
contingent; 1537

(4) Claims, collects, or takes anything of value from a 1538  
sports gaming facility with intent to defraud or attempts such 1539  
action without having made a wager in which such amount or value 1540  
is legitimately won or owed; 1541

(5) Places a wager using counterfeit currency or other 1542  
counterfeit form of credit approved for wagering; or 1543

(6) The person, not a sports gaming agent or facility 1544  
under this chapter or an employee or agent of a sports gaming 1545  
agent or facility acting in furtherance of the licensee's 1546  
interest, has in the person's possession on the grounds of a 1547  
sports gaming facility, or on grounds contiguous to the sports 1548  
gaming facility, any device intended to be used to violate this 1549  
chapter or any rule adopted under this chapter. 1550

(F) Each sports gaming licensee shall post notice of the 1551  
prohibitions in divisions (B) and (C) of this section in a 1552  
manner determined by the commission. 1553

(G) The commission shall levy and collect penalties for 1554  
noncriminal violations of this chapter. 1555

**Sec. 3772.03.** (A) To ensure the integrity of casino 1556  
gaming, the commission shall have authority to complete the 1557  
functions of licensing, regulating, investigating, and 1558  
penalizing casino operators, management companies, holding 1559  
companies, key employees, casino gaming employees, and gaming- 1560  
related vendors. The commission also shall have jurisdiction 1561  
over all persons participating in casino gaming authorized by 1562  
Section 6(C) of Article XV, Ohio Constitution, and this chapter. 1563

(B) All rules adopted by the commission under this chapter 1564  
shall be adopted under procedures established in Chapter 119. of 1565  
the Revised Code. The commission may contract for the services 1566  
of experts and consultants to assist the commission in carrying 1567  
out its duties under this section. 1568

(C) The commission shall adopt rules as are necessary for 1569  
completing the functions stated in division (A) of this section 1570  
and for addressing the subjects enumerated in division (D) of 1571  
this section. 1572

(D) The commission shall adopt, and as advisable and 1573  
necessary shall amend or repeal, rules that include all of the 1574  
following: 1575

(1) The prevention of practices detrimental to the public 1576  
interest; 1577

(2) Prescribing the method of applying, and the form of 1578  
application, that an applicant for a license under this chapter 1579  
must follow as otherwise described in this chapter; 1580

(3) Prescribing the information to be furnished by an 1581  
applicant or licensee as described in section 3772.11 of the 1582

Revised Code; 1583

(4) Describing the certification standards and duties of 1584  
an independent testing laboratory certified under section 1585  
3772.31 of the Revised Code and the relationship between the 1586  
commission, the laboratory, the gaming-related vendor, and the 1587  
casino operator; 1588

(5) The minimum amount of insurance that must be 1589  
maintained by a casino operator, management company, holding 1590  
company, or gaming-related vendor; 1591

(6) The approval process for a significant change in 1592  
ownership or transfer of control of a licensee as provided in 1593  
section 3772.091 of the Revised Code; 1594

(7) The design of gaming supplies, devices, and equipment 1595  
to be distributed by gaming-related vendors; 1596

(8) Identifying the casino gaming that is permitted, 1597  
identifying the gaming supplies, devices, and equipment, that 1598  
are permitted, defining the area in which the permitted casino 1599  
gaming may be conducted, and specifying the method of operation 1600  
according to which the permitted casino gaming is to be 1601  
conducted as provided in section 3772.20 of the Revised Code, 1602  
and requiring gaming devices and equipment to meet the standards 1603  
of this state; 1604

(9) Tournament play in any casino facility; 1605

(10) Establishing and implementing a voluntary exclusion 1606  
program that provides all of the following: 1607

(a) Except as provided by commission rule, a person who 1608  
participates in the program shall agree to refrain from entering 1609  
a casino facility. 1610

(b) The name of a person participating in the program 1611  
shall be included on a list of persons excluded from all casino 1612  
facilities. 1613

(c) Except as provided by commission rule, no person who 1614  
participates in the program shall petition the commission for 1615  
admittance into a casino facility. 1616

(d) The list of persons participating in the program and 1617  
the personal information of those persons shall be confidential 1618  
and shall only be disseminated by the commission to a casino 1619  
operator and the agents and employees of the casino operator for 1620  
purposes of enforcement and to other entities, upon request of 1621  
the participant and agreement by the commission. 1622

(e) A casino operator shall make all reasonable attempts 1623  
as determined by the commission to cease all direct marketing 1624  
efforts to a person participating in the program. 1625

(f) A casino operator shall not cash the check of a person 1626  
participating in the program or extend credit to the person in 1627  
any manner. However, the program shall not exclude a casino 1628  
operator from seeking the payment of a debt accrued by a person 1629  
before participating in the program. 1630

(g) Any and all locations at which a person may register 1631  
as a participant in the program shall be published. 1632

(11) Requiring the commission to adopt standards regarding 1633  
the marketing materials of a licensed casino operator, including 1634  
allowing the commission to prohibit marketing materials that are 1635  
contrary to the adopted standards; 1636

(12) Requiring that the records, including financial 1637  
statements, of any casino operator, management company, holding 1638  
company, and gaming-related vendor be maintained in the manner 1639



prescribed by the commission and made available for inspection 1640  
upon demand by the commission, but shall be subject to section 1641  
3772.16 of the Revised Code; 1642

(13) Permitting a licensed casino operator, management 1643  
company, key employee, or casino gaming employee to question a 1644  
person suspected of violating this chapter; 1645

(14) The chips, tokens, tickets, electronic cards, or 1646  
similar objects that may be purchased by means of an agreement 1647  
under which credit is extended to a wagerer by a casino 1648  
operator; 1649

(15) Establishing standards for provisional key employee 1650  
licenses for a person who is required to be licensed as a key 1651  
employee and is in exigent circumstances and standards for 1652  
provisional licenses for casino gaming employees who submit 1653  
complete applications and are compliant under an instant 1654  
background check. A provisional license shall be valid not 1655  
longer than three months. A provisional license may be renewed 1656  
one time, at the commission's discretion, for an additional 1657  
three months. In establishing standards with regard to instant 1658  
background checks the commission shall take notice of criminal 1659  
records checks as they are conducted under section 311.41 of the 1660  
Revised Code using electronic fingerprint reading devices. 1661

(16) Establishing approval procedures for third-party 1662  
engineering or accounting firms, as described in section 3772.09 1663  
of the Revised Code; 1664

(17) Prescribing the manner in which winnings, 1665  
compensation from casino gaming, and gross revenue must be 1666  
computed and reported by a licensee as described in Chapter 1667  
5753. of the Revised Code; 1668

(18) Prescribing conditions under which a licensee's 1669  
license may be suspended or revoked as described in section 1670  
3772.04 of the Revised Code; 1671

(19) Prescribing the manner and procedure of all hearings 1672  
to be conducted by the commission or by any hearing examiner; 1673

(20) Prescribing technical standards and requirements that 1674  
are to be met by security and surveillance equipment that is 1675  
used at and standards and requirements to be met by personnel 1676  
who are employed at casino facilities, and standards and 1677  
requirements for the provision of security at and surveillance 1678  
of casino facilities; 1679

(21) Prescribing requirements for a casino operator to 1680  
provide unarmed security services at a casino facility by 1681  
licensed casino employees, and the training that shall be 1682  
completed by these employees; 1683

(22) Prescribing standards according to which casino 1684  
operators shall keep accounts and standards according to which 1685  
casino accounts shall be audited, and establish means of 1686  
assisting the tax commissioner in levying and collecting the 1687  
gross casino revenue tax levied under section 5753.02 of the 1688  
Revised Code; 1689

(23) Defining penalties for violation of commission rules 1690  
and a process for imposing such penalties; 1691

(24) Establishing standards for decertifying contractors 1692  
that violate statutes or rules of this state or the federal 1693  
government; 1694

(25) Establishing standards for the repair of casino 1695  
gaming equipment; 1696

(26) Establishing procedures to ensure that casino 1697  
operators, management companies, and holding companies are 1698  
compliant with the compulsive and problem gambling plan 1699  
submitted under section 3772.18 of the Revised Code; 1700

(27) Prescribing, for institutional investors in or 1701  
holding companies of a casino operator, management company, 1702  
holding company, or gaming-related vendor that fall below the 1703  
threshold needed to be considered an institutional investor or a 1704  
holding company, standards regarding what any employees, 1705  
members, or owners of those investors or holding companies may 1706  
do and shall not do in relation to casino facilities and casino 1707  
gaming in this state, which standards shall rationally relate to 1708  
the need to proscribe conduct that is inconsistent with passive 1709  
institutional investment status; 1710

(28) Providing for any other thing necessary and proper 1711  
for successful and efficient regulation of casino gaming under 1712  
this chapter. 1713

(E) The commission shall employ and assign gaming agents 1714  
as necessary to assist the commission in carrying out the duties 1715  
of this chapter and ~~Chapter~~ Chapters 2915. and 3770. of the 1716  
Revised Code. In order to maintain employment as a gaming agent, 1717  
the gaming agent shall successfully complete all continuing 1718  
training programs required by the commission and shall not have 1719  
been convicted of or pleaded guilty or no contest to a 1720  
disqualifying offense as defined in section 3772.07 of the 1721  
Revised Code. 1722

(F) The commission, as a law enforcement agency, and its 1723  
gaming agents, as law enforcement officers as defined in section 1724  
2901.01 of the Revised Code, shall have authority with regard to 1725  
the detection and investigation of, the seizure of evidence 1726

allegedly relating to, and the apprehension and arrest of 1727  
persons allegedly committing violations of this chapter or 1728  
gambling offenses as defined in section 2915.01 of the Revised 1729  
Code or violations of any other law of this state that may 1730  
affect the integrity of casino gaming~~or~~, the operation of 1731  
skill-based amusement machines, or the operation of sports 1732  
gaming, and shall have access to casino facilities, ~~and skill-~~ 1733  
based amusement machine facilities, and sports gaming facilities 1734  
to carry out the requirements of this chapter and sports gaming 1735  
conducted under Chapter 3770. of the Revised Code. 1736

(G) The commission may eject or exclude or authorize the 1737  
ejection or exclusion of and a gaming agent may eject a person 1738  
from a casino facility for any of the following reasons: 1739

(1) The person's name is on the list of persons 1740  
voluntarily excluding themselves from all casinos in a program 1741  
established according to rules adopted by the commission; 1742

(2) The person violates or conspires to violate this 1743  
chapter or a rule adopted thereunder; or 1744

(3) The commission determines that the person's conduct or 1745  
reputation is such that the person's presence within a casino 1746  
facility may call into question the honesty and integrity of the 1747  
casino gaming operations or interfere with the orderly conduct 1748  
of the casino gaming operations. 1749

(H) A person, other than a person participating in a 1750  
voluntary exclusion program, may petition the commission for a 1751  
public hearing on the person's ejection or exclusion under this 1752  
chapter. 1753

(I) A casino operator or management company shall have the 1754  
same authority to eject or exclude a person from the management 1755

company's casino facilities as authorized in division (G) of 1756  
this section. The licensee shall immediately notify the 1757  
commission of an ejection or exclusion. 1758

(J) The commission shall submit a written annual report 1759  
with the governor, president and minority leader of the senate, 1760  
and the speaker and minority leader of the house of 1761  
representatives before the first day of September each year. The 1762  
annual report shall cover the previous fiscal year and shall 1763  
include all of the following: 1764

(1) A statement describing the receipts and disbursements 1765  
of the commission; 1766

(2) Relevant financial data regarding casino gaming, 1767  
including gross revenues and disbursements made under this 1768  
chapter; 1769

(3) Actions taken by the commission; 1770

(4) An update on casino operators', management companies', 1771  
and holding companies' compulsive and problem gambling plans and 1772  
the voluntary exclusion program and list; 1773

(5) Information regarding prosecutions for conduct 1774  
described in division (H) of section 3772.99 of the Revised 1775  
Code, including, but not limited to, the total number of 1776  
prosecutions commenced and the name of each person prosecuted; 1777

(6) Any additional information that the commission 1778  
considers useful or that the governor, president or minority 1779  
leader of the senate, speaker or minority leader of the house of 1780  
representatives requests. 1781

(K) To ensure the integrity of skill-based amusement 1782  
machine operations, the commission shall have jurisdiction over 1783

all persons conducting or participating in the conduct of skill- 1784  
based amusement machine operations authorized by this chapter 1785  
and Chapter 2915. of the Revised Code, including the authority 1786  
to complete the functions of licensing, regulating, 1787  
investigating, and penalizing those persons in a manner that is 1788  
consistent with the commission's authority to do the same with 1789  
respect to casino gaming. To carry out this division, the 1790  
commission may adopt rules under Chapter 119. of the Revised 1791  
Code, including rules establishing fees and penalties related to 1792  
the operation of skill-based amusement machines. 1793

(L) To ensure the integrity of fantasy contests, the 1794  
commission shall have jurisdiction over all persons conducting 1795  
or participating in the conduct of a fantasy contest authorized 1796  
by Chapter 3774. of the Revised Code, including the authority to 1797  
license, regulate, investigate, and penalize those persons in a 1798  
manner that is consistent with the commission's authority to do 1799  
the same with respect to skill-based amusement machines. To 1800  
carry out this division, the commission may adopt rules under 1801  
Chapter 119. of the Revised Code, including rules establishing 1802  
fees and penalties related to the operation of fantasy contests. 1803

(M) All fees imposed pursuant to the rules adopted under 1804  
divisions (K) and (L) of this section shall be deposited into 1805  
the casino control commission fund. 1806

(N) The commission shall enter into an agreement with the 1807  
director of the state lottery commission to enforce the 1808  
provisions of Chapter 3770. of the Revised Code relating to 1809  
sports gaming, and shall have jurisdiction over all persons 1810  
conducting or participating in the conduct of sports gaming 1811  
authorized under Chapter 3770. of the Revised Code, including 1812  
the authority to regulate, investigate, and penalize those 1813

persons. The commission shall enforce any sports gaming rules 1814  
adopted by the commission. 1815

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 1816  
(C) of this section, no agent of the department of taxation, 1817  
except in the agent's report to the department or when called on 1818  
to testify in any court or proceeding, shall divulge any 1819  
information acquired by the agent as to the transactions, 1820  
property, or business of any person while acting or claiming to 1821  
act under orders of the department. Whoever violates this 1822  
provision shall thereafter be disqualified from acting as an 1823  
officer or employee or in any other capacity under appointment 1824  
or employment of the department. 1825

(B) (1) For purposes of an audit pursuant to section 117.15 1826  
of the Revised Code, or an audit of the department pursuant to 1827  
Chapter 117. of the Revised Code, or an audit, pursuant to that 1828  
chapter, the objective of which is to express an opinion on a 1829  
financial report or statement prepared or issued pursuant to 1830  
division (A) (7) or (9) of section 126.21 of the Revised Code, 1831  
the officers and employees of the auditor of state charged with 1832  
conducting the audit shall have access to and the right to 1833  
examine any state tax returns and state tax return information 1834  
in the possession of the department to the extent that the 1835  
access and examination are necessary for purposes of the audit. 1836  
Any information acquired as the result of that access and 1837  
examination shall not be divulged for any purpose other than as 1838  
required for the audit or unless the officers and employees are 1839  
required to testify in a court or proceeding under compulsion of 1840  
legal process. Whoever violates this provision shall thereafter 1841  
be disqualified from acting as an officer or employee or in any 1842  
other capacity under appointment or employment of the auditor of 1843  
state. 1844

