

2915.02 Gambling.

(A) No person shall do any of the following:

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;

(2) **Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;**

2915.01 Gambling definitions.

As used in this chapter:

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

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

(C) **"Scheme of chance" means a slot machine**, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.

(VV)(1) **"Slot machine" means either of the following:**

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

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

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

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

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

(BBB) **"Merchandise prize" means any item of value, but shall not include any of the following:**

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

Kroger Co. v. Cook (1970), 24 Ohio St. 2d 170 (*holding* that one individual's purchase of a chance or giving value was not necessary to constitute consideration for the purpose of gambling and specifically determined that giving a free entry to some players did not negate consideration).

Westerhous Co. v. Cincinnati (1956), 165 Ohio St 327 (holding that even the mere granting of a free replay on a mechanical device was sufficient value to create a prize and therefore constituted gambling).

Ohio Legislative Service Commission (1974), Legislative notes: "Schemes of chance" and "games of chance" are defined substantially in terms of existing case law. *See e.g. Kroger Co. v. Cook (1970), 24 Ohio St. 2d 170 (1956), 165 Ohio St 327; Kroger Co. v. Cook (1970), 24 Ohio St. 2d 170.*

124th General Assembly, Amended Substitute House Bill Number 512:

- Added the term "slot machine" for the first time to legislation.
- "Slot machine" was moved from being a "game of chance" to a "scheme of chance."
- The requirement for proof of "profit" was removed from the prohibition on "schemes of chance."
- Note: charities are not permitted to use "slot machines" in their legal fundraising activities. *See 2915.02 (D).*