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Substitute Bill Comparative Synopsis

Sub. H.B. 194

133rd General Assembly

House Finance

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This table summarizes how the latest substitute version of the bill differs from the As Introduced version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_133_0103-10)
Sports gaming licensees, generally	
No provision.	Prohibits the State Lottery Commission from granting a sports gaming license (a sports gaming agent license, a management services provider license, or a sports gaming occupational license) to an individual who is under 21. (R.C. 3770.36(C).)
Requires an applicant for a sports gaming license to submit fingerprints to the Bureau of Criminal Identification and Investigation for the purpose of conducting a criminal records check. (R.C. 109.572 and 3770.32(B).)	Same as As Introduced, but specifies that if the applicant underwent a criminal records check during the previous three years for the purpose of obtaining or renewing a video lottery license or a license issued under the Casino Law, the applicant was issued that license or had the license renewed, and the State Lottery Commission or the Ohio Casino

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<p>Control Commission has a record of the result, the State Lottery Commission must use the result of the previous criminal records check instead of requiring the applicant to submit to a new check.</p>	
<p>Sports gaming agents</p>	
<p>Requires a casino operator or video lottery sales agent that applies to be a sports gaming agent to submit to the State Lottery Commission an annual audit of the applicant’s financial transactions and the condition of the applicant’s total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable state and federal laws.</p>	<p>Same as As Introduced, but requires an applicant to file an audit for the previous fiscal year, and requires a sports gaming agent to submit an audit for each fiscal year during which the sports gaming agent offers sports gaming in Ohio.</p>
<p>Requires a sports gaming agent also to submit such an audit annually after being licensed.</p>	
<p>Requires an applicant for a sports gaming agent license to give the state a surety bond, in an amount and in the form approved by the Commission, to guarantee that the applicant faithfully makes all required sports-related payments.</p>	<p>Allows an applicant either to give the state that surety bond or to increase the amount of an existing surety bond given to the state as a condition of licensure as a video lottery sales agent or casino operator by an amount approved by the Commission and to condition the increased amount of the surety bond on the applicant faithfully making all required sports gaming-related payments.</p>
<p>Requires an applicant for a sports gaming agent license to satisfy any other conditions for licensure required under the Commission’s rules.</p>	<p>Same as As Introduced, but specifies that the Commission’s rules must not require an applicant for a sports gaming agent license to take action to satisfy any additional requirement for that license that is substantially similar to any requirement the applicant previously has satisfied in order to obtain or renew the applicant’s video lottery sales agent or casino operator license.</p>

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Requires the term of a sports gaming agent license to be concurrent with the term of the sports gaming agent's casino operator or video lottery sales agent license, but separately refers to the license as being for a one-year term. <i>(R.C. 3770.33.)</i>	Clarifies that the term of a sports gaming agent license must be concurrent with the three-year term of the sports gaming agent's casino operator or video lottery sales agent license.
Management services providers	
<p>Requires any person who shares in revenue from sports gaming, including any affiliate operating under a revenue share agreement, to be licensed as a management services provider. <i>(R.C. 3770.34(A).)</i></p> <p>Requires an applicant for a management services provider license to satisfy any additional requirements for licensure required under the State Lottery Commission's rules. <i>(R.C. 3770.34(B).)</i></p> <p>No provision.</p>	<p>No provision.</p> <p>Same as As Introduced, but specifies that the Commission's rules must not require an applicant for a management services provider license that currently holds a video lottery license or a license issued under the Casino Law to take action to satisfy any additional requirement for the management services provider license that is substantially similar to any requirement the applicant previously has satisfied in order to obtain or renew the applicant's video lottery or casino license.</p> <p>Specifies that the provisions of the bill concerning a sports gaming agent apply to a management services provider that contracts with the sports gaming agent with respect to all rights, duties, and liabilities of the sports gaming agent assigned, delegated, subcontracted, or transferred to the management services provider as though the management services provider were a sports gaming agent. <i>(R.C. 3770.34(E).)</i></p>
Sports gaming occupational licenses	
Requires an applicant for a sports gaming occupational license to meet the requirements of the State Lottery Commission's rules. <i>(R.C. 3770.35(A).)</i>	Same as As Introduced, but specifies that the Commission's rules must not require an applicant for a sports gaming occupational license who currently holds a video lottery license or a license issued under the Casino Law to take action to satisfy any additional requirement for the