(2) For purposes of an internal audit pursuant to section 1845  
126.45 of the Revised Code, the officers and employees of the 1846  
office of internal audit in the office of budget and management 1847  
charged with directing the internal audit shall have access to 1848  
and the right to examine any state tax returns and state tax 1849  
return information in the possession of the department to the 1850  
extent that the access and examination are necessary for 1851  
purposes of the internal audit. Any information acquired as the 1852  
result of that access and examination shall not be divulged for 1853  
any purpose other than as required for the internal audit or 1854  
unless the officers and employees are required to testify in a 1855  
court or proceeding under compulsion of legal process. Whoever 1856  
violates this provision shall thereafter be disqualified from 1857  
acting as an officer or employee or in any other capacity under 1858  
appointment or employment of the office of internal audit. 1859

(3) As provided by section 6103(d) (2) of the Internal 1860  
Revenue Code, any federal tax returns or federal tax information 1861  
that the department has acquired from the internal revenue 1862  
service, through federal and state statutory authority, may be 1863  
disclosed to the auditor of state or the office of internal 1864  
audit solely for purposes of an audit of the department. 1865

(4) For purposes of Chapter 3739. of the Revised Code, an 1866  
agent of the department of taxation may share information with 1867  
the division of state fire marshal that the agent finds during 1868  
the course of an investigation. 1869

(C) Division (A) of this section does not prohibit any of 1870  
the following: 1871

(1) Divulging information contained in applications, 1872  
complaints, and related documents filed with the department 1873  
under section 5715.27 of the Revised Code or in applications 1874



filed with the department under section 5715.39 of the Revised Code; 1875  
1876

(2) Providing information to the office of child support 1877  
within the department of job and family services pursuant to 1878  
section 3125.43 of the Revised Code; 1879

(3) Disclosing to the motor vehicle repair board any 1880  
information in the possession of the department that is 1881  
necessary for the board to verify the existence of an 1882  
applicant's valid vendor's license and current state tax 1883  
identification number under section 4775.07 of the Revised Code; 1884

(4) Providing information to the administrator of workers' 1885  
compensation pursuant to sections 4123.271 and 4123.591 of the 1886  
Revised Code; 1887

(5) Providing to the attorney general information the 1888  
department obtains under division (J) of section 1346.01 of the 1889  
Revised Code; 1890

(6) Permitting properly authorized officers, employees, or 1891  
agents of a municipal corporation from inspecting reports or 1892  
information pursuant to section 718.84 of the Revised Code or 1893  
rules adopted under section 5745.16 of the Revised Code; 1894

(7) Providing information regarding the name, account 1895  
number, or business address of a holder of a vendor's license 1896  
issued pursuant to section 5739.17 of the Revised Code, a holder 1897  
of a direct payment permit issued pursuant to section 5739.031 1898  
of the Revised Code, or a seller having a use tax account 1899  
maintained pursuant to section 5741.17 of the Revised Code, or 1900  
information regarding the active or inactive status of a 1901  
vendor's license, direct payment permit, or seller's use tax 1902  
account; 1903

(8) Releasing invoices or invoice information furnished 1904  
under section 4301.433 of the Revised Code pursuant to that 1905  
section; 1906

(9) Providing to a county auditor notices or documents 1907  
concerning or affecting the taxable value of property in the 1908  
county auditor's county. Unless authorized by law to disclose 1909  
documents so provided, the county auditor shall not disclose 1910  
such documents; 1911

(10) Providing to a county auditor sales or use tax return 1912  
or audit information under section 333.06 of the Revised Code; 1913

(11) Subject to section 4301.441 of the Revised Code, 1914  
disclosing to the appropriate state agency information in the 1915  
possession of the department of taxation that is necessary to 1916  
verify a permit holder's gallonage or noncompliance with taxes 1917  
levied under Chapter 4301. or 4305. of the Revised Code; 1918

(12) Disclosing to the department of natural resources 1919  
information in the possession of the department of taxation that 1920  
is necessary for the department of taxation to verify the 1921  
taxpayer's compliance with section 5749.02 of the Revised Code 1922  
or to allow the department of natural resources to enforce 1923  
Chapter 1509. of the Revised Code; 1924

(13) Disclosing to the department of job and family 1925  
services, industrial commission, and bureau of workers' 1926  
compensation information in the possession of the department of 1927  
taxation solely for the purpose of identifying employers that 1928  
misclassify employees as independent contractors or that fail to 1929  
properly report and pay employer tax liabilities. The department 1930  
of taxation shall disclose only such information that is 1931  
necessary to verify employer compliance with law administered by 1932

those agencies. 1933

(14) Disclosing to the Ohio casino control commission 1934  
information in the possession of the department of taxation that 1935  
is necessary to verify a casino operator's compliance with 1936  
section 5747.063 or 5753.02 of the Revised Code and sections 1937  
related thereto; 1938

(15) Disclosing to the state lottery commission 1939  
information in the possession of the department of taxation that 1940  
is necessary to verify a sports gaming or lottery sales agent's 1941  
compliance with section 5747.063, 5747.064, or 5753.021 of the 1942  
Revised Code and sections related thereto. 1943

(16) Disclosing to the development services agency 1944  
information in the possession of the department of taxation that 1945  
is necessary to ensure compliance with the laws of this state 1946  
governing taxation and to verify information reported to the 1947  
development services agency for the purpose of evaluating 1948  
potential tax credits, grants, or loans. Such information shall 1949  
not include information received from the internal revenue 1950  
service the disclosure of which is prohibited by section 6103 of 1951  
the Internal Revenue Code. No officer, employee, or agent of the 1952  
development services agency shall disclose any information 1953  
provided to the development services agency by the department of 1954  
taxation under division (C)(16) of this section except when 1955  
disclosure of the information is necessary for, and made solely 1956  
for the purpose of facilitating, the evaluation of potential tax 1957  
credits, grants, or loans. 1958

(17) Disclosing to the department of insurance information 1959  
in the possession of the department of taxation that is 1960  
necessary to ensure a taxpayer's compliance with the 1961  
requirements with any tax credit administered by the development 1962

services agency and claimed by the taxpayer against any tax 1963  
administered by the superintendent of insurance. No officer, 1964  
employee, or agent of the department of insurance shall disclose 1965  
any information provided to the department of insurance by the 1966  
department of taxation under division (C)(17) of this section. 1967

(18) Disclosing to the division of liquor control 1968  
information in the possession of the department of taxation that 1969  
is necessary for the division and department to comply with the 1970  
requirements of sections 4303.26 and 4303.271 of the Revised 1971  
Code~~+~~. 1972

**Sec. 5747.02.** (A) For the purpose of providing revenue for 1973  
the support of schools and local government functions, to 1974  
provide relief to property taxpayers, to provide revenue for the 1975  
general revenue fund, and to meet the expenses of administering 1976  
the tax levied by this chapter, there is hereby levied on every 1977  
individual, trust, and estate residing in or earning or 1978  
receiving income in this state, on every individual, trust, and 1979  
estate earning or receiving lottery winnings, prizes, or awards 1980  
pursuant to Chapter 3770. of the Revised Code, on every 1981  
individual, trust, and estate earning or receiving winnings on 1982  
casino or sports gaming, and on every individual, trust, and 1983  
estate otherwise having nexus with or in this state under the 1984  
Constitution of the United States, an annual tax measured as 1985  
prescribed in divisions (A)(1) to (4) of this section. 1986

(1) In the case of trusts, the tax imposed by this section 1987  
shall be measured by modified Ohio taxable income under division 1988  
(D) of this section and levied in the same amount as the tax is 1989  
imposed on estates as prescribed in division (A)(2) of this 1990  
section. 1991

(2) In the case of estates, the tax imposed by this 1992

section shall be measured by Ohio taxable income and levied at 1993  
the rate of seven thousand four hundred twenty-five ten- 1994  
thousandths per cent for the first ten thousand five hundred 1995  
dollars of such income and, for income in excess of that amount, 1996  
at the same rates prescribed in division (A)(3) of this section 1997  
for individuals. 1998

(3) In the case of individuals, for taxable years 1999  
beginning in 2017 or thereafter, the tax imposed by this section 2000  
on income other than taxable business income shall be measured 2001  
by Ohio adjusted gross income, less taxable business income and 2002  
less an exemption for the taxpayer, the taxpayer's spouse, and 2003  
each dependent as provided in section 5747.025 of the Revised 2004  
Code. If the balance thus obtained is equal to or less than ten 2005  
thousand five hundred dollars, no tax shall be imposed on that 2006  
balance. If the balance thus obtained is greater than ten 2007  
thousand five hundred dollars, the tax is hereby levied as 2008  
follows: 2009

OHIO ADJUSTED GROSS 2010  
INCOME LESS TAXABLE 2011  
BUSINESS INCOME AND EXEMPTIONS 2012  
(INDIVIDUALS) 2013  
OR 2014  
MODIFIED OHIO 2015  
TAXABLE INCOME (TRUSTS) 2016  
OR 2017  
OHIO TAXABLE INCOME (ESTATES) TAX 2018

More than \$10,500 but \$77.96 plus 1.980% of the amount 2019  
not more than \$15,800 in excess of \$10,500 2020  
  
More than \$15,800 but \$182.90 plus 2.476% of the amount 2021  
not more than \$21,100 in excess of \$15,800 2022

More than \$21,100 but \$314.13 plus 2.969% of the amount	2023
not more than \$42,100 in excess of \$21,100	2024
More than \$42,100 but \$937.62 plus 3.465% of the amount	2025
not more than \$84,200 in excess of \$42,100	2026
More than \$84,200 but \$2,396.39 plus 3.960% of the amount	2027
not more than \$105,300 in excess of \$84,200	2028
More than \$105,300 but \$3,231.95 plus 4.597% of the amount	2029
not more than \$210,600 in excess of \$105,300	2030
More than \$210,600 \$8,072.59 plus 4.997% of the amount	2031
in excess of \$210,600	2032
(4) (a) In the case of individuals, for taxable years	2033
beginning in 2016 or thereafter, the tax imposed by this section	2034
on taxable business income shall equal three per cent of the	2035
result obtained by subtracting any amount allowed under division	2036
(A) (4) (b) of this section from the individual's taxable business	2037
income.	2038
(b) If the exemptions allowed to an individual under	2039
division (A) (3) of this section exceed the taxpayer's Ohio	2040
adjusted gross income less taxable business income, the excess	2041
shall be deducted from taxable business income before computing	2042
the tax under division (A) (4) (a) of this section.	2043
(5) Except as otherwise provided in this division, in	2044
August of each year, the tax commissioner shall make a new	2045
adjustment to the income amounts prescribed in divisions (A) (2)	2046
and (3) of this section by multiplying the percentage increase	2047
in the gross domestic product deflator computed that year under	2048
section 5747.025 of the Revised Code by each of the income	2049
amounts resulting from the adjustment under this division in the	2050
preceding year, adding the resulting product to the	2051

corresponding income amount resulting from the adjustment in the 2052  
preceding year, and rounding the resulting sum to the nearest 2053  
multiple of fifty dollars. The tax commissioner also shall 2054  
recompute each of the tax dollar amounts to the extent necessary 2055  
to reflect the new adjustment of the income amounts. To 2056  
recompute the tax dollar amount corresponding to the lowest tax 2057  
rate in division (A) (3) of this section, the commissioner shall 2058  
multiply the tax rate prescribed in division (A) (2) of this 2059  
section by the income amount specified in that division and as 2060  
adjusted according to this paragraph. The rates of taxation 2061  
shall not be adjusted. 2062

The adjusted amounts apply to taxable years beginning in 2063  
the calendar year in which the adjustments are made and to 2064  
taxable years beginning in each ensuing calendar year until a 2065  
calendar year in which a new adjustment is made pursuant to this 2066  
division. The tax commissioner shall not make a new adjustment 2067  
in any year in which the amount resulting from the adjustment 2068  
would be less than the amount resulting from the adjustment in 2069  
the preceding year. 2070

(B) If the director of budget and management makes a 2071  
certification to the tax commissioner under division (B) of 2072  
section 131.44 of the Revised Code, the amount of tax as 2073  
determined under divisions (A) (1) to (3) of this section shall 2074  
be reduced by the percentage prescribed in that certification 2075  
for taxable years beginning in the calendar year in which that 2076  
certification is made. 2077

(C) The levy of this tax on income does not prevent a 2078  
municipal corporation, a joint economic development zone created 2079  
under section 715.691, or a joint economic development district 2080  
created under section 715.70, 715.71, or 715.72 of the Revised 2081

Code from levying a tax on income. 2082

(D) This division applies only to taxable years of a trust 2083  
beginning in 2002 or thereafter. 2084

(1) The tax imposed by this section on a trust shall be 2085  
computed by multiplying the Ohio modified taxable income of the 2086  
trust by the rates prescribed by division (A) of this section. 2087

(2) A resident trust may claim a credit against the tax 2088  
computed under division (D) of this section equal to the lesser 2089  
of (a) the tax paid to another state or the District of Columbia 2090  
on the resident trust's modified nonbusiness income, other than 2091  
the portion of the resident trust's nonbusiness income that is 2092  
qualifying investment income as defined in section 5747.012 of 2093  
the Revised Code, or (b) the effective tax rate, based on 2094  
modified Ohio taxable income, multiplied by the resident trust's 2095  
modified nonbusiness income other than the portion of the 2096  
resident trust's nonbusiness income that is qualifying 2097  
investment income. The credit applies before any other 2098  
applicable credits. 2099

(3) The credits enumerated in divisions (A)(1) to (9) and 2100  
(A)(18) to (20) of section 5747.98 of the Revised Code do not 2101  
apply to a trust subject to division (D) of this section. Any 2102  
credits enumerated in other divisions of section 5747.98 of the 2103  
Revised Code apply to a trust subject to division (D) of this 2104  
section. To the extent that the trust distributes income for the 2105  
taxable year for which a credit is available to the trust, the 2106  
credit shall be shared by the trust and its beneficiaries. The 2107  
tax commissioner and the trust shall be guided by applicable 2108  
regulations of the United States treasury regarding the sharing 2109  
of credits. 2110



(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I) (3) (b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(F) Nothing in division (A) (3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of ten thousand five hundred dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter.

**Sec. 5747.063.** The requirements imposed under this section are in addition to the municipal income tax withholding requirements under section 718.031 of the Revised Code. As used in this section, "sports gaming facility" and "sports gaming agent" have the same meanings as in section 3770.30 of the Revised Code.

