

**As Introduced**

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

**S. B. No. 86**

**Senator Gardner**

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**A BILL**

To amend sections 2915.01, 2915.07, and 2915.10 and 1  
to enact section 2915.096 of the Revised Code to 2  
permit charitable organizations to conduct not- 3  
for-profit quarter auctions. 4

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

**Section 1.** That sections 2915.01, 2915.07, and 2915.10 be 5  
amended and section 2915.096 of the Revised Code be enacted to 6  
read as follows: 7

**Sec. 2915.01.** As used in this chapter: 8

(A) "Bookmaking" means the business of receiving or paying 9  
off bets. 10

(B) "Bet" means the hazarding of anything of value upon 11  
the result of an event, undertaking, or contingency, but does 12  
not include a bona fide business risk. 13

(C) "Scheme of chance" means a slot machine unless 14  
authorized under Chapter 3772. of the Revised Code, lottery 15  
unless authorized under Chapter 3770. of the Revised Code, 16  
numbers game, pool conducted for profit, or other scheme in 17  
which a participant gives a valuable consideration for a chance 18

to win a prize, but does not include bingo, a skill-based 19  
amusement machine, or a pool not conducted for profit. "Scheme 20  
of chance" includes the use of an electronic device to reveal 21  
the results of a game entry if valuable consideration is paid, 22  
directly or indirectly, for a chance to win a prize. Valuable 23  
consideration is deemed to be paid for a chance to win a prize 24  
in the following instances: 25

(1) Less than fifty per cent of the goods or services sold 26  
by a scheme of chance operator in exchange for game entries are 27  
used or redeemed by participants at any one location; 28

(2) Less than fifty per cent of participants who purchase 29  
goods or services at any one location do not accept, use, or 30  
redeem the goods or services sold or purportedly sold; 31

(3) More than fifty per cent of prizes at any one location 32  
are revealed to participants through an electronic device 33  
simulating a game of chance or a "casino game" as defined in 34  
section 3772.01 of the Revised Code; 35

(4) The good or service sold by a scheme of chance 36  
operator in exchange for a game entry cannot be used or redeemed 37  
in the manner advertised; 38

(5) A participant pays more than fair market value for 39  
goods or services offered by a scheme of chance operator in 40  
order to receive one or more game entries; 41

(6) A participant may use the electronic device to 42  
purchase additional game entries; 43

(7) A participant may purchase additional game entries by 44  
using points or credits won as prizes while using the electronic 45  
device; 46

(8) A scheme of chance operator pays out in prize money 47  
more than twenty per cent of the gross revenue received at one 48  
location; or 49

(9) A participant makes a purchase or exchange in order to 50  
obtain any good or service that may be used to facilitate play 51  
on the electronic device. 52

As used in this division, "electronic device" means a 53  
mechanical, video, digital, or electronic machine or device that 54  
is capable of displaying information on a screen or other 55  
mechanism and that is owned, leased, or otherwise possessed by 56  
any person conducting a scheme of chance, or by that person's 57  
partners, affiliates, subsidiaries, or contractors. 58

(D) "Game of chance" means poker, craps, roulette, or 59  
other game in which a player gives anything of value in the hope 60  
of gain, the outcome of which is determined largely by chance, 61  
but does not include bingo. 62

(E) "Game of chance conducted for profit" means any game 63  
of chance designed to produce income for the person who conducts 64  
or operates the game of chance, but does not include bingo. 65

(F) "Gambling device" means any of the following: 66

(1) A book, totalizer, or other equipment for recording 67  
bets; 68

(2) A ticket, token, or other device representing a 69  
chance, share, or interest in a scheme of chance or evidencing a 70  
bet; 71

(3) A deck of cards, dice, gaming table, roulette wheel, 72  
slot machine, or other apparatus designed for use in connection 73  
with a game of chance; 74

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	75 76
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	77 78
(G) "Gambling offense" means any of the following:	79
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	80 81 82
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G) (1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	83 84 85 86 87
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	88 89 90
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G) (1), (2), or (3) of this section.	91 92 93
(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:	94 95
(1) An organization that is, and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) (3) of the Internal Revenue Code;	96 97 98 99 100
(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal	101 102

organization, or sporting organization that is exempt from 103  
federal income taxation under subsection 501(c)(4), (c)(7), (c) 104  
(8), (c)(10), or (c)(19) of the Internal Revenue Code. 105

