

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3772-12-07

Rule Type: Amendment

Rule Title/Tagline: Voluntary exclusions prior to the effective date of this rule.

Agency Name: Ohio Casino Control Commission

Division:

Address: 100 E Broad Street Columbus OH 43214

Contact: Martin Kerscher **Phone:** 614-387-0485

Email: martin.kerscher@casinocontrol.ohio.gov

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 maintain the Commission's commitment to currently existing voluntarily excluded individuals and Ohio VEP participants, while providing them with the opportunity to participate in the updated Ohio VEP, upon an informed decision. 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 is a grandfather provision that allows participants who joined the OCCC VEP prior to March 1, 2019, and have not yet sought removal, to continue their exclusion from only the four casino facilities. If the individual chooses to join the Ohio VEP, the length of exclusion the individual indicates on the Ohio VEP application supersedes the individual's previously selected length of exclusion and expands the list of excluded properties to include all excluded entities and facilities. The new rule allows participants of the "Ohio VEP" who joined after March 1, 2019, and prior to the effective date of this rule, and have not sought removal, to continue their participation and voluntary exclusion from only the four casino facilities and seven video lottery terminal facilities in the state of Ohio. The amendment allows individuals to still join the updated Ohio VEP and the length of exclusion the individual indicates on the updated Ohio VEP application supersedes the individual's previously selected length of exclusion and expands the list of excluded properties to include the excluded entities and facilities which are casinos, sports gaming facilities, or online sports pools. This will allow individuals to make affirmative choices as to what gambling they may be able to engage in responsibly and does not change the rules of their original commitment with the state.

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. The rule allows participants of the "Ohio VEP" who joined after March 1, 2019, and prior to the effective date of this rule, and have not sought removal, to continue their participation and voluntary exclusion from only the four casino facilities and seven video lottery terminal facilities in the state of Ohio. The amendment allows individuals to still join the updated Ohio VEP, which will include sports gaming, and have the length of any new exclusion supersede the individual's previously selected length of exclusion. Because the amendments to this rule impact those who joined the Ohio VEP prior to the legalization of sports gaming, 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. That being said, the Commission is aware that some businesses support the automatic exclusion from sports gaming for those individuals already enrolled in the VEP as it would be easier to implement. However, the Commission believes any business impact can be controlled by businesses themselves who are free to ban any patron via private business means, instead of springing an additional, non-agreed to, exclusion on individuals already enrolled.

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. Chapters 3772 and 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. 3772.99 and 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

The Commission does not anticipate a negative impact on business from the amendments to this rule. The rule allows participants of the "Ohio VEP" who joined after March 1, 2019, and prior to the effective date of this rule, and have not sought removal, to continue their participation and voluntary exclusion from only the four casino facilities and seven video lottery terminal facilities in the state of Ohio. The amendment allows individuals to still join the updated Ohio VEP, which will include sports gaming, and have the length of any new exclusion supersede the individual's previously selected length of exclusion. Because the amendments to this rule impact those who joined the Ohio VEP prior to the legalization of sports gaming, 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. That being said, the Commission is aware that some businesses support the automatic exclusion from sports gaming for those individuals already enrolled in the VEP as it would be easier to implement. However, the Commission believes any business impact can be controlled by businesses themselves who are free to ban any patron via private business means, instead of springing an additional, non-agreed to, exclusion on individuals already enrolled.

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