(A) (1) If a person's winnings at a casino facility or sports gaming facility are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator or sports gaming agent shall deduct and withhold Ohio income tax from the person's winnings at a rate of four per cent

of the amount won. A person's amount of winnings from casino 2141  
gaming shall be determined each time the person exchanges 2142  
amounts won in tokens, chips, casino credit, or other prepaid 2143  
representations of value for cash or a cash equivalent. The 2144  
casino operator or sports gaming agent shall issue, to a person 2145  
from whose winnings an amount has been deducted and withheld, a 2146  
receipt for the amount deducted and withheld, and also shall 2147  
obtain from the person additional information that will be 2148  
necessary for the ~~casino operator~~ or agent to prepare the 2149  
returns required by this section. 2150

(2) If a person's winnings at a casino facility or sports 2151  
gaming facility require reporting to the internal revenue 2152  
service under division (A)(1) of this section, the casino 2153  
operator or sports gaming agent also shall require the person to 2154  
state in writing, under penalty of falsification, whether the 2155  
person is in default under a support order. 2156

(B) Amounts deducted and withheld by a casino operator or 2157  
sports gaming agent are held in trust for the benefit of the 2158  
state. 2159

(1) On or before the tenth day of each month, the casino 2160  
operator or sports gaming agent shall file a return 2161  
electronically with the tax commissioner identifying the persons 2162  
from whose winnings amounts were deducted and withheld, the 2163  
amount of each such deduction and withholding during the 2164  
preceding calendar month, the amount of the winnings from which 2165  
each such amount was withheld, the type of casino gaming or 2166  
sports gaming that resulted in such winnings, and any other 2167  
information required by the tax commissioner. With the return, 2168  
the ~~casino operator~~ or agent shall remit electronically to the 2169  
commissioner all the amounts deducted and withheld during the 2170

preceding month. 2171

(2) (a) A casino operator or sports gaming agent shall 2172  
maintain a record of each written statement provided under 2173  
division (A) (2) of this section in which a person admits to 2174  
being in default under a support order. The ~~casino operator~~ or 2175  
agent shall make these records available to the director of job 2176  
and family services upon request. 2177

(b) A casino operator or sports gaming agent shall 2178  
maintain copies of receipts issued under division (A) (1) of this 2179  
section and of written statements provided under division (A) (2) 2180  
of this section and shall make these copies available to the tax 2181  
commissioner upon request. 2182

(c) A casino operator or sports gaming agent shall 2183  
maintain the information described in divisions (B) (2) (a) and 2184  
(b) of this section in accordance with section 5747.17 of the 2185  
Revised Code and any rules adopted pursuant thereto. 2186

(3) Annually, on or before the thirty-first day of 2187  
January, a casino operator or sports gaming agent shall file an 2188  
annual return electronically with the tax commissioner 2189  
indicating the total amount deducted and withheld during the 2190  
preceding calendar year. The ~~casino operator~~ or agent shall 2191  
remit electronically with the annual return any amount that was 2192  
deducted and withheld and that was not previously remitted. If 2193  
the identity of a person and the amount deducted and withheld 2194  
with respect to that person were omitted on a monthly return, 2195  
that information shall be indicated on the annual return. 2196

(4) (a) A casino operator or sports gaming agent who fails 2197  
to file a return and remit the amounts deducted and withheld is 2198  
personally liable for the amount deducted and withheld and not 2199

remitted. The commissioner may impose a penalty up to one 2200  
thousand dollars if a return is filed late, if amounts deducted 2201  
and withheld are remitted late, if a return is not filed, or if 2202  
amounts deducted and withheld are not remitted. Interest accrues 2203  
on past due amounts deducted and withheld at the rate prescribed 2204  
in section 5703.47 of the Revised Code. The commissioner may 2205  
collect past due amounts deducted and withheld and penalties and 2206  
interest thereon by assessment under section 5747.13 of the 2207  
Revised Code as if they were income taxes collected by an 2208  
employer. 2209

(b) If a casino operator or sports gaming agent sells the 2210  
casino facility or sports gaming facility, or otherwise quits 2211  
the casino or sports gaming business, the amounts deducted and 2212  
withheld and any penalties and interest thereon are immediately 2213  
due and payable. The successor shall withhold an amount of the 2214  
purchase money that is sufficient to cover the amounts deducted 2215  
and withheld and penalties and interest thereon until the 2216  
predecessor casino operator or sports gaming agent produces 2217  
either a receipt from the commissioner showing that the amounts 2218  
deducted and withheld and penalties and interest thereon have 2219  
been paid or a certificate from the commissioner indicating that 2220  
no amounts deducted and withheld or penalties and interest 2221  
thereon are due. If the successor fails to withhold purchase 2222  
money, the successor is personally liable for payment of the 2223  
amounts deducted and withheld and penalties and interest 2224  
thereon, up to the amount of the purchase money. 2225

(C) (1) Annually, on or before the thirty-first day of 2226  
January, a casino operator or sports gaming agent shall issue an 2227  
information return to each person with respect to whom an amount 2228  
has been deducted and withheld during the preceding calendar 2229  
year. The information return shall show the total amount 2230

deducted from the person's winnings by the ~~casino operator~~ or 2231  
agent during the preceding calendar year. 2232

(2) Annually, on or before the thirty-first day of 2233  
January, a casino operator or sports gaming agent shall provide 2234  
to the commissioner a copy of each information return issued 2235  
under division (C)(1) of this section for the preceding calendar 2236  
year. The commissioner may require that the copies be 2237  
transmitted electronically. 2238

(D) Amounts deducted and withheld shall be allowed as a 2239  
credit against payment of the tax imposed by section 5747.02 of 2240  
the Revised Code and shall be treated as taxes paid for purposes 2241  
of section 5747.09 of the Revised Code. This division applies 2242  
only to the person for whom the amount is deducted and withheld. 2243

(E) The failure of a casino operator or sports gaming 2244  
agent to deduct and withhold the required amount from a person's 2245  
winnings does not relieve the person from liability for the tax 2246  
imposed by section 5747.02 of the Revised Code with respect to 2247  
those winnings. And compliance with this section does not 2248  
relieve a casino operator, a sports gaming agent, or a person 2249  
who has winnings at a casino facility or sports gaming facility 2250  
from compliance with relevant provisions of federal tax laws. 2251

(F) The commissioner shall prescribe the form of the 2252  
receipt and returns required by this section. The director of 2253  
job and family services shall prescribe the form of the 2254  
statement required by this section. 2255

(G) The commissioner may adopt rules that are necessary to 2256  
administer this section. 2257

**Sec. 5747.08.** An annual return with respect to the tax 2258  
imposed by section 5747.02 of the Revised Code and each tax 2259

imposed under Chapter 5748. of the Revised Code shall be made by 2260  
every taxpayer for any taxable year for which the taxpayer is 2261  
liable for the tax imposed by that section or under that 2262  
chapter, unless the total credits allowed under division (E) of 2263  
section 5747.05 and divisions (F) and (G) of section 5747.055 of 2264  
the Revised Code for the year are equal to or exceed the tax 2265  
imposed by section 5747.02 of the Revised Code, in which case no 2266  
return shall be required unless the taxpayer is liable for a tax 2267  
imposed pursuant to Chapter 5748. of the Revised Code. 2268

(A) If an individual is deceased, any return or notice 2269  
required of that individual under this chapter shall be made and 2270  
filed by that decedent's executor, administrator, or other 2271  
person charged with the property of that decedent. 2272

(B) If an individual is unable to make a return or notice 2273  
required by this chapter, the return or notice required of that 2274  
individual shall be made and filed by the individual's duly 2275  
authorized agent, guardian, conservator, fiduciary, or other 2276  
person charged with the care of the person or property of that 2277  
individual. 2278

(C) Returns or notices required of an estate or a trust 2279  
shall be made and filed by the fiduciary of the estate or trust. 2280

(D) (1) (a) Except as otherwise provided in division (D) (1) 2281  
(b) of this section, any pass-through entity may file a single 2282  
return on behalf of one or more of the entity's investors other 2283  
than an investor that is a person subject to the tax imposed 2284  
under section 5733.06 of the Revised Code. The single return 2285  
shall set forth the name, address, and social security number or 2286  
other identifying number of each of those pass-through entity 2287  
investors and shall indicate the distributive share of each of 2288  
those pass-through entity investor's income taxable in this 2289

state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b) (i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an

investor from filing the annual return under this section, 2320  
utilizing the refundable credit equal to the investor's 2321  
proportionate share of the tax paid by the pass-through entity 2322  
on behalf of the investor under division (I) of this section, 2323  
and making the payment of taxes imposed under section 5747.02 of 2324  
the Revised Code. Nothing in division (D) of this section shall 2325  
be construed to provide to such an investor or pass-through 2326  
entity any additional deduction or credit, other than the credit 2327  
provided by division (I) of this section, solely on account of 2328  
the entity's filing a return in accordance with this section. 2329  
Such a pass-through entity also shall make the filing and 2330  
payment of estimated taxes on behalf of the pass-through entity 2331  
investors other than an investor that is a person subject to the 2332  
tax imposed under section 5733.06 of the Revised Code. 2333

(2) For the purposes of this section, "business credits" 2334  
means the credits listed in section 5747.98 of the Revised Code 2335  
excluding the following credits: 2336

(a) The retirement income credit under division (B) of 2337  
section 5747.055 of the Revised Code; 2338

(b) The senior citizen credit under division (F) of 2339  
section 5747.055 of the Revised Code; 2340

(c) The lump sum distribution credit under division (G) of 2341  
section 5747.055 of the Revised Code; 2342

(d) The dependent care credit under section 5747.054 of 2343  
the Revised Code; 2344

(e) The lump sum retirement income credit under division 2345  
(C) of section 5747.055 of the Revised Code; 2346

(f) The lump sum retirement income credit under division 2347  
(D) of section 5747.055 of the Revised Code; 2348



(g) The lump sum retirement income credit under division	2349
(E) of section 5747.055 of the Revised Code;	2350
(h) The credit for displaced workers who pay for job	2351
training under section 5747.27 of the Revised Code;	2352
(i) The twenty-dollar personal exemption credit under	2353
section 5747.022 of the Revised Code;	2354
(j) The joint filing credit under division (E) of section	2355
5747.05 of the Revised Code;	2356
(k) The nonresident credit under division (A) of section	2357
5747.05 of the Revised Code;	2358
(l) The credit for a resident's out-of-state income under	2359
division (B) of section 5747.05 of the Revised Code;	2360
(m) The earned income tax credit under section 5747.71 of	2361
the Revised Code.	2362
(3) The election provided for under division (D) of this	2363
section applies only to the taxable year for which the election	2364
is made by the pass-through entity. Unless the tax commissioner	2365
provides otherwise, this election, once made, is binding and	2366
irrevocable for the taxable year for which the election is made.	2367
Nothing in this division shall be construed to provide for any	2368
deduction or credit that would not be allowable if a nonresident	2369
pass-through entity investor were to file an annual return.	2370
(4) If a pass-through entity makes the election provided	2371
for under division (D) of this section, the pass-through entity	2372
shall be liable for any additional taxes, interest, interest	2373
penalty, or penalties imposed by this chapter if the tax	2374
commissioner finds that the single return does not reflect the	2375
correct tax due by the pass-through entity investors covered by	2376

that return. Nothing in this division shall be construed to 2377  
limit or alter the liability, if any, imposed on pass-through 2378  
entity investors for unpaid or underpaid taxes, interest, 2379  
interest penalty, or penalties as a result of the pass-through 2380  
entity's making the election provided for under division (D) of 2381  
this section. For the purposes of division (D) of this section, 2382  
"correct tax due" means the tax that would have been paid by the 2383  
pass-through entity had the single return been filed in a manner 2384  
reflecting the commissioner's findings. Nothing in division (D) 2385  
of this section shall be construed to make or hold a pass- 2386  
through entity liable for tax attributable to a pass-through 2387  
entity investor's income from a source other than the pass- 2388  
through entity electing to file the single return. 2389

(E) If a husband and wife file a joint federal income tax 2390  
return for a taxable year, they shall file a joint return under 2391  
this section for that taxable year, and their liabilities are 2392  
joint and several, but, if the federal income tax liability of 2393  
either spouse is determined on a separate federal income tax 2394  
return, they shall file separate returns under this section. 2395

If either spouse is not required to file a federal income 2396  
tax return and either or both are required to file a return 2397  
pursuant to this chapter, they may elect to file separate or 2398  
joint returns, and, pursuant to that election, their liabilities 2399  
are separate or joint and several. If a husband and wife file 2400  
separate returns pursuant to this chapter, each must claim the 2401  
taxpayer's own exemption, but not both, as authorized under 2402  
section 5747.02 of the Revised Code on the taxpayer's own 2403  
return. 2404

(F) Each return or notice required to be filed under this 2405  
section shall contain the signature of the taxpayer or the 2406

taxpayer's duly authorized agent and of the person who prepared 2407  
the return for the taxpayer, and shall include the taxpayer's 2408  
social security number. Each return shall be verified by a 2409  
declaration under the penalties of perjury. The tax commissioner 2410  
shall prescribe the form that the signature and declaration 2411  
shall take. 2412

(G) Each return or notice required to be filed under this 2413  
section shall be made and filed as required by section 5747.04 2414  
of the Revised Code, on or before the fifteenth day of April of 2415  
each year, on forms that the tax commissioner shall prescribe, 2416  
together with remittance made payable to the treasurer of state 2417  
in the combined amount of the state and all school district 2418  
income taxes shown to be due on the form. 2419

Upon good cause shown, the commissioner may extend the 2420  
period for filing any notice or return required to be filed 2421  
under this section and may adopt rules relating to extensions. 2422  
If the extension results in an extension of time for the payment 2423  
of any state or school district income tax liability with 2424  
respect to which the return is filed, the taxpayer shall pay at 2425  
the time the tax liability is paid an amount of interest 2426  
computed at the rate per annum prescribed by section 5703.47 of 2427  
the Revised Code on that liability from the time that payment is 2428  
due without extension to the time of actual payment. Except as 2429  
provided in section 5747.132 of the Revised Code, in addition to 2430  
all other interest charges and penalties, all taxes imposed 2431  
under this chapter or Chapter 5748. of the Revised Code and 2432  
remaining unpaid after they become due, except combined amounts 2433  
due of one dollar or less, bear interest at the rate per annum 2434  
prescribed by section 5703.47 of the Revised Code until paid or 2435  
until the day an assessment is issued under section 5747.13 of 2436  
the Revised Code, whichever occurs first. 2437

If the commissioner considers it necessary in order to 2438  
ensure the payment of the tax imposed by section 5747.02 of the 2439  
Revised Code or any tax imposed under Chapter 5748. of the 2440  
Revised Code, the commissioner may require returns and payments 2441  
to be made otherwise than as provided in this section. 2442

To the extent that any provision in this division 2443  
conflicts with any provision in section 5747.026 of the Revised 2444  
Code, the provision in that section prevails. 2445

(H) The amounts withheld by an employer pursuant to 2446  
section 5747.06 of the Revised Code, a casino operator or sports 2447  
gaming agent pursuant to section 5747.063 of the Revised Code, 2448  
or a lottery sales agent pursuant to section 5747.064 of the 2449  
Revised Code shall be allowed to the recipient of the 2450  
compensation, casino or sports gaming winnings, or lottery prize 2451  
award as credits against payment of the appropriate taxes 2452  
imposed on the recipient by section 5747.02 and under Chapter 2453  
5748. of the Revised Code. 2454

(I) If a pass-through entity elects to file a single 2455  
return under division (D) of this section and if any investor is 2456  
required to file the annual return and make the payment of taxes 2457  
required by this chapter on account of the investor's other 2458  
income that is not included in a single return filed by a pass- 2459  
through entity or any other investor elects to file the annual 2460  
return, the investor is entitled to a refundable credit equal to 2461  
the investor's proportionate share of the tax paid by the pass- 2462  
through entity on behalf of the investor. The investor shall 2463  
claim the credit for the investor's taxable year in which or 2464  
with which ends the taxable year of the pass-through entity. 2465  
Nothing in this chapter shall be construed to allow any credit 2466  
provided in this chapter to be claimed more than once. For the 2467

purpose of computing any interest, penalty, or interest penalty, 2468  
the investor shall be deemed to have paid the refundable credit 2469  
provided by this division on the day that the pass-through 2470  
entity paid the estimated tax or the tax giving rise to the 2471  
credit. 2472

(J) The tax commissioner shall ensure that each return 2473  
required to be filed under this section includes a box that the 2474  
taxpayer may check to authorize a paid tax preparer who prepared 2475  
the return to communicate with the department of taxation about 2476  
matters pertaining to the return. The return or instructions 2477  
accompanying the return shall indicate that by checking the box 2478  
the taxpayer authorizes the department of taxation to contact 2479  
the preparer concerning questions that arise during the 2480  
processing of the return and authorizes the preparer only to 2481  
provide the department with information that is missing from the 2482  
return, to contact the department for information about the 2483  
processing of the return or the status of the taxpayer's refund 2484  
or payments, and to respond to notices about mathematical 2485  
errors, offsets, or return preparation that the taxpayer has 2486  
received from the department and has shown to the preparer. 2487

