

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3772-12-07

Rule Type: New

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

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?**
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, 3772.18, 3772.03
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, while providing them with the opportunity to participate in the Ohio VEP.

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 VEP prior to January 1, 2019, and have not yet sought removal, to continue their exclusion from only the four casino facilities. The rule specifies that the application for voluntary

exclusion signed by the individual at the time of enrollment governs participation; but, if the individual so 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 video lottery terminal facilities. Further, the rule permits participants who joined the VEP prior to January 1, 2019, and selected the lifetime ban, to seek removal from the voluntary exclusion program if they comply with the requirements in 3772-12-05.

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.**

The original language proposed in that rule set January 1, 2019, as the chosen date by which to differentiate those individuals who had joined the Commission's voluntary exclusion program and those who may seek to join the new joint program. The new language will instead designate that date to be the effective date of the rule, rather than a pre-determined date-certain, allowing more flexibility to the logistics of implementing the new program.

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? No