

**\*\*\* DRAFT - NOT YET FILED \*\*\***

4301:1-1-53

**Gambling, gambling devices and promotional contests.**

- (A) Conviction in any court of competent jurisdiction of any holder of any permit, or of any agent or employee of a permit holder, or of any person, for keeping, exhibiting for gain, or operating gambling devices, or conducting or permitting on the liquor permit premises any gambling in violation of Chapter 2915. of the Revised Code, shall be grounds for suspension or revocation of such permit.
- (B) No person authorized to sell alcoholic beverages shall have, harbor, keep, exhibit, possess or employ, or allow to be kept, exhibited, or used in, upon or about the premises of the permit holder of any gambling device as defined in division (F) of section 2915.01 of the Revised Code which is or has been used for any gambling in violation of Chapter 2915. of the Revised Code.
- (C) This rule does not apply to the selling of lottery tickets authorized and issued by the Ohio state lottery commission and as provided in section 4301.03 of the Revised Code.
- (D) This rule shall not be construed to prohibit a game or contest sponsored and conducted in accordance with division (D) of section 2915.02 of the Revised Code, provided that such game or contest strictly complies with all of the provisions of division (D) of section 2915.02 of the Revised Code and shall not prohibit the conducting of games of chance by charitable organizations as defined in division (H) of section 2915.01 of the Revised Code so long as there is strict compliance with Chapter 2915. of the Revised Code.
- (E) This rule shall not be construed to prohibit instant bingo, other than at a bingo session, that is sponsored and conducted by charitable organizations as defined in division (H) of section 2915.01 of the Revised Code and where a license pursuant to section 2915.08 of the Revised Code has been obtained, provided that such instant bingo is conducted in strict compliance with Chapter 2915. of the Revised Code. However, no person authorized to sell alcoholic beverages shall sell or serve beer or intoxicating liquor or permit beer or intoxicating liquor to be consumed or seen in the same location in its premises where a bingo game, as described in division (S)(1) of section 2915.01 of the Revised Code, is being conducted.
- (F) The foregoing paragraphs do not prohibit conduct by any person authorized to sell alcoholic beverages in the original container or for consumption on the permit premises to the extent that the permit holder may sponsor or conduct upon the permit premises promotional games or contests which are neither games nor schemes of chance and which do not constitute gambling or public gaming as prescribed in Chapter 2915. of the Revised Code, provided that:
  - (1) The promotion or contest does not require the participant to pay money or

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something of value other than visiting the premises for the privilege or opportunity to participate in such promotions or contests or for receiving the award or prize therefrom; and

- (2) Alcoholic beverages are not an element of such a game or contest either directly or indirectly; and
  - (3) The game or contest is sponsored or designed and run by a permit holder who is licensed for the sale of alcoholic beverages, a manufacturer whose main product line is not alcoholic beverages or their advertising agent or representative.
- (G) Except for alcoholic beverage products, paragraph (F)(1) of this rule shall not prohibit the purchase of the manufacturer's product at the customary retail price by the participant for the opportunity to participate in a promotional game or contest, the outcome of which is not determined largely or wholly by chance.
- (H) For the purposes of this rule, the phrase "something of value" means money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein or involving extension of a service, entertainment or a privilege of playing at a game of chance without charge.
- (I) Nothing in the rule shall be construed as prohibiting those entities properly licensed under sections ~~3720.03~~[3770.03](#) and 3770.21 of the Revised Code and Chapters 3770:2-1 to 3770:2-12 of the Administrative Code from operating video lottery games in accordance with those provisions.
- (J) Nothing in the rule shall be construed as prohibiting those entities properly licensed under Chapter 3772. of the Revised Code from operating casino gaming in accordance with those provisions.