To qualify as a "charitable organization," an organization 106  
shall have been in continuous existence as such in this state 107  
for a period of two years immediately preceding either the 108  
making of an application for a bingo license under section 109  
2915.08 of the Revised Code or the conducting of any game of 110  
chance as provided in division (D) of section 2915.02 of the 111  
Revised Code. 112

(I) "Religious organization" means any church, body of 113  
communicants, or group that is not organized or operated for 114  
profit and that gathers in common membership for regular worship 115  
and religious observances. 116

(J) "Veteran's organization" means any individual post or 117  
state headquarters of a national veteran's association or an 118  
auxiliary unit of any individual post of a national veteran's 119  
association, which post, state headquarters, or auxiliary unit 120  
is incorporated as a nonprofit corporation and either has 121  
received a letter from the state headquarters of the national 122  
veteran's association indicating that the individual post or 123  
auxiliary unit is in good standing with the national veteran's 124  
association or has received a letter from the national veteran's 125  
association indicating that the state headquarters is in good 126  
standing with the national veteran's association. As used in 127  
this division, "national veteran's association" means any 128  
veteran's association that has been in continuous existence as 129  
such for a period of at least five years and either is 130  
incorporated by an act of the United States congress or has a 131  
national dues-paying membership of at least five thousand 132

persons. 133

(K) "Volunteer firefighter's organization" means any 134  
organization of volunteer firefighters, as defined in section 135  
146.01 of the Revised Code, that is organized and operated 136  
exclusively to provide financial support for a volunteer fire 137  
department or a volunteer fire company and that is recognized or 138  
ratified by a county, municipal corporation, or township. 139

(L) "Fraternal organization" means any society, order, 140  
state headquarters, or association within this state, except a 141  
college or high school fraternity, that is not organized for 142  
profit, that is a branch, lodge, or chapter of a national or 143  
state organization, that exists exclusively for the common 144  
business or sodality of its members. 145

(M) "Volunteer rescue service organization" means any 146  
organization of volunteers organized to function as an emergency 147  
medical service organization, as defined in section 4765.01 of 148  
the Revised Code. 149

(N) "Charitable bingo game" means any bingo game described 150  
in division (O) (1) or (2) of this section that is conducted by a 151  
charitable organization that has obtained a license pursuant to 152  
section 2915.08 of the Revised Code and the proceeds of which 153  
are used for a charitable purpose. 154

(O) "Bingo" means either of the following: 155

(1) A game with all of the following characteristics: 156

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

letter and a number and with the central space being designated 162  
as a free space. 163

(b) The participants cover the spaces on the bingo cards 164  
or sheets that correspond to combinations of letters and numbers 165  
that are announced by a bingo game operator. 166

(c) A bingo game operator announces combinations of 167  
letters and numbers that appear on objects that a bingo game 168  
operator selects by chance, either manually or mechanically, 169  
from a receptacle that contains seventy-five objects at the 170  
beginning of each game, each object marked by a different 171  
combination of a letter and a number that corresponds to one of 172  
the seventy-five possible combinations of a letter and a number 173  
that can appear on the bingo cards or sheets. 174

(d) The winner of the bingo game includes any participant 175  
who properly announces during the interval between the 176  
announcements of letters and numbers as described in division 177  
(O) (1) (c) of this section, that a predetermined and preannounced 178  
pattern of spaces has been covered on a bingo card or sheet 179  
being used by the participant. 180

(2) Instant bingo, punch boards, ~~and raffles,~~ and quarter 181  
auctions. 182

(P) "Conduct" means to back, promote, organize, manage, 183  
carry on, sponsor, or prepare for the operation of bingo or a 184  
game of chance, a scheme of chance, or a sweepstakes. 185

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

receptacle the objects that contain the combination of letters 191  
and numbers that appear on bingo cards or sheets, calling out 192  
the combinations of letters and numbers, distributing prizes, 193  
selling or redeeming instant bingo tickets or cards, supervising 194  
the operation of a punch board, selling raffle tickets, 195  
selecting raffle tickets from a receptacle and announcing the 196  
winning numbers in a raffle, selling a chance to win a prize in 197  
a quarter auction, selecting chips or tokens from a receptacle 198  
and announcing winning numbers in a quarter auction, and 199  
preparing, selling, and serving food or beverages. 200