(K) The tax commissioner shall permit individual taxpayers 2488  
to instruct the department of taxation to cause any refund of 2489  
overpaid taxes to be deposited directly into a checking account, 2490  
savings account, or an individual retirement account or 2491  
individual retirement annuity, or preexisting college savings 2492  
plan or program account offered by the Ohio tuition trust 2493  
authority under Chapter 3334. of the Revised Code, as designated 2494  
by the taxpayer, when the taxpayer files the annual return 2495  
required by this section electronically. 2496

(L) The tax commissioner may adopt rules to administer 2497

this section. 2498

**Sec. 5747.20.** This section applies solely for the purposes 2499  
of computing the credit allowed under division (A) of section 2500  
5747.05 of the Revised Code and computing income taxable in this 2501  
state under division (D) of section 5747.08 of the Revised Code. 2502

All items of nonbusiness income or deduction shall be 2503  
allocated in this state as follows: 2504

(A) All items of nonbusiness income or deduction taken 2505  
into account in the computation of adjusted gross income for the 2506  
taxable year by a resident shall be allocated to this state. 2507

(B) All items of nonbusiness income or deduction taken 2508  
into account in the computation of adjusted gross income for the 2509  
taxable year by a nonresident shall be allocated to this state 2510  
as follows: 2511

(1) All items of compensation paid to an individual for 2512  
personal services performed in this state who was a nonresident 2513  
at the time of payment and all items of deduction directly 2514  
allocated thereto shall be allocated to this state. 2515

(2) All gains or losses from the sale of real property, 2516  
tangible personal property, or intangible property shall be 2517  
allocated as follows: 2518

(a) Capital gains or losses from the sale or other 2519  
transfer of real property are allocable to this state if the 2520  
property is located physically in this state. 2521

(b) Capital gains or losses from the sale or other 2522  
transfer of tangible personal property are allocable to this 2523  
state if, at the time of such sale or other transfer, the 2524  
property had its physical location in this state. 2525

(c) Capital gains or losses from the sale or other 2526  
transfer of intangible personal property are allocable to this 2527  
state if the taxpayer's domicile was in this state at the time 2528  
of such sale or other transfer. 2529

(3) All rents and royalties of real or tangible personal 2530  
property shall be allocated to this state as follows: 2531

(a) Rents and royalties derived from real property are 2532  
allocable to this state if the property is physically located in 2533  
this state. 2534

(b) Rents and royalties derived from tangible personal 2535  
property are allocable to this state to the extent that such 2536  
property is utilized in this state. 2537

The extent of utilization of tangible personal property in 2538  
a state is determined by multiplying the rents or royalties 2539  
derived from such property by a fraction, the numerator of which 2540  
is the number of days of physical location of the property in 2541  
this state during the rental or royalty period in the taxable 2542  
year and the denominator of which is the number of days of 2543  
physical location of the property everywhere during all rental 2544  
or royalty periods in the taxable year. If the physical location 2545  
of the property during the rental or royalty period is unknown 2546  
or unascertainable by the nonresident, tangible personal 2547  
property is utilized in the state in which the property was 2548  
located at the time the rental or royalty payor obtained 2549  
possession. 2550

(4) All patent and copyright royalties shall be allocated 2551  
to this state to the extent the patent or copyright was utilized 2552  
by the payor in this state. 2553

A patent is utilized in a state to the extent that it is 2554

employed in production, fabrication, manufacturing, or other 2555  
processing in the state, or to the extent that a patented 2556  
product is produced in the state. If the basis of receipts from 2557  
patent royalties does not permit allocation to states or if the 2558  
accounting procedures do not reflect states of utilization, the 2559  
patent is utilized in this state if the taxpayer's domicile was 2560  
in this state at the time such royalties were paid or accrued. 2561

A copyright is utilized in a state to the extent that 2562  
printing or other publication originates in the state. If the 2563  
basis of receipts from copyright royalties does not permit 2564  
allocation to states or if the accounting procedures do not 2565  
reflect states of utilization, the copyright is utilized in this 2566  
state if the taxpayer's domicile was in this state at the time 2567  
such royalties were paid or accrued. 2568

(5) (a) All lottery prize awards paid by the state lottery 2569  
commission pursuant to Chapter 3770. of the Revised Code shall 2570  
be allocated to this state. 2571

(b) All earnings, profit, income, and gain from the sale, 2572  
exchange, or other disposition of lottery prize awards paid or 2573  
to be paid to any person by the state lottery commission 2574  
pursuant to Chapter 3770. of the Revised Code shall be allocated 2575  
to this state. 2576

(c) All earnings, profit, income, and gain from the direct 2577  
or indirect ownership of lottery prize awards paid or to be paid 2578  
to any person by the state lottery commission pursuant to 2579  
Chapter 3770. of the Revised Code shall be allocated to this 2580  
state. 2581

(d) All earnings, profit, income, and gain from the direct 2582  
or indirect interest in any right in or to any lottery prize 2583



awards paid or to be paid to any person by the state lottery 2584  
commission pursuant to Chapter 3770. of the Revised Code shall 2585  
be allocated to this state. 2586

(6) Any item of income or deduction which has been taken 2587  
into account in the computation of adjusted gross income for the 2588  
taxable year by a nonresident and which is not otherwise 2589  
specifically allocated or apportioned pursuant to sections 2590  
5747.20 to 5747.23 of the Revised Code, including, without 2591  
limitation, interest, dividends and distributions, items of 2592  
income taken into account under the provisions of sections 401 2593  
to 425 of the Internal Revenue Code, and benefit payments 2594  
received by a beneficiary of a supplemental unemployment trust 2595  
which is referred to in section 501(c)(17) of the Internal 2596  
Revenue Code, shall not be allocated to this state unless the 2597  
taxpayer's domicile was in this state at the time such income 2598  
was paid or accrued. 2599

(7) All casino gaming winnings paid by any person licensed 2600  
by the Ohio casino control commission shall be allocated to the 2601  
state. 2602

(8) All sports gaming winnings paid by any person licensed 2603  
by the state lottery commission shall be allocated to the state. 2604

(C) If an individual is a resident for part of the taxable 2605  
year and a nonresident for the remainder of the taxable year, 2606  
all items of nonbusiness income or deduction shall be allocated 2607  
under division (A) of this section for the part of the taxable 2608  
year that the individual is a resident and under division (B) of 2609  
this section for the part of the taxable year that the 2610  
individual is a nonresident. 2611

**Sec. 5751.01.** As used in this chapter: 2612

(A) "Person" means, but is not limited to, individuals, 2613  
combinations of individuals of any form, receivers, assignees, 2614  
trustees in bankruptcy, firms, companies, joint-stock companies, 2615  
business trusts, estates, partnerships, limited liability 2616  
partnerships, limited liability companies, associations, joint 2617  
ventures, clubs, societies, for-profit corporations, S 2618  
corporations, qualified subchapter S subsidiaries, qualified 2619  
subchapter S trusts, trusts, entities that are disregarded for 2620  
federal income tax purposes, and any other entities. 2621

(B) "Consolidated elected taxpayer" means a group of two 2622  
or more persons treated as a single taxpayer for purposes of 2623  
this chapter as the result of an election made under section 2624  
5751.011 of the Revised Code. 2625

(C) "Combined taxpayer" means a group of two or more 2626  
persons treated as a single taxpayer for purposes of this 2627  
chapter under section 5751.012 of the Revised Code. 2628

(D) "Taxpayer" means any person, or any group of persons 2629  
in the case of a consolidated elected taxpayer or combined 2630  
taxpayer treated as one taxpayer, required to register or pay 2631  
tax under this chapter. "Taxpayer" does not include excluded 2632  
persons. 2633

(E) "Excluded person" means any of the following: 2634

(1) Any person with not more than one hundred fifty 2635  
thousand dollars of taxable gross receipts during the calendar 2636  
year. Division (E) (1) of this section does not apply to a person 2637  
that is a member of a consolidated elected taxpayer; 2638

(2) A public utility that paid the excise tax imposed by 2639  
section 5727.24 or 5727.30 of the Revised Code based on one or 2640  
more measurement periods that include the entire tax period 2641

under this chapter, except that a public utility that is a 2642  
combined company is a taxpayer with regard to the following 2643  
gross receipts: 2644

(a) Taxable gross receipts directly attributed to a public 2645  
utility activity, but not directly attributed to an activity 2646  
that is subject to the excise tax imposed by section 5727.24 or 2647  
5727.30 of the Revised Code; 2648

(b) Taxable gross receipts that cannot be directly 2649  
attributed to any activity, multiplied by a fraction whose 2650  
numerator is the taxable gross receipts described in division 2651  
(E) (2) (a) of this section and whose denominator is the total 2652  
taxable gross receipts that can be directly attributed to any 2653  
activity; 2654

(c) Except for any differences resulting from the use of 2655  
an accrual basis method of accounting for purposes of 2656  
determining gross receipts under this chapter and the use of the 2657  
cash basis method of accounting for purposes of determining 2658  
gross receipts under section 5727.24 of the Revised Code, the 2659  
gross receipts directly attributed to the activity of a natural 2660  
gas company shall be determined in a manner consistent with 2661  
division (D) of section 5727.03 of the Revised Code. 2662

As used in division (E) (2) of this section, "combined 2663  
company" and "public utility" have the same meanings as in 2664  
section 5727.01 of the Revised Code. 2665

(3) A financial institution, as defined in section 5726.01 2666  
of the Revised Code, that paid the tax imposed by section 2667  
5726.02 of the Revised Code based on one or more taxable years 2668  
that include the entire tax period under this chapter; 2669

(4) A person directly or indirectly owned by one or more 2670

financial institutions, as defined in section 5726.01 of the 2671  
Revised Code, that paid the tax imposed by section 5726.02 of 2672  
the Revised Code based on one or more taxable years that include 2673  
the entire tax period under this chapter. 2674

For the purposes of division (E) (4) of this section, a 2675  
person owns another person under the following circumstances: 2676

(a) In the case of corporations issuing capital stock, one 2677  
corporation owns another corporation if it owns fifty per cent 2678  
or more of the other corporation's capital stock with current 2679  
voting rights; 2680

(b) In the case of a limited liability company, one person 2681  
owns the company if that person's membership interest, as 2682  
defined in section 1705.01 of the Revised Code, is fifty per 2683  
cent or more of the combined membership interests of all persons 2684  
owning such interests in the company; 2685

(c) In the case of a partnership, trust, or other 2686  
unincorporated business organization other than a limited 2687  
liability company, one person owns the organization if, under 2688  
the articles of organization or other instrument governing the 2689  
affairs of the organization, that person has a beneficial 2690  
interest in the organization's profits, surpluses, losses, or 2691  
distributions of fifty per cent or more of the combined 2692  
beneficial interests of all persons having such an interest in 2693  
the organization. 2694

(5) A domestic insurance company or foreign insurance 2695  
company, as defined in section 5725.01 of the Revised Code, that 2696  
paid the insurance company premiums tax imposed by section 2697  
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 2698  
insurance company whose gross premiums are subject to tax under 2699

section 3905.36 of the Revised Code based on one or more 2700  
measurement periods that include the entire tax period under 2701  
this chapter; 2702

(6) A person that solely facilitates or services one or 2703  
more securitizations of phase-in-recovery property pursuant to a 2704  
final financing order as those terms are defined in section 2705  
4928.23 of the Revised Code. For purposes of this division, 2706  
"securitization" means transferring one or more assets to one or 2707  
more persons and then issuing securities backed by the right to 2708  
receive payment from the asset or assets so transferred. 2709

(7) Except as otherwise provided in this division, a pre- 2710  
income tax trust as defined in division (FF) (4) of section 2711  
5747.01 of the Revised Code and any pass-through entity of which 2712  
such pre-income tax trust owns or controls, directly, 2713  
indirectly, or constructively through related interests, more 2714  
than five per cent of the ownership or equity interests. If the 2715  
pre-income tax trust has made a qualifying pre-income tax trust 2716  
election under division (FF) (3) of section 5747.01 of the 2717  
Revised Code, then the trust and the pass-through entities of 2718  
which it owns or controls, directly, indirectly, or 2719  
constructively through related interests, more than five per 2720  
cent of the ownership or equity interests, shall not be excluded 2721  
persons for purposes of the tax imposed under section 5751.02 of 2722  
the Revised Code. 2723

(8) Nonprofit organizations or the state and its agencies, 2724  
instrumentalities, or political subdivisions. 2725

(F) Except as otherwise provided in divisions (F) (2), (3), 2726  
and (4) of this section, "gross receipts" means the total amount 2727  
realized by a person, without deduction for the cost of goods 2728  
sold or other expenses incurred, that contributes to the 2729

production of gross income of the person, including the fair 2730  
market value of any property and any services received, and any 2731  
debt transferred or forgiven as consideration. 2732

(1) The following are examples of gross receipts: 2733

(a) Amounts realized from the sale, exchange, or other 2734  
disposition of the taxpayer's property to or with another; 2735

(b) Amounts realized from the taxpayer's performance of 2736  
services for another; 2737

(c) Amounts realized from another's use or possession of 2738  
the taxpayer's property or capital; 2739

(d) Any combination of the foregoing amounts. 2740

(2) "Gross receipts" excludes the following amounts: 2741

(a) Interest income except interest on credit sales; 2742

(b) Dividends and distributions from corporations, and 2743  
distributive or proportionate shares of receipts and income from 2744  
a pass-through entity as defined under section 5733.04 of the 2745  
Revised Code; 2746

(c) Receipts from the sale, exchange, or other disposition 2747  
of an asset described in section 1221 or 1231 of the Internal 2748  
Revenue Code, without regard to the length of time the person 2749  
held the asset. Notwithstanding section 1221 of the Internal 2750  
Revenue Code, receipts from hedging transactions also are 2751  
excluded to the extent the transactions are entered into 2752  
primarily to protect a financial position, such as managing the 2753  
risk of exposure to (i) foreign currency fluctuations that 2754  
affect assets, liabilities, profits, losses, equity, or 2755  
investments in foreign operations; (ii) interest rate 2756  
fluctuations; or (iii) commodity price fluctuations. As used in 2757

division (F)(2)(c) of this section, "hedging transaction" has 2758  
the same meaning as used in section 1221 of the Internal Revenue 2759  
Code and also includes transactions accorded hedge accounting 2760  
treatment under statement of financial accounting standards 2761  
number 133 of the financial accounting standards board. For the 2762  
purposes of division (F)(2)(c) of this section, the actual 2763  
transfer of title of real or tangible personal property to 2764  
another entity is not a hedging transaction. 2765

(d) Proceeds received attributable to the repayment, 2766  
maturity, or redemption of the principal of a loan, bond, mutual 2767  
fund, certificate of deposit, or marketable instrument; 2768

(e) The principal amount received under a repurchase 2769  
agreement or on account of any transaction properly 2770  
characterized as a loan to the person; 2771

(f) Contributions received by a trust, plan, or other 2772  
arrangement, any of which is described in section 501(a) of the 2773  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 2774  
1, Subchapter (D) of the Internal Revenue Code applies; 2775

(g) Compensation, whether current or deferred, and whether 2776  
in cash or in kind, received or to be received by an employee, 2777  
former employee, or the employee's legal successor for services 2778  
rendered to or for an employer, including reimbursements 2779  
received by or for an individual for medical or education 2780  
expenses, health insurance premiums, or employee expenses, or on 2781  
account of a dependent care spending account, legal services 2782  
plan, any cafeteria plan described in section 125 of the 2783  
Internal Revenue Code, or any similar employee reimbursement; 2784

