



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Gambling in Ohio

This brief provides an overview of gambling in Ohio and includes information on the general forms of legal gambling in the state, sources of law that permit and restrict gambling activities, gambling regulators and revenue distribution, and illegal gambling.

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Types of legal gambling

Ohio law permits a wide range of gambling activities and classifies them as follows:

- The Ohio Lottery;
- Casino gaming;
- Charitable bingo;
- Horse racing;
- Sports gaming;
- Fantasy contests;
- Sweepstakes terminals;
- Skill-based amusement machines.

Of these, the first three – the lottery, casinos, and bingo – are authorized by, and regulated under, the Ohio Constitution. The other types are authorized by legislation, with sports gaming being the most recent addition.¹

Constitutionally authorized gambling

Through licensed lottery sales agents, the State Lottery Commission offers games such as scratch-off tickets, multi-state lottery drawings (e.g., Powerball, Mega Millions), Keno at bars and

¹ Ohio Constitution, Article XV, Section 6; R.C. Chapters 2915, 3769, 3770, 3772, 3774, and 3775.

restaurants, and video lottery terminals located at horse racetracks. The law allows the Ohio Lottery also to offer sports gaming terminals at certain bars and restaurants, but it currently does not.²

Casino gaming is restricted by the Constitution to four specific brick-and-mortar locations, with one in each of the following areas: Cleveland, Cincinnati, Toledo, and Franklin County. This type of gambling encompasses slot machines and table games like poker, blackjack, and roulette. Online or mobile casino gaming is not permitted.³

Bingo – a term which, under Ohio law, covers traditional bingo, instant bingo, electronic instant bingo, and raffles – can be offered by selected charitable organizations only for certain charitable purposes. Bingo cannot be conducted for profit in Ohio, though the hosting organization generally is allowed to keep some bingo proceeds to cover expenses or to support the organization’s charitable activities.⁴

Gambling authorized by statute

Horse racing, sports gaming, fantasy contests, sweepstakes terminals, and skill-based amusement machines (arcade games like skee-ball) are authorized through legislative enactment. Regulatory considerations are within the legislature’s authority to change or, as is common, assign to a regulatory agency.⁵

The Ohio Constitution limits the types of gambling that may be conducted in Ohio. It specifically authorizes the Ohio Lottery, casino gaming, and bingo, but only under certain parameters.

Regulating entities and profit distribution

Four state agencies share responsibility for overseeing and regulating gambling: the Ohio Casino Control Commission (OCCC), the State Lottery Commission, the State Racing Commission, and the Office of the Attorney General (AG). The required distribution of proceeds and tax revenues varies depending on the type of gambling in question, while license and registration fees generally support the relevant state agency. See the table below for more information on Ohio’s gambling regulatory structure and distribution of funds.

Gambling Overview

Type of gambling	Who conducts it?	Who oversees it?	Where does the money go?
Casinos (R.C. Chapter 3772)	Ohio’s four licensed casinos	OCCC	Tax revenue goes mostly to Ohio’s counties, with some going to the casinos’ host cities, the OCCC, and various funds. ⁶
State Lottery (R.C. Chapter 3770)	The State of Ohio, through licensed lottery sales agents	State Lottery Commission	Instead of taxing the proceeds, the state owns the lottery and all proceeds. All net profits go towards funding public education in Ohio. ⁷