(R) "Participant" means any person who plays bingo. 201

(S) "Bingo session" means a period that includes both of 202  
the following: 203

(1) Not to exceed five continuous hours for the conduct of 204  
one or more games described in division (O) (1) of this section, 205  
instant bingo, and seal cards; 206

(2) A period for the conduct of instant bingo and seal 207  
cards for not more than two hours before and not more than two 208  
hours after the period described in division (S) (1) of this 209  
section. 210

(T) "Gross receipts" means all money or assets, including 211  
admission fees, that a person receives from bingo without the 212  
deduction of any amounts for prizes paid out or for the expenses 213  
of conducting bingo. "Gross receipts" does not include any money 214  
directly taken in from the sale of food or beverages by a 215  
charitable organization conducting bingo, or by a bona fide 216  
auxiliary unit or society of a charitable organization 217  
conducting bingo, provided all of the following apply: 218

(1) The auxiliary unit or society has been in existence as 219

a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.	220 221
(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.	222 223 224
(3) The food and beverages are sold at customary and reasonable prices.	225 226
(U) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.	227 228 229 230 231 232 233
(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:	234 235 236
(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;	237 238 239 240 241
(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of	242 243 244 245 246 247 248

veterans, or such individuals, provided that no part of the net 249  
earnings of such post, chapter, or organization inures to the 250  
benefit of any private shareholder or individual, and further 251  
provided that the net profit is used by the post, chapter, or 252  
organization for the charitable purposes set forth in division 253  
(B) (12) of section 5739.02 of the Revised Code, is used for 254  
awarding scholarships to or for attendance at an institution 255  
mentioned in division (B) (12) of section 5739.02 of the Revised 256  
Code, is donated to a governmental agency, or is used for 257  
nonprofit youth activities, the purchase of United States or 258  
Ohio flags that are donated to schools, youth groups, or other 259  
bona fide nonprofit organizations, promotion of patriotism, or 260  
disaster relief; 261

(3) A fraternal organization that has been in continuous 262  
existence in this state for fifteen years and that uses the net 263  
profit exclusively for religious, charitable, scientific, 264  
literary, or educational purposes, or for the prevention of 265  
cruelty to children or animals, if contributions for such use 266  
would qualify as a deductible charitable contribution under 267  
subsection 170 of the Internal Revenue Code; 268

(4) A volunteer firefighter's organization that uses the 269  
net profit for the purposes set forth in division (K) of this 270  
section. 271

(W) "Internal Revenue Code" means the "Internal Revenue 272  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 273  
amended. 274

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

or younger by means of sponsoring, organizing, operating, or 279  
contributing to the support of an athletic team, club, league, 280  
or association. 281

(Y) "Youth athletic park organization" means any 282  
organization, not organized for profit, that satisfies both of 283  
the following: 284

(1) It owns, operates, and maintains playing fields that 285  
satisfy both of the following: 286

(a) The playing fields are used at least one hundred days 287  
per year for athletic activities by one or more organizations, 288  
not organized for profit, each of which is organized and 289  
operated exclusively to provide financial support to, or to 290  
operate, athletic activities for persons who are eighteen years 291  
of age or younger by means of sponsoring, organizing, operating, 292  
or contributing to the support of an athletic team, club, 293  
league, or association. 294

(b) The playing fields are not used for any profit-making 295  
activity at any time during the year. 296

(2) It uses the proceeds of bingo it conducts exclusively 297  
for the operation, maintenance, and improvement of its playing 298  
fields of the type described in division (Y)(1) of this section. 299

(Z) "Bingo supplies" means bingo cards or sheets; instant 300  
bingo tickets or cards; electronic bingo aids; raffle tickets; 301  
punch boards; seal cards; instant bingo ticket dispensers; 302  
quarter auction bid paddles, chips, and tokens; and devices for 303  
selecting or displaying the combination of bingo letters and 304  
numbers ~~or~~, raffle tickets, or quarter auction winning numbers. 305  
Items that are "bingo supplies" are not gambling devices if sold 306  
or otherwise provided, and used, in accordance with this 307

chapter. For purposes of this chapter, "bingo supplies" are not 308  
to be considered equipment used to conduct a bingo game. 309