(h) Proceeds received from the issuance of the taxpayer's 2785  
own stock, options, warrants, puts, or calls, or from the sale 2786

of the taxpayer's treasury stock; 2787

(i) Proceeds received on the account of payments from 2788  
insurance policies, except those proceeds received for the loss 2789  
of business revenue; 2790

(j) Gifts or charitable contributions received; membership 2791  
dues received by trade, professional, homeowners', or 2792  
condominium associations; and payments received for educational 2793  
courses, meetings, meals, or similar payments to a trade, 2794  
professional, or other similar association; and fundraising 2795  
receipts received by any person when any excess receipts are 2796  
donated or used exclusively for charitable purposes; 2797

(k) Damages received as the result of litigation in excess 2798  
of amounts that, if received without litigation, would be gross 2799  
receipts; 2800

(l) Property, money, and other amounts received or 2801  
acquired by an agent on behalf of another in excess of the 2802  
agent's commission, fee, or other remuneration; 2803

(m) Tax refunds, other tax benefit recoveries, and 2804  
reimbursements for the tax imposed under this chapter made by 2805  
entities that are part of the same combined taxpayer or 2806  
consolidated elected taxpayer group, and reimbursements made by 2807  
entities that are not members of a combined taxpayer or 2808  
consolidated elected taxpayer group that are required to be made 2809  
for economic parity among multiple owners of an entity whose tax 2810  
obligation under this chapter is required to be reported and 2811  
paid entirely by one owner, pursuant to the requirements of 2812  
sections 5751.011 and 5751.012 of the Revised Code; 2813

(n) Pension reversions; 2814

(o) Contributions to capital; 2815



(p) Sales or use taxes collected as a vendor or an out-of- 2816  
state seller on behalf of the taxing jurisdiction from a 2817  
consumer or other taxes the taxpayer is required by law to 2818  
collect directly from a purchaser and remit to a local, state, 2819  
or federal tax authority; 2820

(q) In the case of receipts from the sale of cigarettes or 2821  
tobacco products by a wholesale dealer, retail dealer, 2822  
distributor, manufacturer, or seller, all as defined in section 2823  
5743.01 of the Revised Code, an amount equal to the federal and 2824  
state excise taxes paid by any person on or for such cigarettes 2825  
or tobacco products under subtitle E of the Internal Revenue 2826  
Code or Chapter 5743. of the Revised Code; 2827

(r) In the case of receipts from the sale, transfer, 2828  
exchange, or other disposition of motor fuel as "motor fuel" is 2829  
defined in section 5736.01 of the Revised Code, an amount equal 2830  
to the value of the motor fuel, including federal and state 2831  
motor fuel excise taxes and receipts from billing or invoicing 2832  
the tax imposed under section 5736.02 of the Revised Code to 2833  
another person; 2834

(s) In the case of receipts from the sale of beer or 2835  
intoxicating liquor, as defined in section 4301.01 of the 2836  
Revised Code, by a person holding a permit issued under Chapter 2837  
4301. or 4303. of the Revised Code, an amount equal to federal 2838  
and state excise taxes paid by any person on or for such beer or 2839  
intoxicating liquor under subtitle E of the Internal Revenue 2840  
Code or Chapter 4301. or 4305. of the Revised Code; 2841

(t) Receipts realized by a new motor vehicle dealer or 2842  
used motor vehicle dealer, as defined in section 4517.01 of the 2843  
Revised Code, from the sale or other transfer of a motor 2844  
vehicle, as defined in that section, to another motor vehicle 2845

dealer for the purpose of resale by the transferee motor vehicle 2846  
dealer, but only if the sale or other transfer was based upon 2847  
the transferee's need to meet a specific customer's preference 2848  
for a motor vehicle; 2849

(u) Receipts from a financial institution described in 2850  
division (E) (3) of this section for services provided to the 2851  
financial institution in connection with the issuance, 2852  
processing, servicing, and management of loans or credit 2853  
accounts, if such financial institution and the recipient of 2854  
such receipts have at least fifty per cent of their ownership 2855  
interests owned or controlled, directly or constructively 2856  
through related interests, by common owners; 2857

(v) Receipts realized from administering anti-neoplastic 2858  
drugs and other cancer chemotherapy, biologicals, therapeutic 2859  
agents, and supportive drugs in a physician's office to patients 2860  
with cancer; 2861

(w) Funds received or used by a mortgage broker that is 2862  
not a dealer in intangibles, other than fees or other 2863  
consideration, pursuant to a table-funding mortgage loan or 2864  
warehouse-lending mortgage loan. Terms used in division (F) (2) 2865  
(w) of this section have the same meanings as in section 1322.01 2866  
of the Revised Code, except "mortgage broker" means a person 2867  
assisting a buyer in obtaining a mortgage loan for a fee or 2868  
other consideration paid by the buyer or a lender, or a person 2869  
engaged in table-funding or warehouse-lending mortgage loans 2870  
that are first lien mortgage loans. 2871

(x) Property, money, and other amounts received by a 2872  
professional employer organization, as defined in section 2873  
4125.01 of the Revised Code, from a client employer, as defined 2874  
in that section, in excess of the administrative fee charged by 2875

the professional employer organization to the client employer; 2876

(y) In the case of amounts retained as commissions by a 2877  
permit holder under Chapter 3769. of the Revised Code, an amount 2878  
equal to the amounts specified under that chapter that must be 2879  
paid to or collected by the tax commissioner as a tax and the 2880  
amounts specified under that chapter to be used as purse money; 2881

(z) Qualifying distribution center receipts. 2882

(i) For purposes of division (F)(2)(z) of this section: 2883

(I) "Qualifying distribution center receipts" means 2884  
receipts of a supplier from qualified property that is delivered 2885  
to a qualified distribution center, multiplied by a quantity 2886  
that equals one minus the Ohio delivery percentage. If the 2887  
qualified distribution center is a refining facility, "supplier" 2888  
includes all dealers, brokers, processors, sellers, vendors, 2889  
cosigners, and distributors of qualified property. 2890

(II) "Qualified property" means tangible personal property 2891  
delivered to a qualified distribution center that is shipped to 2892  
that qualified distribution center solely for further shipping 2893  
by the qualified distribution center to another location in this 2894  
state or elsewhere or, in the case of gold, silver, platinum, or 2895  
palladium delivered to a refining facility solely for refining 2896  
to a grade and fineness acceptable for delivery to a registered 2897  
commodities exchange. "Further shipping" includes storing and 2898  
repackaging property into smaller or larger bundles, so long as 2899  
the property is not subject to further manufacturing or 2900  
processing. "Refining" is limited to extracting impurities from 2901  
gold, silver, platinum, or palladium through smelting or some 2902  
other process at a refining facility. 2903

(III) "Qualified distribution center" means a warehouse, a 2904

facility similar to a warehouse, or a refining facility in this 2905  
state that, for the qualifying year, is operated by a person 2906  
that is not part of a combined taxpayer group and that has a 2907  
qualifying certificate. All warehouses or facilities similar to 2908  
warehouses that are operated by persons in the same taxpayer 2909  
group and that are located within one mile of each other shall 2910  
be treated as one qualified distribution center. All refining 2911  
facilities that are operated by persons in the same taxpayer 2912  
group and that are located in the same or adjacent counties may 2913  
be treated as one qualified distribution center. 2914

(IV) "Qualifying year" means the calendar year to which 2915  
the qualifying certificate applies. 2916

(V) "Qualifying period" means the period of the first day 2917  
of July of the second year preceding the qualifying year through 2918  
the thirtieth day of June of the year preceding the qualifying 2919  
year. 2920

(VI) "Qualifying certificate" means the certificate issued 2921  
by the tax commissioner after the operator of a distribution 2922  
center files an annual application with the commissioner. The 2923  
application and annual fee shall be filed and paid for each 2924  
qualified distribution center on or before the first day of 2925  
September before the qualifying year or within forty-five days 2926  
after the distribution center opens, whichever is later. 2927

The applicant must substantiate to the commissioner's 2928  
satisfaction that, for the qualifying period, all persons 2929  
operating the distribution center have more than fifty per cent 2930  
of the cost of the qualified property shipped to a location such 2931  
that it would be situated outside this state under the provisions 2932  
of division (E) of section 5751.033 of the Revised Code. The 2933  
applicant must also substantiate that the distribution center 2934

cumulatively had costs from its suppliers equal to or exceeding 2935  
five hundred million dollars during the qualifying period. (For 2936  
purposes of division (F) (2) (z) (i) (VI) of this section, 2937  
"supplier" excludes any person that is part of the consolidated 2938  
elected taxpayer group, if applicable, of the operator of the 2939  
qualified distribution center.) The commissioner may require the 2940  
applicant to have an independent certified public accountant 2941  
certify that the calculation of the minimum thresholds required 2942  
for a qualified distribution center by the operator of a 2943  
distribution center has been made in accordance with generally 2944  
accepted accounting principles. The commissioner shall issue or 2945  
deny the issuance of a certificate within sixty days after the 2946  
receipt of the application. A denial is subject to appeal under 2947  
section 5717.02 of the Revised Code. If the operator files a 2948  
timely appeal under section 5717.02 of the Revised Code, the 2949  
operator shall be granted a qualifying certificate effective for 2950  
the remainder of the qualifying year or until the appeal is 2951  
finalized, whichever is earlier. If the operator does not 2952  
prevail in the appeal, the operator shall pay the ineligible 2953  
operator's supplier tax liability. 2954

(VII) "Ohio delivery percentage" means the proportion of 2955  
the total property delivered to a destination inside Ohio from 2956  
the qualified distribution center during the qualifying period 2957  
compared with total deliveries from such distribution center 2958  
everywhere during the qualifying period. 2959

(VIII) "Refining facility" means one or more buildings 2960  
located in a county in the Appalachian region of this state as 2961  
defined by section 107.21 of the Revised Code and utilized for 2962  
refining or smelting gold, silver, platinum, or palladium to a 2963  
grade and fineness acceptable for delivery to a registered 2964  
commodities exchange. 2965

(IX) "Registered commodities exchange" means a board of 2966  
trade, such as New York mercantile exchange, inc. or commodity 2967  
exchange, inc., designated as a contract market by the commodity 2968  
futures trading commission under the "Commodity Exchange Act," 7 2969  
U.S.C. 1 et seq., as amended. 2970

(X) "Ineligible operator's supplier tax liability" means 2971  
an amount equal to the tax liability of all suppliers of a 2972  
distribution center had the distribution center not been issued 2973  
a qualifying certificate for the qualifying year. Ineligible 2974  
operator's supplier tax liability shall not include interest or 2975  
penalties. The tax commissioner shall determine an ineligible 2976  
operator's supplier tax liability based on information that the 2977  
commissioner may request from the operator of the distribution 2978  
center. An operator shall provide a list of all suppliers of the 2979  
distribution center and the corresponding costs of qualified 2980  
property for the qualifying year at issue within sixty days of a 2981  
request by the commissioner under this division. 2982

(ii)(I) If the distribution center is new and was not open 2983  
for the entire qualifying period, the operator of the 2984  
distribution center may request that the commissioner grant a 2985  
qualifying certificate. If the certificate is granted and it is 2986  
later determined that more than fifty per cent of the qualified 2987  
property during that year was not shipped to a location such 2988  
that it would be situated outside of this state under the 2989  
provisions of division (E) of section 5751.033 of the Revised 2990  
Code or if it is later determined that the person that operates 2991  
the distribution center had average monthly costs from its 2992  
suppliers of less than forty million dollars during that year, 2993  
then the operator of the distribution center shall pay the 2994  
ineligible operator's supplier tax liability. (For purposes of 2995  
division (F)(2)(z)(ii) of this section, "supplier" excludes any 2996

person that is part of the consolidated elected taxpayer group, 2997  
if applicable, of the operator of the qualified distribution 2998  
center.) 2999

(II) The commissioner may grant a qualifying certificate 3000  
to a distribution center that does not qualify as a qualified 3001  
distribution center for an entire qualifying period if the 3002  
operator of the distribution center demonstrates that the 3003  
business operations of the distribution center have changed or 3004  
will change such that the distribution center will qualify as a 3005  
qualified distribution center within thirty-six months after the 3006  
date the operator first applies for a certificate. If, at the 3007  
end of that thirty-six-month period, the business operations of 3008  
the distribution center have not changed such that the 3009  
distribution center qualifies as a qualified distribution 3010  
center, the operator of the distribution center shall pay the 3011  
ineligible operator's supplier tax liability for each year that 3012  
the distribution center received a certificate but did not 3013  
qualify as a qualified distribution center. For each year the 3014  
distribution center receives a certificate under division (F) (2) 3015  
(z) (ii) (II) of this section, the distribution center shall pay 3016  
all applicable fees required under division (F) (2) (z) of this 3017  
section and shall submit an updated business plan showing the 3018  
progress the distribution center made toward qualifying as a 3019  
qualified distribution center during the preceding year. 3020

(III) An operator may appeal a determination under 3021  
division (F) (2) (z) (ii) (I) or (II) of this section that the 3022  
ineligible operator is liable for the operator's supplier tax 3023  
liability as a result of not qualifying as a qualified 3024  
distribution center, as provided in section 5717.02 of the 3025  
Revised Code. 3026

(iii) When filing an application for a qualifying 3027  
certificate under division (F) (2) (z) (i) (VI) of this section, the 3028  
operator of a qualified distribution center also shall provide 3029  
documentation, as the commissioner requires, for the 3030  
commissioner to ascertain the Ohio delivery percentage. The 3031  
commissioner, upon issuing the qualifying certificate, also 3032  
shall certify the Ohio delivery percentage. The operator of the 3033  
qualified distribution center may appeal the commissioner's 3034  
certification of the Ohio delivery percentage in the same manner 3035  
as an appeal is taken from the denial of a qualifying 3036  
certificate under division (F) (2) (z) (i) (VI) of this section. 3037

(iv) (I) In the case where the distribution center is new 3038  
and not open for the entire qualifying period, the operator 3039  
shall make a good faith estimate of an Ohio delivery percentage 3040  
for use by suppliers in their reports of taxable gross receipts 3041  
for the remainder of the qualifying period. The operator of the 3042  
facility shall disclose to the suppliers that such Ohio delivery 3043  
percentage is an estimate and is subject to recalculation. By 3044  
the due date of the next application for a qualifying 3045  
certificate, the operator shall determine the actual Ohio 3046  
delivery percentage for the estimated qualifying period and 3047  
proceed as provided in division (F) (2) (z) (iii) of this section 3048  
with respect to the calculation and recalculation of the Ohio 3049  
delivery percentage. The supplier is required to file, within 3050  
sixty days after receiving notice from the operator of the 3051  
qualified distribution center, amended reports for the impacted 3052  
calendar quarter or quarters or calendar year, whichever the 3053  
case may be. Any additional tax liability or tax overpayment 3054  
shall be subject to interest but shall not be subject to the 3055  
imposition of any penalty so long as the amended returns are 3056  
timely filed. 3057



(II) The operator of a distribution center that receives a  
qualifying certificate under division (F) (2) (z) (ii) (II) of this  
section shall make a good faith estimate of the Ohio delivery  
percentage that the operator estimates will apply to the  
distribution center at the end of the thirty-six-month period  
after the operator first applied for a qualifying certificate  
under that division. The result of the estimate shall be  
multiplied by a factor of one and seventy-five one-hundredths.  
The product of that calculation shall be the Ohio delivery  
percentage used by suppliers in their reports of taxable gross  
receipts for each qualifying year that the distribution center  
receives a qualifying certificate under division (F) (2) (z) (ii)  
(II) of this section, except that, if the product is less than  
five per cent, the Ohio delivery percentage used shall be five  
per cent and that, if the product exceeds forty-nine per cent,  
the Ohio delivery percentage used shall be forty-nine per cent.

