



## Ohio Revised Code

### Section 3770.03 Commission - powers and duties.

Effective: October 3, 2023

Legislation: House Bill 33

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(A)(1) The state lottery commission shall promulgate rules pursuant to Chapter 119. of the Revised Code, and shall adopt operating procedures, under which a statewide lottery and statewide joint lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games and all other lottery games. Any reference in this chapter to tickets shall not be construed to in any way limit the authority of the commission to operate video lottery terminal games or lottery sports gaming.

(2) Except regarding matters about which this chapter explicitly requires the commission to promulgate rules under Chapter 119. of the Revised Code, the commission instead may adopt operating procedures for the conduct of lottery games. Those operating procedures shall include, but need not be limited to, the following:

(a) The type of lottery to be conducted;

(b) The prices of tickets in the lottery;

(c) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(3) The commission shall publish all of its operating procedures on its official web site and shall make copies of its operating procedures available to the public upon request.

(4) An operating procedure adopted under this section is not considered a rule under section 111.15 of the Revised Code.

(5) All rules of the commission that are in effect on the effective date of this amendment remain effective unless the commission rescinds them.



(B) The commission shall promulgate rules pursuant to Chapter 119. of the Revised Code concerning all of the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid to licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the



lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(6) Rules establishing any of the following with respect to the operation of video lottery terminal games:

(a) Any fees, fines, or payment schedules;

(b) Any voluntary exclusion program.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter.

(D) The commission may promulgate rules pursuant to Chapter 119. of the Revised Code that establish any standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of advertising displayed on lottery tickets and on those other items shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(E)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission.