

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3772-12-05

**Rule Type:** Amendment

**Rule Title/Tagline:** Removal from the Ohio voluntary exclusion program.

**Agency Name:** Ohio Casino Control Commission

**Division:**

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#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 3/1/2024
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 29 - 134 - Representatives Scott Wiggam and Adam Miller
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3772.03, 3772.033, 3775.02
5. **What statute(s) does the rule implement or amplify?** 3772.01, 3772.03, 3772.18, 3775.02, 3775.13
6. **What are the reasons for proposing the rule?**

The purpose of this rule is to ensure an efficient VEP removal process, while providing for appropriate safeguards, including requiring an individual to make an affirmative choice to opt back into gambling. Moreover, the rule, and this Chapter in general, is part of the Commission required rules under both R.C. 3772.03 and 3775.02.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule prescribes how participants in the Ohio VEP may remove themselves from the program. The rule states that participants will not automatically be removed from the program upon the expiration of the selected exclusion; rather each participant must request removal from the Ohio VEP. The amendment removes the requirement that lifetime VEP members must undergo a problem gambling assessment with a medical professional prior to being removed from the program, as the commission is working on educational videos and materials that will instead be incorporated into the Ohio VEP portal for all participants seeking enrollment or removal in the program.

- 8. Does the rule incorporate material by reference? No**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

N/A.

N/A.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The Commission does not anticipate a negative impact on business from the amendments to this rule, as this rule simply details the methods by which participants in the Ohio VEP may remove themselves from the program. However, because this rule provides the general framework that will govern how participants can be removed

from the Ohio VEP, the Commission is filing this rule and has made it available for stakeholder comment. Any potential business impact would likely be triggered by other rules' substantive provisions, specifically, those found in 3772-12-04 or -06.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

N/A.

### **III. Common Sense Initiative (CSI) Questions**

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**
  - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
  - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

While this rule does not specifically impose a penalty for failure to comply with its terms, failure to comply with R.C. Chapter 3775 or any rules adopted thereunder could result in the Commission commencing administrative action pursuant to R.C. Chapter 119, including, but not limited to, fines for noncompliance, denial, suspension or revocation of a license, or other civil penalties. In addition, certain noncompliant activity, as described in R.C. 3775.99, could result in criminal penalties.
  - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
  - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

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**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

**A. How many new regulatory restrictions do you propose adding?**

Not Applicable

**B. How many existing regulatory restrictions do you propose removing?**

Not Applicable