(AA) "Instant bingo" means a form of bingo that shall use 310  
folded or banded tickets or paper cards with perforated break- 311  
open tabs, a face of which is covered or otherwise hidden from 312  
view to conceal a number, letter, or symbol, or set of numbers, 313  
letters, or symbols, some of which have been designated in 314  
advance as prize winners, and may also include games in which 315  
some winners are determined by the random selection of one or 316  
more bingo numbers by the use of a seal card or bingo blower. In 317  
all "instant bingo" the prize amount and structure shall be 318  
predetermined. "Instant bingo" does not include any device that 319  
is activated by the insertion of a coin, currency, token, or an 320  
equivalent, and that contains as one of its components a video 321  
display monitor that is capable of displaying numbers, letters, 322  
symbols, or characters in winning or losing combinations. 323

(BB) "Seal card" means a form of instant bingo that uses 324  
instant bingo tickets in conjunction with a board or placard 325  
that contains one or more seals that, when removed or opened, 326  
reveal predesignated winning numbers, letters, or symbols. 327

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

(1) The ticket stub or other detachable section is used to 337

select the winner of a free prize given away at the professional sporting event; and	338 339
(2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.	340 341 342
(DD) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.	343 344 345 346 347 348 349 350 351
(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.	352 353
(FF) "Net profit" means gross profit minus expenses.	354
(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:	355 356
(1) The purchase or lease of bingo supplies;	357
(2) The annual license fee required under section 2915.08 of the Revised Code;	358 359
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	360 361
(4) Audits and accounting services;	362
(5) Safes;	363
(6) Cash registers;	364

(7) Hiring security personnel;	365
(8) Advertising bingo;	366
(9) Renting premises in which to conduct a bingo session;	367
(10) Tables and chairs;	368
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	369 370 371 372 373
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	374 375
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B) (1) of section 2915.08 of the Revised Code.	376 377 378 379
(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	380 381 382
(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	383 384 385 386
(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	387 388 389 390
(KK) "Distributor" means any person who purchases or	391

obtains bingo supplies and who does either of the following:	392
(1) Sells, offers for sale, or otherwise provides or	393
offers to provide the bingo supplies to another person for use	394
in this state;	395
(2) Modifies, converts, adds to, or removes parts from the	396
bingo supplies to further their promotion or sale for use in	397
this state.	398
(LL) "Manufacturer" means any person who assembles	399
completed bingo supplies from raw materials, other items, or	400
subparts or who modifies, converts, adds to, or removes parts	401
from bingo supplies to further their promotion or sale.	402
(MM) "Gross annual revenues" means the annual gross	403
receipts derived from the conduct of bingo described in division	404
(O) (1) of this section plus the annual net profit derived from	405
the conduct of bingo described in division (O) (2) of this	406
section.	407
(NN) "Instant bingo ticket dispenser" means a mechanical	408
device that dispenses an instant bingo ticket or card as the	409
sole item of value dispensed and that has the following	410
characteristics:	411
(1) It is activated upon the insertion of United States	412
currency.	413
(2) It performs no gaming functions.	414
(3) It does not contain a video display monitor or	415
generate noise.	416
(4) It is not capable of displaying any numbers, letters,	417
symbols, or characters in winning or losing combinations.	418

- (5) It does not simulate or display rolling or spinning  
reels. 419  
420
- (6) It is incapable of determining whether a dispensed  
bingo ticket or card is a winning or nonwinning ticket or card 421  
and requires a winning ticket or card to be paid by a bingo game 422  
operator. 423  
424
- (7) It may provide accounting and security features to aid 425  
in accounting for the instant bingo tickets or cards it 426  
dispenses. 427
- (8) It is not part of an electronic network and is not 428  
interactive. 429
- (OO) (1) "Electronic bingo aid" means an electronic device 430  
used by a participant to monitor bingo cards or sheets purchased 431  
at the time and place of a bingo session and that does all of 432  
the following: 433
- (a) It provides a means for a participant to input numbers 434  
and letters announced by a bingo caller. 435
- (b) It compares the numbers and letters entered by the 436  
participant to the bingo faces previously stored in the memory 437  
of the device. 438
- (c) It identifies a winning bingo pattern. 439
- (2) "Electronic bingo aid" does not include any device 440  
into which a coin, currency, token, or an equivalent is inserted 441  
to activate play. 442
- (PP) "Deal of instant bingo tickets" means a single game 443  
of instant bingo tickets all with the same serial number. 444
- (QQ) (1) "Slot machine" means either of the following: 445

