

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3772-12-05

Rule Type: New

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

Agency Name: Ohio Casino Control Commission

Division:

Address: 100 E. Broad Street 20th Floor Columbus OH 43215

Contact: Michelle Siba

Email: michelle.siba@casinocontrol.ohio.gov **Phone:** 614-387-0485

I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3772.03
5. What statute(s) does the rule implement or amplify? 3772.01, 3772.03, 3772.18
6. What are the reasons for proposing the rule?

This new rule contains enough amendments to its existing language to trigger the LSC 50% rule, which requires rescinding the old language and adopting the amendments in a new rule. The purpose of the amendments is to ensure an efficient VEP removal process, while providing for appropriate safeguards.

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

This rule prescribes how certain participants in the VEP may remove themselves. The first amendment clarifies 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 amended rule removes detailed specifics regarding how applications for removal must be processed and how individuals are notified, allowing the Commission greater flexibility in these procedures. Lastly, the amended rule prescribes a treatment-laden path for participants in the Ohio VEP who select the lifetime exclusion program to be removed from the program, an option currently unavailable under the voluntary exclusion 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. 121.71 to 121.76, 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. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

N/A

Not Applicable.

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

Not Applicable.

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**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

While this rule does not specifically require licensure, pursuant to R.C. 3772.09(A), no casino operator, management company, holding company, gaming-related vendor, key employee, or casino gaming employee shall conduct or participate in conducting casino gaming without first obtaining a license from the Casino Control Commission.

- 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? No**

While this rule does not specifically impose a penalty for failure to comply with its terms, failure to comply with R.C. Chapter 3772 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. 3772.99, could result in criminal penalties.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Participants in the Ohio VEP who select either a one-year or five-year exclusion must comply with the requirement that they complete an unaltered application for removal from the Ohio VEP should they wish to be removed from the program. Similarly, participants in the Ohio VEP who chose to be excluded for life must comply with several steps should they wish to be removed from the program, including: remaining in the Ohio VEP for at least five years, completing the Ohio VEP education program on problem gambling awareness, undergo a problem gambling assessment with a medical or clinical professional qualified to treat gambling disorder, and complete an unaltered application for removal.