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<p>No provision.</p> <p>Specifies that a sports gaming occupational license is valid for a term of one year. <i>(R.C. 3770.35(E).)</i></p>	<p>sports gaming occupational license that is substantially similar to any requirement the applicant previously has satisfied in order to obtain or renew the applicant’s video lottery or casino license.</p> <p>Allows the State Lottery Commission to adopt rules allowing an individual who holds a sports gaming occupational license from another jurisdiction to be licensed in Ohio by reciprocity, so long as that jurisdiction’s requirements to receive that license and the activities authorized by the license are substantially similar to Ohio’s with respect to the license the individual seeks. <i>(R.C. 3770.35(D).)</i></p> <p>Specifies that a sports gaming occupational license is valid for a term of three years, provided that if the individual also holds a video lottery license or a license issued under the Casino Law, the term of the individual’s sports gaming occupational license must be concurrent with that other license.</p>
Conduct of sports gaming	
<p>Allows a sports gaming agent to accept wagers on sporting events only from individuals who are at least 21 and who are physically present in a sports gaming facility. <i>(R.C. 3770.38(B)(4) and 3770.39(A).)</i></p> <p>No provision.</p>	<p>Allows the State Lottery Commission to designate additional locations or manners in which a sports gaming agent may accept wagers on sporting events from individuals who are at least 21 and who are physically present in Ohio, which could include online sports gaming. <i>(R.C. 3770.30, 3770.37, 3770.38, and 3770.39(A).)</i></p> <p>Requires an individual to register with a sports gaming agent and provide the individual’s full legal name and any other information required by the Commission or requested by the sports gaming agent before placing any sports wagers with the sports gaming agent. <i>(R.C. 3770.39(A)(1).)</i></p>

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<p>Defines “sports gaming equipment” as any mechanical, electronic, or other device, mechanism, or equipment, and related supplies, used or consumed in the operation of sports gaming at a sports gaming facility. <i>(R.C. 3770.30.)</i></p>	<p>Defines “sports gaming equipment” as any mechanical, electronic, or other device, mechanism, or equipment, including a personal device, and related software, materials, or supplies, that are used or consumed in the operation of sports gaming.</p>
<p>Requires the Commission to approve sports gaming equipment and to adopt rules requiring sports gaming licensees and sports gaming facilities to use only approved sports gaming equipment. <i>(R.C. 3770.30, 3770.31, and 3770.39(A).)</i></p>	<p>Requires the Commission to approve sports gaming equipment and to adopt rules requiring sports gaming licensees and sports gaming facilities to use only approved sports gaming equipment. <i>(R.C. 3770.30, 3770.31, and 3770.39(A).)</i></p>
<p>Specifies that “sports gaming” includes purchasing lottery tickets whose prize determinations are based on exchange wagering, parlays, over-under, moneyline, pools, pari-mutuel sports wagering pools, and straight bets. <i>(R.C. 3770.30.)</i></p>	<p>Same as As Introduced, but adds in-game wagering, single game bets, teaser bets, in-play bets, proposition bets, and any other type of wagering on sporting events approved by the State Lottery Commission.</p>
<p>Requires a sports gaming agent to ensure that all sports gaming is conducted through a centralized lottery gaming system operated by the Commission. <i>(R.C. 3770.38(B)(5) and (6).)</i></p>	<p>Requires a sports gaming agent to ensure that all sports gaming is monitored through a centralized lottery gaming system. <i>(R.C. 3770.38(H) and (I).)</i></p>
<p>Prohibits a person under 21 from entering a sports gaming facility. <i>(R.C. 3770.99(D).)</i></p>	<p>Same as As Introduced, but makes the following exceptions:</p> <ul style="list-style-type: none"> ▪ Allows an employee of a sports gaming agent who is between 18 and 21 to be present in a sports gaming facility, so long as the employee’s duties are not related to sports gaming. ▪ Allows an individual who is under 21 to enter a sports gaming facility in order to pass to another area where sports gaming is not being conducted, but only if the individual is personally escorted by an employee of the sports gaming agent who remains in close proximity to the individual at all times in accordance with the Commission’s rules.
	<p><i>(R.C. 3770.39(A)(2) and 3770.99(C).)</i></p>