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

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

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

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

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

2915.13 of the Revised Code. 476

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

(1) The name of the game; 481

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

(3) The form number; 483

(4) The ticket count; 484

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

(6) The cost per play; 489

(7) The serial number of the game. 490

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

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

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

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

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

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

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

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

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

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

(d) The success of any player is or may be determined by a

chance event that cannot be altered by player actions. 532

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

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

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

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

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

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

(4) For purposes of division (UU)(1) of this section, the 559  
mere presence of a device, such as a pin-setting, ball- 560

releasing, or scoring mechanism, that does not contribute to or 561  
affect the outcome of the play of the game does not make the 562  
device a skill-based amusement machine. 563

(VV) "Merchandise prize" means any item of value, but 564  
shall not include any of the following: 565

(1) Cash, gift cards, or any equivalent thereof; 566

(2) Plays on games of chance, state lottery tickets, 567  
bingo, or instant bingo; 568

(3) Firearms, tobacco, or alcoholic beverages; or 569

(4) A redeemable voucher that is redeemable for any of the 570  
items listed in division (VV) (1), (2), or (3) of this section. 571

(WW) "Redeemable voucher" means any ticket, token, coupon, 572  
receipt, or other noncash representation of value. 573

(XX) "Pool not conducted for profit" means a scheme in 574  
which a participant gives a valuable consideration for a chance 575  
to win a prize and the total amount of consideration wagered is 576  
distributed to a participant or participants. 577

(YY) "Sporting organization" means a hunting, fishing, or 578  
trapping organization, other than a college or high school 579  
fraternity or sorority, that is not organized for profit, that 580  
is affiliated with a state or national sporting organization, 581  
including but not limited to, the league of Ohio sportsmen, and 582  
that has been in continuous existence in this state for a period 583  
of three years. 584

(ZZ) "Community action agency" has the same meaning as in 585  
section 122.66 of the Revised Code. 586

(AAA) (1) "Sweepstakes terminal device" means a mechanical, 587

video, digital, or electronic machine or device that is owned, 588  
leased, or otherwise possessed by any person conducting a 589  
sweepstakes, or by that person's partners, affiliates, 590  
subsidiaries, or contractors, that is intended to be used by a 591  
sweepstakes participant, and that is capable of displaying 592  
information on a screen or other mechanism. A device is a 593  
sweepstakes terminal device if any of the following apply: 594

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(CCC) "Quarter auction" means a form of bingo in which one 640  
or more prizes are won by one or more persons who have given 641  
valuable consideration for a chance to win a prize by purchasing 642  
one or more numbered bid paddles that correspond to the same 643  
numbered chip or token that is placed in a receptacle. The one 644

or more winners of the quarter auction are determined by 645  
selecting a chip or token from the receptacle and matching the 646  
number of the selected chip or token to a numbered bid paddle 647  
held up by a person before the selection of the chip or token. 648

**Sec. 2915.07.** (A) No person, except a charitable 649  
organization that has obtained a license pursuant to section 650  
2915.08 of the Revised Code, shall conduct or advertise bingo. 651  
This division does not apply to a raffle or a quarter auction 652  
that a charitable organization conducts or advertises. 653

(B) Whoever violates this section is guilty of conducting 654  
illegal bingo, a felony of the fourth degree. 655

**Sec. 2915.096.** (A) A charitable organization may conduct a 656  
quarter auction to raise money for the organization, and does 657  
not need a license to conduct bingo in order to conduct a 658  
quarter auction that is not for profit. 659

(B) No person shall conduct a quarter auction except as 660  
provided in division (A) of this section. 661

(C) Whoever knowingly violates division (B) of this 662  
section is guilty of illegal conduct of a quarter auction. 663  
Except as otherwise provided in this division, illegal conduct 664  
of a quarter auction is a misdemeanor of the first degree. If 665  
the offender previously has been convicted of a violation of 666  
division (B) of this section, illegal conduct of a quarter 667  
auction is a felony of the fifth degree. 668