(v) Qualifying certificates and Ohio delivery percentages  
issued by the commissioner shall be open to public inspection  
and shall be timely published by the commissioner. A supplier  
relying in good faith on a certificate issued under this  
division shall not be subject to tax on the qualifying  
distribution center receipts under division (F) (2) (z) of this  
section. An operator receiving a qualifying certificate is  
liable for the ineligible operator's supplier tax liability for  
each year the operator received a certificate but did not  
qualify as a qualified distribution center.

(vi) The annual fee for a qualifying certificate shall be  
one hundred thousand dollars for each qualified distribution  
center. If a qualifying certificate is not issued, the annual  
fee is subject to refund after the exhaustion of all appeals  
provided for in division (F) (2) (z) (i) (VI) of this section. The

first one hundred thousand dollars of the annual application 3089  
fees collected each calendar year shall be credited to the 3090  
revenue enhancement fund. The remainder of the annual 3091  
application fees collected shall be distributed in the same 3092  
manner required under section 5751.20 of the Revised Code. 3093

(vii) The tax commissioner may require that adequate 3094  
security be posted by the operator of the distribution center on 3095  
appeal when the commissioner disagrees that the applicant has 3096  
met the minimum thresholds for a qualified distribution center 3097  
as set forth in division (F) (2) (z) of this section. 3098

(aa) Receipts of an employer from payroll deductions 3099  
relating to the reimbursement of the employer for advancing 3100  
moneys to an unrelated third party on an employee's behalf; 3101

(bb) Cash discounts allowed and taken; 3102

(cc) Returns and allowances; 3103

(dd) Bad debts from receipts on the basis of which the tax 3104  
imposed by this chapter was paid in a prior quarterly tax 3105  
payment period. For the purpose of this division, "bad debts" 3106  
means any debts that have become worthless or uncollectible 3107  
between the preceding and current quarterly tax payment periods, 3108  
have been uncollected for at least six months, and that may be 3109  
claimed as a deduction under section 166 of the Internal Revenue 3110  
Code and the regulations adopted under that section, or that 3111  
could be claimed as such if the taxpayer kept its accounts on 3112  
the accrual basis. "Bad debts" does not include repossessed 3113  
property, uncollectible amounts on property that remains in the 3114  
possession of the taxpayer until the full purchase price is 3115  
paid, or expenses in attempting to collect any account 3116  
receivable or for any portion of the debt recovered; 3117

(ee) Any amount realized from the sale of an account 3118  
receivable to the extent the receipts from the underlying 3119  
transaction giving rise to the account receivable were included 3120  
in the gross receipts of the taxpayer; 3121

(ff) Any receipts directly attributed to a transfer 3122  
agreement or to the enterprise transferred under that agreement 3123  
under section 4313.02 of the Revised Code. 3124

(gg) (i) As used in this division: 3125

(I) "Qualified uranium receipts" means receipts from the 3126  
sale, exchange, lease, loan, production, processing, or other 3127  
disposition of uranium within a uranium enrichment zone 3128  
certified by the tax commissioner under division (F) (2) (gg) (ii) 3129  
of this section. "Qualified uranium receipts" does not include 3130  
any receipts with a situs in this state outside a uranium 3131  
enrichment zone certified by the tax commissioner under division 3132  
(F) (2) (gg) (ii) of this section. 3133

(II) "Uranium enrichment zone" means all real property 3134  
that is part of a uranium enrichment facility licensed by the 3135  
United States nuclear regulatory commission and that was or is 3136  
owned or controlled by the United States department of energy or 3137  
its successor. 3138

(ii) Any person that owns, leases, or operates real or 3139  
tangible personal property constituting or located within a 3140  
uranium enrichment zone may apply to the tax commissioner to 3141  
have the uranium enrichment zone certified for the purpose of 3142  
excluding qualified uranium receipts under division (F) (2) (gg) 3143  
of this section. The application shall include such information 3144  
that the tax commissioner prescribes. Within sixty days after 3145  
receiving the application, the tax commissioner shall certify 3146

the zone for that purpose if the commissioner determines that 3147  
the property qualifies as a uranium enrichment zone as defined 3148  
in division (F) (2) (gg) of this section, or, if the tax 3149  
commissioner determines that the property does not qualify, the 3150  
commissioner shall deny the application or request additional 3151  
information from the applicant. If the tax commissioner denies 3152  
an application, the commissioner shall state the reasons for the 3153  
denial. The applicant may appeal the denial of an application to 3154  
the board of tax appeals pursuant to section 5717.02 of the 3155  
Revised Code. If the applicant files a timely appeal, the tax 3156  
commissioner shall conditionally certify the applicant's 3157  
property. The conditional certification shall expire when all of 3158  
the applicant's appeals are exhausted. Until final resolution of 3159  
the appeal, the applicant shall retain the applicant's records 3160  
in accordance with section 5751.12 of the Revised Code, 3161  
notwithstanding any time limit on the preservation of records 3162  
under that section. 3163

(hh) In the case of amounts collected by a licensed casino 3164  
operator from casino gaming, amounts in excess of the casino 3165  
operator's gross casino revenue. In this division, "casino 3166  
operator" and "casino gaming" have the meanings defined in 3167  
section 3772.01 of the Revised Code, and "gross casino revenue" 3168  
has the meaning defined in section 5753.01 of the Revised Code. 3169

(ii) Receipts realized from the sale of agricultural 3170  
commodities by an agricultural commodity handler, both as 3171  
defined in section 926.01 of the Revised Code, that is licensed 3172  
by the director of agriculture to handle agricultural 3173  
commodities in this state. 3174

(jj) Qualifying integrated supply chain receipts. 3175

As used in division (F) (2) (jj) of this section: 3176

(i) "Qualifying integrated supply chain receipts" means 3177  
receipts of a qualified integrated supply chain vendor from the 3178  
sale of qualified property delivered to, or integrated supply 3179  
chain services provided to, another qualified integrated supply 3180  
chain vendor or to a retailer that is a member of the integrated 3181  
supply chain. "Qualifying integrated supply chain receipts" does 3182  
not include receipts of a person that is not a qualified 3183  
integrated supply chain vendor from the sale of raw materials to 3184  
a member of an integrated supply chain, or receipts of a member 3185  
of an integrated supply chain from the sale of qualified 3186  
property or integrated supply chain services to a person that is 3187  
not a member of the integrated supply chain. 3188

(ii) "Qualified property" means any of the following: 3189

(I) Component parts used to hold, contain, package, or 3190  
dispense qualified products, excluding equipment; 3191

(II) Work-in-process inventory that will become, comprise, 3192  
or form a component part of a qualified product capable of being 3193  
sold at retail, excluding equipment, machinery, furniture, and 3194  
fixtures; 3195

(III) Finished goods inventory that is a qualified product 3196  
capable of being sold at retail in the inventory's present form. 3197

(iii) "Qualified integrated supply chain vendor" means a 3198  
person that is a member of an integrated supply chain and that 3199  
provides integrated supply chain services within a qualified 3200  
integrated supply chain district to a retailer that is a member 3201  
of the integrated supply chain or to another qualified 3202  
integrated supply chain vendor that is located within the same 3203  
such district as the person but does not share a common owner 3204  
with that person. 3205

(iv) "Qualified product" means a personal care, health, or 3206  
beauty product or an aromatic product, including a candle. 3207  
"Qualified product" does not include a drug that may be 3208  
dispensed only pursuant to a prescription, durable medical 3209  
equipment, mobility enhancing equipment, or a prosthetic device, 3210  
as those terms are defined in section 5739.01 of the Revised 3211  
Code. 3212

(v) "Integrated supply chain" means two or more qualified 3213  
integrated supply chain vendors certified on the most recent 3214  
list certified to the tax commissioner under this division that 3215  
systematically collaborate and coordinate business operations 3216  
with a retailer on the flow of tangible personal property from 3217  
material sourcing through manufacturing, assembly, packaging, 3218  
and delivery to the retailer to improve long-term financial 3219  
performance of each vendor and the supply chain that includes 3220  
the retailer. 3221

For the purpose of the certification required under this 3222  
division, the reporting person for each retailer, on or before 3223  
the first day of October of each year, shall certify to the tax 3224  
commissioner a list of the qualified integrated supply chain 3225  
vendors providing or receiving integrated supply chain services 3226  
within a qualified integrated supply chain district for the 3227  
ensuing calendar year. On or before the following first day of 3228  
November, the commissioner shall issue a certificate to the 3229  
retailer and to each vendor certified to the commissioner on 3230  
that list. The certificate shall include the names of the 3231  
retailer and of the qualified integrated supply chain vendors. 3232

The retailer shall notify the commissioner of any changes 3233  
to the list, including additions to or subtractions from the 3234  
list or changes in the name or legal entity of vendors certified 3235

on the list, within sixty days after the date the retailer 3236  
becomes aware of the change. Within thirty days after receiving 3237  
that notification, the commissioner shall issue a revised 3238  
certificate to the retailer and to each vendor certified on the 3239  
list. The revised certificate shall include the effective date 3240  
of the change. 3241

Each recipient of a certificate issued pursuant to this 3242  
division shall maintain a copy of the certificate for four years 3243  
from the date the certificate was received. 3244

(vi) "Integrated supply chain services" means procuring 3245  
raw materials or manufacturing, processing, refining, 3246  
assembling, packaging, or repackaging tangible personal property 3247  
that will become finished goods inventory capable of being sold 3248  
at retail by a retailer that is a member of an integrated supply 3249  
chain. 3250

(vii) "Retailer" means a person primarily engaged in 3251  
making retail sales and any member of that person's consolidated 3252  
elected taxpayer group or combined taxpayer group, whether or 3253  
not that member is primarily engaged in making retail sales. 3254

(viii) "Qualified integrated supply chain district" means 3255  
the parcel or parcels of land from which a retailer's integrated 3256  
supply chain that existed on September 29, 2015, provides or 3257  
receives integrated supply chain services, and to which all of 3258  
the following apply: 3259

(I) The parcel or parcels are located wholly in a county 3260  
having a population of greater than one hundred sixty-five 3261  
thousand but less than one hundred seventy thousand based on the 3262  
2010 federal decennial census. 3263

(II) The parcel or parcels are located wholly in the 3264

corporate limits of a municipal corporation with a population 3265  
greater than seven thousand five hundred and less than eight 3266  
thousand based on the 2010 federal decennial census that is 3267  
partly located in the county described in division (F) (2) (jj) 3268  
(viii) (I) of this section, as those corporate limits existed on 3269  
September 29, 2015. 3270

(III) The aggregate acreage of the parcel or parcels 3271  
equals or exceeds one hundred acres. 3272

(kk) In the case of a railroad company described in 3273  
division (D) (9) of section 5727.01 of the Revised Code that 3274  
purchases dyed diesel fuel directly from a supplier as defined 3275  
by section 5736.01 of the Revised Code, an amount equal to the 3276  
product of the number of gallons of dyed diesel fuel purchased 3277  
directly from such a supplier multiplied by the average 3278  
wholesale price for a gallon of diesel fuel as determined under 3279  
section 5736.02 of the Revised Code for the period during which 3280  
the fuel was purchased multiplied by a fraction, the numerator 3281  
of which equals the rate of tax levied by section 5736.02 of the 3282  
Revised Code less the rate of tax computed in section 5751.03 of 3283  
the Revised Code, and the denominator of which equals the rate 3284  
of tax computed in section 5751.03 of the Revised Code. 3285

(ll) Receipts realized by an out-of-state disaster 3286  
business from disaster work conducted in this state during a 3287  
disaster response period pursuant to a qualifying solicitation 3288  
received by the business. Terms used in ~~this~~ division (F) (2) (ll) 3289  
of this section have the same meanings as in section 5703.94 of 3290  
the Revised Code. 3291

(mm) In the case of amounts collected by a sports gaming 3292  
agent from sports gaming, amounts in excess of the agent's 3293  
sports gaming receipts. In this division, "sports gaming agent" 3294



has the same meaning as in section 3770.30 of the Revised Code 3295  
and "sports gaming receipts" has the same meaning as in section 3296  
5753.01 of the Revised Code. 3297

(nn) Any receipts for which the tax imposed by this 3298  
chapter is prohibited by the constitution or laws of the United 3299  
States or the constitution of this state. 3300

(3) In the case of a taxpayer when acting as a real estate 3301  
broker, "gross receipts" includes only the portion of any fee 3302  
for the service of a real estate broker, or service of a real 3303  
estate salesperson associated with that broker, that is retained 3304  
by the broker and not paid to an associated real estate 3305  
salesperson or another real estate broker. For the purposes of 3306  
this division, "real estate broker" and "real estate 3307  
salesperson" have the same meanings as in section 4735.01 of the 3308  
Revised Code. 3309

(4) A taxpayer's method of accounting for gross receipts 3310  
for a tax period shall be the same as the taxpayer's method of 3311  
accounting for federal income tax purposes for the taxpayer's 3312  
federal taxable year that includes the tax period. If a 3313  
taxpayer's method of accounting for federal income tax purposes 3314  
changes, its method of accounting for gross receipts under this 3315  
chapter shall be changed accordingly. 3316

(G) "Taxable gross receipts" means gross receipts situated 3317  
to this state under section 5751.033 of the Revised Code. 3318

(H) A person has "substantial nexus with this state" if 3319  
any of the following applies. The person: 3320

(1) Owns or uses a part or all of its capital in this 3321  
state; 3322

(2) Holds a certificate of compliance with the laws of 3323

this state authorizing the person to do business in this state; 3324

(3) Has bright-line presence in this state; 3325

(4) Otherwise has nexus with this state to an extent that 3326  
the person can be required to remit the tax imposed under this 3327  
chapter under the Constitution of the United States. 3328

(I) A person has "bright-line presence" in this state for 3329  
a reporting period and for the remaining portion of the calendar 3330  
year if any of the following applies. The person: 3331

(1) Has at any time during the calendar year property in 3332  
this state with an aggregate value of at least fifty thousand 3333  
dollars. For the purpose of division (I)(1) of this section, 3334  
owned property is valued at original cost and rented property is 3335  
valued at eight times the net annual rental charge. 3336

(2) Has during the calendar year payroll in this state of 3337  
at least fifty thousand dollars. Payroll in this state includes 3338  
all of the following: 3339

(a) Any amount subject to withholding by the person under 3340  
section 5747.06 of the Revised Code; 3341

(b) Any other amount the person pays as compensation to an 3342  
individual under the supervision or control of the person for 3343  
work done in this state; and 3344

(c) Any amount the person pays for services performed in 3345  
this state on its behalf by another. 3346

(3) Has during the calendar year taxable gross receipts of 3347  
at least five hundred thousand dollars. 3348

(4) Has at any time during the calendar year within this 3349  
state at least twenty-five per cent of the person's total 3350

property, total payroll, or total gross receipts. 3351

(5) Is domiciled in this state as an individual or for 3352  
corporate, commercial, or other business purposes. 3353

(J) "Tangible personal property" has the same meaning as 3354  
in section 5739.01 of the Revised Code. 3355

(K) "Internal Revenue Code" means the Internal Revenue 3356  
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 3357  
used in this chapter that is not otherwise defined has the same 3358  
meaning as when used in a comparable context in the laws of the 3359  
United States relating to federal income taxes unless a 3360  
different meaning is clearly required. Any reference in this 3361  
chapter to the Internal Revenue Code includes other laws of the 3362  
United States relating to federal income taxes. 3363

(L) "Calendar quarter" means a three-month period ending 3364  
on the thirty-first day of March, the thirtieth day of June, the 3365  
thirtieth day of September, or the thirty-first day of December. 3366

(M) "Tax period" means the calendar quarter or calendar 3367  
year on the basis of which a taxpayer is required to pay the tax 3368  
imposed under this chapter. 3369

