

OHIO CASINO CONTROL COMMISSION

John R. Kasich
Governor



June E. Taylor
Chair

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Ohio Casino Control Commission ("Commission") on **Friday, November 9, 2018 at 1:00 p.m.** at its main office, located at 100 E. Broad Street, 20th Floor, Columbus, OH 43215. The purpose of the hearing is to solicit public comment on the following proposed amendments:

These rules all concern the voluntary exclusion program ("VEP") and help implement the proposed statewide Ohio VEP. The Ohio VEP will be a partnership between the Casino Control Commission and the Lottery Commission, which will govern all casino and video lottery terminal facilities. This means that an individual can sign up at one location and immediately and easily exclude themselves from all of eleven of these properties. The creation of the Ohio VEP has ripple effects throughout the rules, leading to updated language to reflect the addition of the Lottery Commission and video lottery terminal facilities. Additionally, these amendments provide a treatment-laden path for individuals to remove themselves from the lifetime exclusion after five years. Finally, the amendments simplify and streamline the existing rules and their language based on past experience and stakeholder comment.

- **3772-12-01 (amendment) – titled "Scope and purpose of the Ohio voluntary exclusion program."** Presently, the rule governs the establishment of the voluntary exclusion program administered by the Commission. The rule also provides that participation in the program does not prohibit anyone from entering a casino for purposes of employment, including employees of a casino operator who follow the prescribed notification procedure. The amendments create and define a unified voluntary exclusion program, called the "Ohio VEP," administered in tandem by the Casino Control Commission and the Lottery Commission. Participants in the Ohio VEP agree to exclude themselves from all casino facilities and video lottery terminal facilities in the state, called "excluded facilities." The purpose of this rule is to implement the Ohio VEP, while leaving open employment options for the participating individuals.
- **3772-12-02 (amendment) – titled "Application for Ohio voluntary exclusion."** The rule details the method to apply for voluntary exclusion, the minimum lengths of time applicants may select for exclusion, and the Commission's responsibilities subsequent to receipt of a completed application for voluntary exclusion. The amendment largely streamlines and updates some of the previous rule's language. The amended rule maintains the current length of exclusion options; however, it more clearly specifies that the duration chosen by the participant is the minimum amount of time the participant is to be excluded. Additionally, the amended rule streamlines the Commission's responsibilities subsequent

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to receipt of an application and removes language regarding confidentiality already contained in the Revised Code. The purpose of this rule is to give patrons who feel they may have a gambling problem the ability to voluntarily exclude themselves for the individual's selected minimum length of time, aiding in combatting compulsive and problem gambling in Ohio.

- **3772-12-03 (amendment) – titled “Responsibilities of voluntarily excluded individuals.”** This rule details the obligations of excluded individuals during their selected exclusion period. It also details the consequences for an excluded individual should the individual violate the terms of the program, including potential criminal trespass charges and the forfeiture of anything of value that has been converted into or attempted to be converted into a wagering instrument. The amendments to this rule largely streamline language regarding the duties of participants and updates language to reflect the Ohio VEP. The amendment also better clarifies the existing rule that a participant may always request to extend the length of exclusion but may not seek to shorten the minimum length of said exclusion. The purpose of this rule is to ensure that individuals participating in the Ohio VEP follow the rules of the program to combat compulsive and problem gambling.
- **3772-12-04 (amendment) – titled “Responsibilities of excluded facilities.”** This rule prescribes the minimum responsibilities of casino operators to ensure compliance with the VEP. The amendments provide slight changes to the responsibilities of excluded facilities under the jurisdiction of the Commission pursuant to the creation of the Ohio VEP. The first amendment reflects a change in how the Commission provides the list of individuals participating in the program and provides that operators should be checking and updating their database with changes to the list within seven days. The next amendment clarifies the notification requirements for when an excluded person is found on the premises of a casino, requiring operators to immediately notify the applicable commission employee, and then follow up with additional information within seventy-two hours. This is already existing practice. Finally, the amended rule makes some streamlining changes, stripping out specifics and allowing each excluded facility to create its own problem gambling plan created under rule 3772-12-06, with which the operator must comply. The purpose of this rule is to ensure that casino facilities help combat compulsive and problem gambling.
- **3772-12-05 (amendment) – titled “Removal from the Ohio voluntary exclusion program.”** 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. Additionally, 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 amendments prescribe a treatment-laden path for participants in the Ohio VEP that select the lifetime exclusion program to be removed from the program, an option currently unavailable under the voluntary exclusion program. The purpose of this

rule is to ensure an efficient VEP removal process, while providing for appropriate safeguards.

- **3772-12-06 (amendment) – titled “Compulsive and problem gambling plan.”** This rule details the procedures that must be included in each casino operator’s compulsive and problem gambling plan, including procedures regarding the implementation and enforcement of the voluntary exclusion program, the provision of responsible gambling materials to patrons, and the operator’s commitment to preventing underage gambling and gambling by persons who are impaired by drugs or alcohol. The amended rule moves some of these procedures from 3772-12-04 to 3772-12-06, creating one rule regarding internal procedures. Additionally, there are minor amendments that seek to combine, simplify, and streamline language. The purpose of this rule is to ensure that casino facilities are aiding the Commission in productively combatting compulsive and problem gambling.
- **3772-12-07 (new) – titled “Voluntary exclusions prior to January 1, 2019.”** This rule is a grandfather provision that allows for 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 new 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 new rule permits participants who joined the VEP prior to January 1, 2019, and selected the lifetime ban, to seek removal from the voluntary exchange program if they comply with the requirements in 3772-12-05. 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.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted to the attention of Michelle Siba, Deputy General Counsel, Ohio Casino Control Commission, at 100 E. Broad Street, 20th Floor, Columbus, OH 43215, or by electronic mail at Michelle.Siba@casinocontrol.ohio.gov.