Type of gambling	Who conducts it?	Who oversees it?	Where does the money go?
Bingo (R.C. Chapter 2915)	Charitable organizations, including veteran's, fraternal, and sporting organizations	AG	Charitable organizations' proceeds are not taxed, but they must go towards charitable purposes according to certain formulas. ⁸
Sports gaming (R.C. Chapter 3775)	Websites and mobile apps (Type A license), sports gaming facilities (Type B license), and lottery sports gaming terminals in bars and restaurants (Type C license)	OCCC	Tax revenue from online sports gaming and sports gaming facilities supports education, problem sports gaming services, and veterans' services. Proceeds from lottery sports gaming are treated the same as other lottery proceeds and support public education.
Horse racing (R.C. Chapter 3769)	Ohio's seven racetracks and affiliated satellite simulcast facilities	State Racing Commission	Tax revenue goes to host municipalities, the State Racing Commission, and various funds, most of which help to support the horse racing industry.
Fantasy contests (R.C. Chapter 3774)	Websites and mobile apps	OCCC	Operators' profits are taxed the same as other businesses' profits.
Sweepstakes terminals (R.C. Chapter 2915)	Sweepstakes terminal operators	AG	Operators' profits are taxed the same as other businesses' profits.

² Ohio Const., art. XV, sec. 6(A); R.C. 3770.05, 3770.21, and 3770.25; see [Ohio Lottery Games](#).

³ Ohio Const., art. XV, sec. 6(C); R.C. Chapter 3775.

⁴ Ohio Const., art. XV, sec. 6(B); R.C. 2915.01 and 2915.07 through 2915.15.

⁵ R.C. Chapters 3769 (horse racing); 3774 (fantasy contests); 3775 (sports gaming); R.C. 2915.01(BBB) and 2915.02 (sweepstakes terminals); R.C. 2915.01(UU), 2915.06, and 2915.061 (skill-based amusement machines).

⁶ See also Ohio Const., art. XV, sec. 6(C)(3).

⁷ See also Ohio Const., art. XV, sec. 6(A).

⁸ See also Ohio Const., art XV, sec. 6(B).

Type of gambling	Who conducts it?	Who oversees it?	Where does the money go?
Skill-based amusement machines (R.C. Chapter 2915)	Arcades, bars, and restaurants	OCCC	Operators' profits are taxed the same as other businesses' profits.

Illegal gambling

Ohio law generally prohibits all forms of gambling other than those types that are specifically authorized by the Ohio Constitution or the Revised Code. The statute prohibits “schemes of chance” and “games of chance conducted for profit,” terms that are defined broadly to encompass specific games (e.g., slot machines, poker, craps, roulette) and generally any other activity in which something of value, or “consideration,” is exchanged for the chance to win a prize or the hope of gain.⁹

Where, then, does that leave a person who wishes to play poker outside of a casino, or run a fantasy league among friends? The key distinction for such casual events is whether the game is structured as “for profit” or not.

Gambling for profit

While Ohio law strictly regulates for-profit gambling activity, it generally does not prohibit the play of gambling games, even where players can win and lose money, if the game is not operated for profit. The phrase “for profit,” as used in the Revised Code, generally refers to situations when a game is operated like a gambling business, where the operator profits from the game regardless of whether the operator wins or even participates.

In one illustrative example, an Ohio court determined that a poker-game host was rightly convicted of conducting an illegal “for profit” game because the host took a portion of each pot to raise funds for his son’s legal and medical expenses.¹⁰

Gambling for a living

Additionally, Ohio law prohibits gambling for a living. Earning a “substantial portion” of one’s income from gambling is prohibited. The Revised Code does not establish what constitutes a “substantial portion” of a person’s income, nor do Ohio’s courts appear to have considered this question. A violation is a first degree misdemeanor, which can carry a penalty of up to six months in jail and a fine of up to \$1,000.¹¹

Some Ohio Courts have held that the Constitution’s use of the term “lottery” applies to all forms of gambling, meaning that the only legal forms of gambling are those expressly exempted under the Constitution.

Other courts have held that “lottery” only applies to certain types of gambling and that the General Assembly may authorize other types. The Supreme Court of Ohio has yet to weigh in one way or the other.

⁹ See R.C. 2915.01(C), (D), and (E).

¹⁰ R.C. 2915.02(A)(2); *State v. Bakhshi*, 2014-Ohio-1268 (2nd Dist.).

¹¹ R.C. 2915.02(A)(4). See also R.C. 2929.24 and 2929.28.