(N) "Calendar year taxpayer" means a taxpayer for which 3370  
the tax period is a calendar year. 3371

(O) "Calendar quarter taxpayer" means a taxpayer for which 3372  
the tax period is a calendar quarter. 3373

(P) "Agent" means a person authorized by another person to 3374  
act on its behalf to undertake a transaction for the other, 3375  
including any of the following: 3376

(1) A person receiving a fee to sell financial 3377  
instruments; 3378

(2) A person retaining only a commission from a 3379  
transaction with the other proceeds from the transaction being 3380  
remitted to another person; 3381

(3) A person issuing licenses and permits under section 3382  
1533.13 of the Revised Code; 3383

(4) A lottery sales agent holding a valid license issued 3384  
under section 3770.05 of the Revised Code; 3385

(5) A person acting as an agent of the division of liquor 3386  
control under section 4301.17 of the Revised Code. 3387

(Q) "Received" includes amounts accrued under the accrual 3388  
method of accounting. 3389

(R) "Reporting person" means a person in a consolidated 3390  
elected taxpayer or combined taxpayer group that is designated 3391  
by that group to legally bind the group for all filings and tax 3392  
liabilities and to receive all legal notices with respect to 3393  
matters under this chapter, or, for the purposes of section 3394  
5751.04 of the Revised Code, a separate taxpayer that is not a 3395  
member of such a group. 3396

**Sec. 5753.01.** As used in Chapter 5753. of the Revised Code 3397  
and for no other purpose under Title LVII of the Revised Code: 3398

(A) "Casino facility" has the same meaning as in section 3399  
3772.01 of the Revised Code. 3400

(B) "Casino gaming" has the same meaning as in section 3401  
3772.01 of the Revised Code. 3402

(C) "Casino operator" has the same meaning as in section 3403  
3772.01 of the Revised Code. 3404

(D) "Gross casino revenue" means the total amount of money 3405

exchanged for the purchase of chips, tokens, tickets, electronic 3406  
cards, or similar objects by casino patrons, less winnings paid 3407  
to wagerers. "Gross casino revenue" does not include the 3408  
issuance to casino patrons or wagering by casino patrons of any 3409  
promotional gaming credit as defined in section 3772.01 of the 3410  
Revised Code. When issuance of the promotional gaming credit 3411  
requires money exchanged as a match from the patron, the 3412  
excludible portion of the promotional gaming credit does not 3413  
include the portion of the wager purchased by the patron. 3414

(E) "Person" has the same meaning as in section 3772.01 of 3415  
the Revised Code. 3416

(F) "Slot machine" has the same meaning as in section 3417  
3772.01 of the Revised Code. 3418

(G) "Sports gaming facility" and "sports gaming agent" 3419  
have the same meanings as in section 3770.30 of the Revised 3420  
Code. 3421

(H) "Sports gaming receipts" means the total gross 3422  
receipts received by a sports gaming agent from the operation of 3423  
sports gaming in this state, less winnings paid to the wagerers. 3424

(I) "Table game" has the same meaning as in section 3425  
3772.01 of the Revised Code. 3426

(J) "Taxpayer" means a casino operator subject to the tax 3427  
levied under section 5753.02 of the Revised Code or a sports 3428  
gaming agent subject to the tax levied under section 5753.021 of 3429  
the Revised Code. 3430

~~(H)~~ (K) "Tax period" means one twenty-four-hour period 3431  
with regard to which a ~~casino operator taxpayer~~ is required to 3432  
pay the tax levied by ~~this chapter~~ section 5753.02 or 5753.021 3433  
of the Revised Code. 3434

Sec. 5753.021. For the purposes of funding the education 3435  
needs of this state, funding efforts to alleviate problem 3436  
gambling and addiction, and of defraying the costs of enforcing 3437  
and administering the law governing sports gaming and the tax 3438  
levied by this section, a tax is hereby levied on the sports 3439  
gaming receipts of a sports gaming agent at the rate of ten per 3440  
cent of the sports gaming receipts received by the agent from 3441  
the operation of sports gaming in this state. 3442

The tax imposed under this section is in addition to any 3443  
other taxes or fees imposed under the Revised Code. 3444

**Sec. 5753.03.** (A) For the purpose of receiving and 3445  
distributing, and accounting for, revenue received from the tax 3446  
levied by section 5753.02 of the Revised Code, the following 3447  
funds are created in the state treasury: 3448

- (1) The casino tax revenue fund; 3449
- (2) The gross casino revenue county fund; 3450
- (3) The gross casino revenue county student fund; 3451
- (4) The gross casino revenue host city fund; 3452
- (5) The Ohio state racing commission fund; 3453
- (6) The Ohio law enforcement training fund; 3454
- (7) The problem casino gambling and addictions fund; 3455
- (8) The casino control commission fund; 3456
- (9) The casino tax administration fund; 3457
- (10) The peace officer training academy fund; 3458
- (11) The criminal justice services casino tax revenue 3459  
fund. 3460

(B) All moneys collected from the tax levied under ~~this-~~ 3461  
~~chapter~~ section 5753.02 of the Revised Code shall be deposited 3462  
into the casino tax revenue fund. 3463

(C) From the casino tax revenue fund the director of 3464  
budget and management shall transfer as needed to the tax refund 3465  
fund amounts equal to the refunds certified by the tax 3466  
commissioner under section 5753.06 of the Revised Code and 3467  
attributable to the tax levied under section 5753.02 of the 3468  
Revised Code. 3469

(D) After making any transfers required by division (C) of 3470  
this section, but not later than the fifteenth day of the month 3471  
following the end of each calendar quarter, the director of 3472  
budget and management shall transfer amounts to each fund as 3473  
follows: 3474

(1) Fifty-one per cent to the gross casino revenue county 3475  
fund to make payments as required by Section 6(C)(3)(a) of 3476  
Article XV, Ohio Constitution; 3477

(2) Thirty-four per cent to the gross casino revenue 3478  
county student fund to make payments as required by Section 6(C) 3479  
(3)(b) of Article XV, Ohio Constitution and as provided in 3480  
section 5753.11 of the Revised Code; 3481

(3) Five per cent to the gross casino revenue host city 3482  
fund for the benefit of the cities in which casino facilities 3483  
are located; 3484

(4) Three per cent to the Ohio state racing commission 3485  
fund to support the efforts and activities of the Ohio state 3486  
racing commission to promote horse racing in this state at which 3487  
the pari-mutuel system of wagering is conducted; 3488

(5) Two per cent to the Ohio law enforcement training fund 3489

to support law enforcement functions in the state; 3490

(6) Two per cent to the problem casino gambling and 3491  
addictions fund to support efforts of the department of mental 3492  
health and addiction services to alleviate problem gambling and 3493  
substance abuse and related research in the state under section 3494  
5119.47 of the Revised Code; 3495

(7) Three per cent to the casino control commission fund 3496  
to support the operations of the Ohio casino control commission 3497  
and to defray the cost of administering the tax levied under 3498  
section 5753.02 of the Revised Code. 3499

Payments under divisions (D) (1) and (3) of this section 3500  
shall be made by the end of the month following the end of the 3501  
quarterly period. The tax commissioner shall make the data 3502  
available to the director of budget and management for this 3503  
purpose. 3504

Money in the Ohio state racing commission fund shall be 3505  
distributed at the discretion of the Ohio state racing 3506  
commission for the purpose stated in division (D) (4) of this 3507  
section by the end of the month following the end of the 3508  
quarterly period. The commission may retain up to five per cent 3509  
of the amount transferred to the fund under division (D) (4) of 3510  
this section for operating expenses necessary for the 3511  
administration of the fund. 3512

Payments from the gross casino revenue county student fund 3513  
as required under section 5753.11 of the Revised Code shall be 3514  
made by the last day of January and by the last day of August of 3515  
each year, beginning in 2013. The tax commissioner shall make 3516  
the data available to the director of budget and management for 3517  
this purpose. 3518



Of the money credited to the Ohio law enforcement training 3519  
fund, the director of budget and management shall distribute 3520  
eighty-five per cent of the money to the police officer training 3521  
academy fund for the purpose of supporting the law enforcement 3522  
training efforts of the Ohio peace officer training academy and 3523  
fifteen per cent of the money to the criminal justice services 3524  
casino tax revenue fund for the purpose of supporting the law 3525  
enforcement training efforts of the division of criminal justice 3526  
services. 3527

(E) (1) The tax commissioner shall serve as an agent of the 3528  
counties of this state only for the purposes of this division 3529  
and solely to make payments directly to municipal corporations 3530  
and school districts, as applicable, on the counties' behalf. 3531

(2) On or before the last day of the month following the 3532  
end of each calendar quarter, the tax commissioner shall provide 3533  
for payment from the funds referenced in divisions (D) (1) and 3534  
(3) of this section to each county and municipal corporation as 3535  
prescribed in those divisions. 3536

(3) On or before the last day of January and the last day 3537  
of August each year, the commissioner shall provide for payments 3538  
from the fund referenced in division (D) (2) of this section to 3539  
each school district as prescribed in that division. 3540

(F) The director of budget and management shall transfer 3541  
one per cent of the money credited to the casino control 3542  
commission fund to the casino tax administration fund. The tax 3543  
commissioner shall use the casino tax administration fund to 3544  
defray the costs incurred in administering the tax levied ~~by~~ 3545  
~~this chapter~~ under section 5753.02 of the Revised Code. 3546

(G) All investment earnings of the gross casino revenue 3547

county student fund shall be credited to the fund. 3548

Sec. 5753.031. (A) For the purpose of receiving and 3549  
distributing, and accounting for, revenue received from the tax 3550  
levied by section 5753.021 of the Revised Code and from fees and 3551  
finances imposed under Chapter 3770. of the Revised Code relating 3552  
to sports gaming, the following funds are created in the state 3553  
treasury: 3554

(1) The sports gaming revenue fund; 3555

(2) The lottery commission sports gaming fund; 3556

(3) The casino control commission sports gaming fund; 3557

(4) The problem sports gaming and addiction fund; 3558

(5) The sports gaming tax administration fund. 3559

(B) All moneys collected from the tax levied under section 3560  
5753.021 of the Revised Code and any fines and fees collected 3561  
under Chapter 3770. of the Revised Code relating to sports 3562  
gaming shall be deposited into the sports gaming revenue fund. 3563

(C) From the sports gaming revenue fund, the director of 3564  
budget and management shall transfer as needed to the tax refund 3565  
fund amounts equal to the refunds certified by the tax 3566  
commissioner under section 5753.06 of the Revised Code and 3567  
attributable to the tax levied under section 5753.021 of the 3568  
Revised Code. 3569

(D) Not later than the fifteenth day of each month, the 3570  
director of budget and management shall transfer the following 3571  
amounts from the sports gaming revenue fund: 3572

(1) To the lottery commission sports gaming fund, both of 3573  
the following amounts: 3574

(a) The amount necessary to reimburse the state lottery 3575  
commission's actual operating costs and expenses incurred in 3576  
administering the provisions of Chapter 3770. of the Revised 3577  
Code that relate to sports gaming. The amount transferred under 3578  
division (D) (1) (a) of this section shall not exceed ten per cent 3579  
of the revenue credited to the sports gaming revenue fund in the 3580  
preceding month. 3581

(b) The amount necessary to pay any bonuses, compensation, 3582  
or reimbursements due to veteran's and fraternal organizations 3583  
with sports gaming terminals. 3584

(2) To the casino control commission sports gaming fund, 3585  
the amount necessary to reimburse the casino control 3586  
commission's actual expenses incurred to assist in implementing 3587  
and enforcing Chapter 3770. of the Revised Code; 3588

(3) To the sports gaming tax administration fund, the 3589  
amount necessary to reimburse the department of taxation's 3590  
actual expenses incurred in administering the tax levied under 3591  
section 5753.021 of the Revised Code. 3592

(E) Of the amount in the sports gaming revenue fund 3593  
remaining after making the transfers required by divisions (C) 3594  
and (D) of this section, the director of budget and management 3595  
shall transfer, on or before the fifteenth day of the month 3596  
following the end of each calendar quarter, amounts to each fund 3597  
as follows: 3598

(1) Ninety-eight per cent to the lottery profits education 3599  
fund; 3600

(2) Two per cent to the problem sports gaming and 3601  
addiction fund to support the state's efforts to alleviate 3602  
problem sports gaming. 3603

(F) All interest generated by the funds created under this 3604  
section shall be credited back to the fund. 3605

**Sec. 5753.04.** (A) Daily each day banks are open for 3606  
business, not later than noon, a ~~casino operator~~ each taxpayer 3607  
shall file a return electronically with the tax commissioner. 3608  
The return shall be in the form required by the tax 3609  
commissioner, and shall reflect the relevant tax period. The 3610  
return shall include, but is not limited to, the amount of the 3611  
~~casino operator's~~ taxpayer's gross casino revenue or sports 3612  
gaming receipts for the tax period and the amount of tax due 3613  
under section 5753.02 or 5753.021 of the Revised Code for the 3614  
tax period. The ~~casino operator~~ taxpayer shall remit 3615  
electronically with the return the tax due. 3616

(B) If a sports gaming agent's sports gaming receipts for 3617  
a tax period are less than zero because the winnings paid by the 3618  
agent to wagerers exceeds the agent's total gross receipts from 3619  
the operation of sports gaming for that tax period, the tax 3620  
commissioner shall allow the agent to carry forward the deficit 3621  
to subsequent tax periods until the agent's sports gaming 3622  
receipts are greater than zero. 3623

A deficit may not be carried back to a prior tax period 3624  
and no payment previously made shall be refunded, except if the 3625  
agent surrenders its sports gaming agent license and the agent's 3626  
last return reported a deficit. In that case, the commissioner 3627  
shall multiply the deficit by ten per cent and pay that amount 3628  
to the agent in the manner prescribed by the commissioner. 3629

(C) If ~~the~~ a casino operator or sports gaming agent ceases 3630  
to be a taxpayer at any time, the ~~casino operator~~ or agent shall 3631  
indicate the last date for which the ~~casino operator~~ or agent 3632  
was liable for the tax. The return shall include a space for 3633

this purpose.

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**Sec. 5753.05.** (A) (1) A ~~casino operator taxpayer~~ who fails to file a return or to remit the tax due as required by section 5753.04 of the Revised Code shall pay a penalty not to exceed the greater of five hundred dollars or ten per cent of the tax due.

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(2) If the tax commissioner finds additional tax to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent of the additional tax found to be due. A delinquent payment of tax made as the result of a notice or an audit is subject to the additional penalty imposed by this division.

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(3) If a ~~casino operator taxpayer~~ fails to file a return electronically or to remit the tax electronically, the tax commissioner may impose an additional penalty of fifty dollars or ten per cent of the tax due as shown on the return, whichever is greater.

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(B) If the tax due under section 5753.02 or 5753.021 of the Revised Code is not timely paid, the ~~casino operator taxpayer~~ shall pay interest at the rate per annum prescribed in section 5703.47 of the Revised Code beginning on the day the tax was due through the day the tax is paid or an assessment is issued, whichever occurs first.

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(C) The tax commissioner shall collect any penalty or interest as if it were the tax levied by section 5753.02 or 5753.021 of the Revised Code, as applicable. Penalties and interest shall be treated as if they were revenue arising from the applicable ~~tax levied by section 5753.02 of the Revised Code~~.