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<p>Allows the Commission or a sports gaming agent to exclude any individual from entering a sports gaming facility or its grounds or from participating in the play or operation of sports gaming. <i>(R.C. 3770.39.)</i></p>	<p>Allows the Commission to exclude any individual from entering a sports gaming facility or its grounds or from participating in the play or operation of sports gaming.</p> <p>Allows a sports gaming agent to exclude any individual from entering a sports gaming facility, or the grounds of a sports gaming facility, that is under the control of the sports gaming agent and to exclude any individual from participating in the play or operation of sports gaming conducted by the sports gaming agent.</p> <p>Requires a sports gaming agent that excludes an individual because the sports gaming agent determines that the individual engaged or attempted to engage in any prohibited sports gaming related activity to report that fact to the Commission, and requires the Commission to place the individual on the Commission’s exclusion list.</p> <p>Prohibits a person who is on the voluntary exclusion list maintained by the Ohio Casino Control Commission under continuing law from participating in the play or operation of sports gaming in Ohio.</p>
Administration by State Lottery Commission	
<p>Requires the State Lottery Commission to adopt rules concerning several sports gaming related topics. <i>(R.C. 3770.31.)</i></p>	<p>Same as As Introduced, but clarifies that in all cases in which the bill requires or allows the Commission to adopt rules concerning sports gaming, the Commission must adopt those rules in accordance with the Administrative Procedure Act.</p>
Sports Gaming Advisory Board	
<p>Creates the Sports Gaming Advisory Board, and specifies that the Board consists of the following 11 members:</p> <ul style="list-style-type: none"> ▪ Seven members appointed by the Governor with the advice and consent of the Senate, not more than four of whom may 	<p>Same as As Introduced, but specifies that the Board consists of five members appointed by the Governor with the advice and consent of the Senate, not more than three of whom may be members of the same political party.</p>

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<p>be members of the same political party;</p> <ul style="list-style-type: none"> ▪ Two members appointed by the Speaker of the House of Representatives, who must not be members of the same political party; ▪ Two members appointed by the President of the Senate, who must not be members of the same political party. <p><i>(Section 4 of the bill.)</i></p>	
Taxation of sports gaming	
<p>Applies the 10% tax on sports gaming revenue to the total receipts that a sports gaming agent receives from sports gaming, less winnings paid to wagerers. <i>(R.C. 5753.01.)</i></p> <p>Requires a sports gaming agent to withhold state and municipal income taxes from a patron's winnings at a sports gaming facility. <i>(R.C. 718.031 and 5747.063.)</i></p>	<p>Applies the tax to the total receipts that a sports gaming agent receives from sports gaming, less (1) winnings paid to wagerers, (2) any federal excise taxes paid by the agent, (3) voided wagers, and (4) uncollectible debts. <i>(R.C. 5753.01.)</i></p> <p>Requires a sports gaming agent to withhold taxes from a patron's winnings from any sports gaming (i.e., whether those winnings occur from bets placed at a facility or online). <i>(R.C. 718.031, 5747.063, and 5747.064.)</i></p>
Criminal prohibitions	
<p>Specifies that any person not issued a sports gaming license under the bill who knowingly engages in accepting, facilitating, or operating a sports gaming operation is guilty of a first degree misdemeanor.</p> <p>Prohibits a sports gaming licensee from knowingly doing any of the following, and specifies that whoever does commits a first degree misdemeanor on the first offense and a fifth degree felony on a subsequent offense:</p>	<p>Prohibits any person from knowingly doing any of the following, and makes those violations a first degree misdemeanor for a first offense and a fifth degree felony for a subsequent offense:</p> <ul style="list-style-type: none"> ▪ Making a false statement on an application submitted under the law governing sports gaming; ▪ Permitting an individual under 21 to engage in sports gaming; ▪ Aiding, inducing, or causing an individual under 21 who is not an employee of the sports gaming agent to enter or attempt to

