

MODIFYING Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by ENACTING new Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” and 311-9-T9, “Type B Sports Gaming Proprietor,” and by AMENDING Section 311-31, “Collection at Source; Casino and VLT,” for the purpose of requiring Type B sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023.

WHEREAS, the Ohio General Assembly amended Ohio Revised Code Section 718.031, mandating that municipalities require proprietors of sports gaming facilities to withhold certain local income tax on “Type B” winnings; and

WHEREAS, amendments to the Cincinnati Municipal Code are required in order to carry out the purpose of the recently amended Ohio Revised Code Section 718.031; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Chapter 311-9 of the Cincinnati Municipal Code is hereby amended by enacting Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” and 311-9-T9, “Type B Sports Gaming Proprietor,” as follows:

Sec. 311-9-L2. - Lottery Sports Gaming.

“Lottery sports gaming” has the same meaning as in Section 3770.23 of the Ohio Revised Code or a successor statute or section.

Sec. 311-9-S7. - Sports Gaming.

“Sports gaming” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

Sec. 311-9-S8. - Sports Gaming Facility.

“Sports gaming facility” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

Sec. 311-9-T9. - Type B Sports Gaming Proprietor.

“Type B sports gaming proprietor” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

Section 2. That Section 311-31 of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 311-31. - Collection at Source; Casino, and VLT, and Sports Gaming Proprietors.

(a) For tax years beginning on or after January 1, 2016, a casino facility or a casino operator, as defined in section 311-9-C3 of this chapter, or a lottery sales agent conducting video lottery ~~terminal~~terminal sales on behalf of the state shall withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in Section 718.031 of the Ohio Revised Code.

(b) For tax years beginning on or after January 1, 2023, a type B sports gaming proprietor offering sports gaming at a sports gaming facility, or a video lottery terminal sales agent conducting lottery sports gaming offered in a video lottery terminal facility, shall withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in Section 718.031 of the Ohio Revised Code. “Type B sports gaming proprietor,” “sports gaming,” “sports gaming facility,” “video lottery terminal sales agent,” “lottery sports gaming,” and “video lottery terminal,” are as defined in Section 311-9 of this chapter.

~~(b)~~ (c) Amounts deducted and withheld on behalf of the Municipality shall be allowed as a credit against payment of the tax imposed by the Municipality and shall be treated as taxes paid for purposes of Section 311-33 of this chapter for the person for whom the amount is deducted and withheld.

~~(e)~~ (d) The tax commissioner shall prescribe the forms of the receipts and returns required under this section.

Section 3. That existing Section 311-31, “Collection at Source; Casino and VLT,” of the Cincinnati Municipal Code is hereby repealed.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.