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(D) The tax commissioner may abate all or a portion of any 3663  
penalty imposed under this section and may adopt rules governing 3664  
abatements. 3665

(E) If a casino operator or sports gaming agent fails to 3666  
file a return or remit the tax due as required by section 3667  
5753.04 of the Revised Code within a period of one year after 3668  
the due date for filing the return or remitting the tax, the 3669  
Ohio casino control commission or the state lottery commission, 3670  
as applicable, may suspend the ~~casino operator's~~ or agent's 3671  
license. 3672

**Sec. 5753.06.** (A) A ~~casino operator taxpayer~~ may apply to 3673  
the tax commissioner for refund of the amount of taxes under 3674  
section 5753.02 or 5753.021 of the Revised Code that were 3675  
overpaid, paid illegally or erroneously, or paid on an illegal 3676  
or erroneous assessment. The application shall be on a form 3677  
prescribed by the tax commissioner. The ~~casino operator taxpayer~~ 3678  
shall provide the amount of the requested refund along with the 3679  
claimed reasons for, and documentation to support, the issuance 3680  
of a refund. The ~~casino operator taxpayer~~ shall file the 3681  
application with the tax commissioner within four years after 3682  
the date the payment was made, unless the applicant has waived 3683  
the time limitation under division (D) of section 5753.07 of the 3684  
Revised Code. In the latter event, the four-year limitation is 3685  
extended for the same period of time as the waiver. 3686

(B) Upon the filing of a refund application, the tax 3687  
commissioner shall determine the amount of refund to which the 3688  
applicant is entitled. If the amount is not less than that 3689  
claimed, the tax commissioner shall certify the amount to the 3690  
director of budget and management and treasurer of state for 3691  
payment from the tax refund fund. If the amount is less than 3692

that claimed, the tax commissioner shall proceed under section 3693  
5703.70 of the Revised Code. 3694

(C) Interest on a refund applied for under this section, 3695  
computed at the rate provided for in section 5703.47 of the 3696  
Revised Code, shall be allowed from the later of the date the 3697  
tax was due or the date payment of the tax was made. Except as 3698  
provided in section 5753.07 of the Revised Code, the tax 3699  
commissioner may, with the consent of the ~~casino operator~~ 3700  
taxpayer, provide for crediting against the tax due for a tax 3701  
period, the amount of any refund due the ~~casino operator~~ 3702  
taxpayer for a preceding tax period. 3703

(D) Refunds under this section are subject to offset under 3704  
section 5753.061 of the Revised Code. 3705

**Sec. 5753.061.** As used in this section, "debt to the 3706  
state" means unpaid taxes that are due the state, unpaid 3707  
workers' compensation premiums that are due, unpaid unemployment 3708  
compensation contributions that are due, unpaid unemployment 3709  
compensation payments in lieu of contributions that are due, 3710  
unpaid fees payable to the state or to the clerk of courts under 3711  
section 4505.06 of the Revised Code, incorrect medical 3712  
assistance payments, or any unpaid charge, penalty, or interest 3713  
arising from any of the foregoing. A debt to the state is not a 3714  
"debt to the state" as used in this section unless the liability 3715  
underlying the debt to the state has become incontestable 3716  
because the time for appealing, reconsidering, reassessing, or 3717  
otherwise questioning the liability has expired or the liability 3718  
has been finally determined to be valid. 3719

If a ~~casino operator~~ taxpayer who is entitled to a refund 3720  
under section 5753.06 of the Revised Code owes a debt to the 3721  
state, the amount refundable may be applied in satisfaction of 3722

the debt to the state. If the amount refundable is less than the 3723  
amount of the debt to the state, the amount refundable may be 3724  
applied in partial satisfaction of the debt. If the amount 3725  
refundable is greater than the amount of the debt, the amount 3726  
refundable remaining after satisfaction of the debt shall be 3727  
refunded to the ~~casino operator~~ taxpayer. 3728

**Sec. 5753.07.** (A) (1) The tax commissioner may issue an 3729  
assessment, based on any information in the tax commissioner's 3730  
possession, against a ~~casino operator~~ taxpayer who fails to pay 3731  
the tax levied under section 5753.02 or 5753.021 of the Revised 3732  
Code or to file a return under section 5753.04 of the Revised 3733  
Code. The tax commissioner shall give the ~~casino operator~~ 3734  
taxpayer written notice of the assessment under section 5703.37 3735  
of the Revised Code. With the notice, the tax commissioner shall 3736  
include instructions on how to petition for reassessment and on 3737  
how to request a hearing with respect to the petition. 3738

(2) Unless the ~~casino operator~~ taxpayer, within sixty days 3739  
after service of the notice of assessment, files with the tax 3740  
commissioner, either personally or by certified mail, a written 3741  
petition signed by the ~~casino operator~~ taxpayer, or by the 3742  
~~casino operator's~~ taxpayer's authorized agent who has knowledge 3743  
of the facts, the assessment becomes final, and the amount of 3744  
the assessment is due and payable from the ~~casino operator~~ 3745  
taxpayer to the treasurer of state. The petition shall indicate 3746  
the ~~casino operator's~~ taxpayer's objections to the assessment. 3747  
Additional objections may be raised in writing if they are 3748  
received by the tax commissioner before the date shown on the 3749  
final determination. 3750

(3) If a petition for reassessment has been properly 3751  
filed, the tax commissioner shall proceed under section 5703.60 3752



of the Revised Code.

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(4) After an assessment becomes final, if any portion of  
the assessment, including penalties and accrued interest,  
remains unpaid, the tax commissioner may file a certified copy  
of the entry making the assessment final in the office of the  
clerk of the court of common pleas of Franklin county or in the  
office of the clerk of the court of common pleas of the county  
in which the ~~casino operator taxpayer~~ resides, the ~~casino~~  
~~operator's taxpayer's~~ casino facility or sports gaming facility  
is located, or the ~~casino operator's taxpayer's~~ principal place  
of business in this state is located. Immediately upon the  
filing of the entry, the clerk shall enter a judgment for the  
state against the taxpayer assessed in the amount shown on the  
entry. The judgment may be filed by the clerk in a loose-leaf  
book entitled, "special judgments for the gross casino revenue  
tax and sports gaming receipts tax." The judgment has the same  
effect as other judgments. Execution shall issue upon the  
judgment at the request of the tax commissioner, and all laws  
applicable to sales on execution apply to sales made under the  
judgment.

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(5) If the assessment is not paid in its entirety within  
sixty days after the day the assessment was issued, the portion  
of the assessment consisting of tax due shall bear interest at  
the rate per annum prescribed by section 5703.47 of the Revised  
Code from the day the tax commissioner issued the assessment  
until the assessment is paid or until it is certified to the  
attorney general for collection under section 131.02 of the  
Revised Code, whichever comes first. If the unpaid portion of  
the assessment is certified to the attorney general for  
collection, the entire unpaid portion of the assessment shall  
bear interest at the rate per annum prescribed by section

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5703.47 of the Revised Code from the date of certification until 3784  
the date it is paid in its entirety. Interest shall be paid in 3785  
the same manner as the tax levied under section 5753.02 or 3786  
5753.021 of the Revised Code, as applicable, and may be 3787  
collected by the issuance of an assessment under this section. 3788

(B) If the tax commissioner believes that collection of 3789  
the tax levied under section 5753.02 or 5753.021 of the Revised 3790  
Code will be jeopardized unless proceedings to collect or secure 3791  
collection of the tax are instituted without delay, the 3792  
commissioner may issue a jeopardy assessment against the ~~casino-~~ 3793  
~~operator who~~ taxpayer that is liable for the tax. Immediately 3794  
upon the issuance of a jeopardy assessment, the tax commissioner 3795  
shall file an entry with the clerk of the court of common pleas 3796  
in the manner prescribed by division (A) (4) of this section, and 3797  
the clerk shall proceed as directed in that division. Notice of 3798  
the jeopardy assessment shall be served on the ~~casino-operator-~~ 3799  
~~taxpayer~~ or the casino-operator's taxpayer's authorized agent 3800  
under section 5703.37 of the Revised Code within five days after 3801  
the filing of the entry with the clerk. The total amount 3802  
assessed is immediately due and payable, unless the ~~casino-~~ 3803  
~~operator taxpayer~~ assessed files a petition for reassessment 3804  
under division (A) (2) of this section and provides security in a 3805  
form satisfactory to the tax commissioner that is in an amount 3806  
sufficient to satisfy the unpaid balance of the assessment. If a 3807  
petition for reassessment has been filed, and if satisfactory 3808  
security has been provided, the tax commissioner shall proceed 3809  
under division (A) (3) of this section. Full or partial payment 3810  
of the assessment does not prejudice the tax commissioner's 3811  
consideration of the petition for reassessment. 3812

(C) The tax commissioner shall immediately forward to the 3813  
treasurer of state all amounts the tax commissioner receives 3814

under this section, and the amounts forwarded shall be treated 3815  
as if they were revenue arising from the tax levied under 3816  
section 5753.02 or 5753.021 of the Revised Code, as applicable. 3817

(D) Except as otherwise provided in this division, no 3818  
assessment shall be issued against a ~~casino operator taxpayer~~ 3819  
for the tax levied under section 5753.02 or 5753.021 of the 3820  
Revised Code more than four years after the due date for filing 3821  
the return for the tax period for which the tax was reported, or 3822  
more than four years after the return for the tax period was 3823  
filed, whichever is later. This division does not bar an 3824  
assessment against a ~~casino operator taxpayer~~ who fails to file 3825  
a return as required by section 5753.04 of the Revised Code or 3826  
who files a fraudulent return, or when the ~~casino operator~~ 3827  
~~taxpayer~~ and the tax commissioner waive in writing the time 3828  
limitation. 3829

(E) If the tax commissioner possesses information that 3830  
indicates that the amount of tax a ~~casino operator taxpayer~~ is 3831  
liable to pay under section 5753.02 or 5753.021 of the Revised 3832  
Code exceeds the amount the ~~casino operator taxpayer~~ paid, the 3833  
tax commissioner may audit a sample of the ~~casino operator's~~ 3834  
~~taxpayer's~~ gross casino revenue or sports gaming receipts, as 3835  
applicable, over a representative period of time to ascertain 3836  
the amount of tax due, and may issue an assessment based on the 3837  
audit. The tax commissioner shall make a good faith effort to 3838  
reach agreement with the ~~casino operator taxpayer~~ in selecting a 3839  
representative sample. The tax commissioner may apply a sampling 3840  
method only if the tax commissioner has prescribed the method by 3841  
rule. 3842

(F) If the whereabouts of a ~~casino operator taxpayer~~ who 3843  
is liable for the tax levied under section 5753.02 or 5753.021 3844

of the Revised Code are unknown to the tax commissioner, the tax 3845  
commissioner shall proceed under section 5703.37 of the Revised 3846  
Code. 3847

~~(G) If a casino operator fails to pay the tax levied under 3848  
section 5753.02 of the Revised Code within a period of one year 3849  
after the due date for remitting the tax, the Ohio casino 3850  
control commission may suspend the casino operator's license. 3851~~

**Sec. 5753.08.** If a ~~casino operator taxpayer~~ who is liable 3852  
for the tax levied under section 5753.02 or 5753.021 of the 3853  
Revised Code sells ~~the~~ a casino facility or sports gaming 3854  
facility, disposes of ~~the~~ a casino facility or sports gaming 3855  
facility in any manner other than in the regular course of 3856  
business, or quits the casino gaming or sports gaming business, 3857  
any tax owed by that person becomes immediately due and payable, 3858  
and the person shall pay the tax due, including any applicable 3859  
penalties and interest. The person's successor shall withhold a 3860  
sufficient amount of the purchase money to cover the amounts due 3861  
and unpaid until the predecessor produces a receipt from the tax 3862  
commissioner showing that the amounts due have been paid or a 3863  
certificate indicating that no taxes are due. If the successor 3864  
fails to withhold purchase money, the successor is personally 3865  
liable, up to the purchase money amount, for amounts that were 3866  
unpaid during the operation of the business by the predecessor. 3867

**Sec. 5753.10.** The tax commissioner may prescribe 3868  
requirements for the keeping of records and pertinent documents, 3869  
for the filing of copies of federal income tax returns and 3870  
determinations, and for computations reconciling federal income 3871  
tax returns with the return required by section 5753.04 of the 3872  
Revised Code. The tax commissioner may require a ~~casino operator~~ 3873  
taxpayer, by rule or by notice served on the ~~casino operator~~ 3874

taxpayer, to keep records and other documents that the tax 3875  
commissioner considers necessary to show the extent to which the 3876  
~~casino operator taxpayer~~ is subject to this chapter. The records 3877  
and other documents shall be open to inspection by the tax 3878  
commissioner during business hours, and shall be preserved for a 3879  
period of four years unless the tax commissioner, in writing, 3880  
consents to their destruction within that period, or by order 3881  
served on the ~~casino operator taxpayer~~ requires that they be 3882  
kept longer. If the records are normally kept electronically by 3883  
the ~~casino operator taxpayer~~, the ~~casino operator taxpayer~~ shall 3884  
provide the records to the tax commissioner electronically at 3885  
the tax commissioner's request. 3886

Any information required by the tax commissioner under 3887  
this section is confidential under section 5703.21 of the 3888  
Revised Code. 3889

**Section 2.** That existing sections 109.572, 718.031, 3890  
3770.01, 3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 5747.063, 3891  
5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 3892  
5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 of the Revised 3893  
Code are hereby repealed. 3894

**Section 3.** Section 3770.331 of the Revised Code, as 3895  
enacted by this act, shall take effect twelve months after the 3896  
effective date of this act. 3897

**Section 4.** (A) There is hereby created the sports gaming 3898  
advisory board. The board shall consist of eleven members. The 3899  
governor shall appoint seven members with the advice and consent 3900  
of the senate, not more than four of whom shall be of the same 3901  
political party. The speaker of the house of representatives 3902  
shall appoint two members of the house of representatives as 3903  
members, both of whom shall not be members of the same political 3904

party. The president of the senate shall appoint two members of 3905  
the senate as members, both of whom shall not be members of the 3906  
same political party. 3907

All members shall serve without compensation. 3908

A member of the state lottery commission or Ohio casino 3909  
control commission may not be appointed to the sports gaming 3910  
advisory board while the person is a member of either of those 3911  
commissions. 3912

Each member shall be a resident of this state. 3913

(B) The board shall serve in an advisory capacity to the 3914  
state lottery commission and shall study and develop 3915  
recommendations for the rules to be adopted by the commission 3916  
under this act with respect to the sports gaming lottery. 3917

(C) The board shall make recommendations to the state 3918  
lottery commission as it determines appropriate. The board shall 3919  
cease to exist on the date that is three years after the 3920  
effective date of this act. 3921

**Section 5.** Notwithstanding the amendment of division (C) 3922  
of section 3770.01 of the Revised Code by this act to require 3923  
three members of the state lottery commission to possess gaming 3924  
experience, no member of the commission on the effective date of 3925  
this act must be removed in order to be replaced by a person 3926  
with gaming experience. The additional two members appointed to 3927  
the commission under this act shall have gaming experience, and 3928  
shall be appointed to terms ending August 1, 2022. The next 3929  
appointment made to replace a person serving on the commission 3930  
on the effective date of this act shall be of a third person 3931  
with gaming experience. 3932

**Section 6.** The General Assembly, applying the principle 3933

stated in division (B) of section 1.52 of the Revised Code that 3934  
amendments are to be harmonized if reasonably capable of 3935  
simultaneous operation, finds that the following sections, 3936  
presented in this act as composites of the sections as amended 3937  
by the acts indicated, are the resulting versions of the 3938  
sections in effect prior to the effective date of the sections 3939  
as presented in this act: 3940

Section 109.572 of the Revised Code as amended by Am. Sub. 3941  
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. 3942  
S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 3943  
General Assembly. 3944

Section 3772.03 of the Revised Code as amended by both Am. 3945  
Sub. H.B. 49 and Sub. H.B. 132 of the 132nd General Assembly. 3946