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<ul style="list-style-type: none"> ▪ Operating sports gaming without authority of the State Lottery Commission to do so; ▪ Operating sports gaming in any location or by any manner that is not approved by the Commission; ▪ Conducting, carrying on, operating, or allowing any sports gaming to occur on premises or through any other device if equipment or material has been tampered with, or exposed to conditions in which it will be operated in a manner designed to deceive the public; ▪ Employing an individual who does not hold a valid occupational license in a position or otherwise allowing an individual to perform duties for which that license is required or continuing to employ an individual after the employee’s occupational license is no longer valid; ▪ Acting or employing another person to act as if the person is not an agent or employee of the licensee in order to encourage participation in sports gaming at the sports gaming facility; ▪ Permitting an individual under 21 to enter or remain in a sports gaming facility or to engage in sports gaming at a sports gaming facility; ▪ Entering or attempting to enter a sports gaming facility while under 21; ▪ Exchanging tokens, chips, electronic media, or other forms of credit used for wagering for anything of value except money or credits at a sports gaming facility. <p>Prohibits any person from knowingly doing any of the following, specifies that whoever does so is guilty of a fifth degree felony on a first offense and a fourth degree felony on a subsequent offense, and</p>	<p>enter a sports gaming facility;</p> <ul style="list-style-type: none"> ▪ Entering or attempting to enter a sports gaming facility while under 21, except as permitted under the bill for employees of the sports gaming agent or for individuals who are being escorted to another area; ▪ Being a sports gaming agent or an employee of a sports gaming agent and participating in sports gaming at the sports gaming facility at which the sports gaming agent or employee has an interest or is employed or at an affiliated sports gaming facility in Ohio, other than as part of operating sports gaming or as part of the employee's employment. <p>Prohibits any person from knowingly doing any of the following, makes those violations a fifth degree felony for the first offense and a fourth degree felony for a subsequent offense, and specifies that if the violator is a sports gaming licensee, the State Lottery Commission must revoke the license after the first offense:</p> <ul style="list-style-type: none"> ▪ Offering, promising, or giving anything of value to anyone for the purpose of influencing the outcome of a sporting event or attempting to do so; ▪ Placing, increasing, or decreasing a wager after acquiring knowledge not available to the general public that anyone has been offered, promised, or given anything of value for the purpose of influencing the outcome of the sporting event upon which the wager is placed, increased, or decreased, or attempting to do so; ▪ Manufacturing, selling, or distributing any device that the person intends to be used to violate any law governing sports gaming in Ohio or another state; ▪ Placing a bet or aiding any other individual in placing a bet on a sporting event after unlawfully acquiring knowledge of the