**Sec. 2915.10.** (A) No charitable organization that conducts 669  
bingo or a game of chance pursuant to division (D) of section 670  
2915.02 of the Revised Code shall fail to maintain the following 671  
records for at least three years from the date on which the 672  
bingo or game of chance is conducted: 673

(1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each raffle, each quarter auction, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number;

(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(3) A list of all prizes awarded during each bingo session, each raffle, each quarter auction, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars or more in value;

(4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in division (V) of section 2915.01, division (D) of section 2915.02, or section 2915.101 of the Revised Code, a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages

by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from gross receipts under division (T) of section 2915.01 of the Revised Code;

(7) An itemized list of all expenses incurred at each bingo session, each raffle, each quarter auction, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the attorney general of the location at which those records are kept.

(C) The gross profit from each bingo session or game described in division (O) (1) or (2) of section 2915.01 of the Revised Code shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.

(D) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(E) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that establish standards of accounting, record keeping, and reporting to ensure that

gross receipts from bingo or games of chance are properly 732  
accounted for. 733

(F) A distributor shall maintain, for a period of three 734  
years after the date of its sale or other provision, a record of 735  
each instance of its selling or otherwise providing to another 736  
person bingo supplies for use in this state. The record shall 737  
include all of the following for each instance: 738

(1) The name of the manufacturer from which the 739  
distributor purchased the bingo supplies and the date of the 740  
purchase; 741

(2) The name and address of the charitable organization or 742  
other distributor to which the bingo supplies were sold or 743  
otherwise provided; 744

(3) A description that clearly identifies the bingo 745  
supplies; 746

(4) Invoices that include the nonrepeating serial numbers 747  
of all paper bingo cards and sheets and all instant bingo deals 748  
sold or otherwise provided to each charitable organization. 749

(G) A manufacturer shall maintain, for a period of three 750  
years after the date of its sale or other provision, a record of 751  
each instance of its selling or otherwise providing bingo 752  
supplies for use in this state. The record shall include all of 753  
the following for each instance: 754

(1) The name and address of the distributor to whom the 755  
bingo supplies were sold or otherwise provided; 756

(2) A description that clearly identifies the bingo 757  
supplies, including serial numbers; 758

(3) Invoices that include the nonrepeating serial numbers 759

of all paper bingo cards and sheets and all instant bingo deals 760  
sold or otherwise provided to each distributor. 761

(H) The attorney general or any law enforcement agency may 762  
do all of the following: 763

(1) Investigate any charitable organization or any 764  
officer, agent, trustee, member, or employee of the 765  
organization; 766

(2) Examine the accounts and records of the organization; 767

(3) Conduct inspections, audits, and observations of bingo 768  
or games of chance; 769

(4) Conduct inspections of the premises where bingo or 770  
games of chance are conducted; 771

(5) Take any other necessary and reasonable action to 772  
determine if a violation of any provision of sections 2915.01 to 773  
2915.13 of the Revised Code has occurred and to determine 774  
whether section 2915.11 of the Revised Code has been complied 775  
with. 776

If any law enforcement agency has reasonable grounds to 777  
believe that a charitable organization or an officer, agent, 778  
trustee, member, or employee of the organization has violated 779  
any provision of this chapter, the law enforcement agency may 780  
proceed by action in the proper court to enforce this chapter, 781  
provided that the law enforcement agency shall give written 782  
notice to the attorney general when commencing an action as 783  
described in this division. 784

(I) No person shall destroy, alter, conceal, withhold, or 785  
deny access to any accounts or records of a charitable 786  
organization that have been requested for examination, or 787

obstruct, impede, or interfere with any inspection, audit, or 788  
observation of bingo or a game of chance or premises where bingo 789  
or a game of chance is conducted, or refuse to comply with any 790  
reasonable request of, or obstruct, impede, or interfere with 791  
any other reasonable action undertaken by, the attorney general 792  
or a law enforcement agency pursuant to division (H) of this 793  
section. 794

(J) Whoever violates division (A) or (I) of this section 795  
is guilty of a misdemeanor of the first degree. 796

**Section 2.** That existing sections 2915.01, 2915.07, and 797  
2915.10 of the Revised Code are hereby repealed. 798