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<p>specifies that if the violator is a sports wagering licensee, the Commission must revoke the person’s license after the first offense:</p> <ul style="list-style-type: none"> ▪ Offering, promising, or giving anything of value to anyone for the purpose of influencing the outcome of a sporting event, or placing, increasing, or decreasing a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised, or given anything of value for the purpose of influencing the outcome of the sporting event upon which the wager is placed, increased, or decreased, or attempting to do so; ▪ Manufacturing, selling, or distributing any device that is intended by that person to be used to violate any provision of the bill or of the sports gaming laws of any other state; ▪ Placing a bet or aiding any other individual in placing a bet on a sporting event after unlawfully acquiring knowledge of the outcome on which winnings from the bet are contingent; ▪ Claiming, collecting, or taking anything of value from a sports gaming facility with intent to defraud or attempting that action without having made a wager in which the amount or value is legitimately won or owed; ▪ Placing a wager using counterfeit currency or other counterfeit form of credit approved for wagering; ▪ Having in the person’s possession on the grounds of a sports gaming facility, or on contiguous grounds, any device intended to be used to violate the bill or any rule governing sports gaming. This provision does not apply to a sports gaming agent or facility or an employee or agent of a sports gaming agent or facility acting in furtherance of the licensee’s interest. <p>Requires a sports gaming licensee to post notice of the bill’s prohibition against unauthorized sports gaming operations and of the</p>	<p>outcome on which winnings from that bet are contingent;</p> <ul style="list-style-type: none"> ▪ Claiming, collecting, or taking anything of value from a sports gaming agent with intent to defraud, or attempting to do so, without having made a wager in which the amount or value is legitimately won or owed; ▪ Placing a wager using counterfeit currency or another counterfeit form of credit approved for wagering; ▪ Possessing any device intended to be used to violate the law governing sports gaming or any Commission rule governing sports gaming or any materials used to manufacture such a device. That prohibition does not apply to a sports gaming agent or to a sports gaming agent’s employee or agent who is acting in furtherance of the sports gaming agent’s interest; ▪ Operating sports gaming in a manner other than the manner required under the bill. Premises used or occupied in violation of that provision constitute a nuisance subject to abatement under the Nuisance Law. <p>Prohibits any person from knowingly doing any of the following, makes those violations a third degree felony, and specifies that if the person is a sports gaming licensee, the Commission must revoke the person’s license after the first offense:</p> <ul style="list-style-type: none"> ▪ Offering, promising, or giving anything of value or benefit to a person who is connected with a sports gaming agent or to an agent or employee of a sports gaming agent, under an agreement to influence, or with the intent to influence, the actions of the person to whom the offer, promise, or gift is made in order to affect or attempt to affect the outcome of sports gaming conducted in Ohio or an official action of a member, agent, or employee of the Commission; ▪ Soliciting, accepting, or receiving a promise of anything of

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<p>continuing law prohibition against a lottery winner falsely stating that the person does not owe back child support or spousal support. (R.C. 3770.99.)</p>	<p>value or benefit while the person is connected with a sports gaming agent or an agent or employee of a sports gaming agent, under an agreement to influence, or with the intent to influence, the actions of the person to affect or attempt to affect the outcome of sports gaming conducted in Ohio or an official action of a member, agent, or employee of the Commission.</p> <p>Prohibits any person from knowingly doing any of the following while participating in sports gaming or otherwise transacting with a sports gaming agent as permitted under the law governing sports gaming and makes those violations a fifth degree felony on the first offense and a fourth degree felony on a subsequent offense:</p> <ul style="list-style-type: none"> ▪ Causing or attempting to cause a sports gaming agent to fail to file a report required under the federal Bank Secrecy Act of 1970, which requires financial institutions to keep records and file reports on certain financial transactions, or under the provision of Ohio law that requires financial institutions also to file those reports with the Attorney General; ▪ Causing or attempting to cause a sports gaming agent to fail to file a report or maintain a record required by an order issued under the Federal Deposit Insurance Act or under the federal law that applies similar reporting requirements to institutions that are not federally insured; ▪ Causing or attempting to cause a sports gaming agent to file a report under the Bank Secrecy Act of 1970 or the parallel provision of Ohio law, if the report contains a material omission or misstatement of fact; ▪ Causing or attempting to cause a sports gaming agent to file a report or maintain a record required by an order issued under the federal law that allows a bank to be relieved from liability

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	<p>for a loss resulting from a payment related to redeeming a savings bond or savings note, if the report or record contains a material omission or misstatement of fact;</p> <ul style="list-style-type: none">▪ Causing or attempting to cause a sports gaming agent to maintain a record required under any regulation prescribed under the Federal Deposit Insurance Act or under the federal law that applies similar reporting requirements to institutions that are not federally insured, if the record contains a material omission or misstatement of fact;▪ Structuring a transaction with one or more sports gaming agents, being complicit in structuring such a transaction, attempting to structure such a transaction, or being complicit in an attempt to structure such a transaction. For purposes of this provision, “structuring a transaction” has the same meaning as in the provisions of Ohio law that mirror the Bank Secrecy Act of 1970, which is dividing a transaction that otherwise would be reportable into two or more transactions that, if considered separately, would not be reportable.