



Common Sense Initiative

Mike DeWine, Governor
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Business Impact Analysis

Agency, Board, or Commission Name: Ohio Casino Control Commission

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Regulation/Package Title (a general description of the rules' substantive content):

Casino Gaming License and Operator Requirements Rules

Rule Number(s): 3772-5-01 (amend), 3772-8-01 (amend), 3772-10-06 (amend), 3772-10-13
(amend), and 3772-11-26 (amend)

Date of Submission for CSI Review: January 15, 2025

Public Comment Period End Date: January 29, 2025

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? ___)

Amended/ 5 rules (FYR? No)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☒ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☒ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**

Please include the key provisions of the regulation as well as any proposed amendments.

The casino gaming rules presented here are being reviewed and amended to improve clarity and readability and to conform with current practices. Additionally, certain regulatory restrictions are being removed in order to comply with S.B. 9 of the 134th General Assembly.

- **3772-5-01 – titled “Key employee license required” (amendment)** This rule lists the positions for which a key employee license is required. The purpose of this rule is to ensure that those people who have the power to exercise significant influence over entities engaged in casino gaming are suitable to do so, through the Commission’s key employee licensure process, as required by R.C. 3772.01, 3772.03, 3772.09, 3772.10, and R.C. 3772.13. The amendment removes a prohibition on employment, as well as a duplicative requirement for displaying the license. The amendment further maintains uniformity with language in Adm.Code 3772-8-01.
- **3772-8-01 – titled “Casino gaming employee license required” (amendment)** This rule specifies those employees who do not meet the definition of a key employee but who must still obtain a license to engage in the conduct of casino gaming. The purpose of this rule is to ensure that all casino gaming employees, as defined in R.C. 3772.01 and 3772.131 are suitable and eligible, through the Commission’s licensure process, as required by R.C. 3772.01, 3772.03, 3772.09, 3772.10, and R.C. 3772.131. The amendment removes a prohibition on employment, as well as a duplicative requirement for displaying the license. The amendment further maintains uniformity with language in Adm.Code 3772-5-01.

- **3772-10-06 – titled “Standard financial reports” (amendment)** Presently, this rule requires each casino to file certain financial reports monthly and annually with the Commission. The purpose of this rule and these reports is to ensure the ongoing financial suitability and stability of a casino operator, as required by R.C. 3772.10, and to ensure R.C. 3772.03(D)(12)’s requirement that financial statements and other records are maintained is met. The amendments still require certain financial reports but requires them to be available upon request, reducing the regulatory burden on casino operators.
- **3772-10-13 – titled “Signature requirements” (amendment)** This rule specifies how each casino operator will issue and maintain a signature card for each licensed employee and how employees must sign documents when a signature is required under the law. The purpose of this rule is to ensure that both the operator and the Commission can quickly and confidently investigate any issues that may arise in an area where a signature is required by an employee, amplifying the Commission’s investigatory, inspection, and audit authority granted by R.C. 3772.033. The amendments remove specific requirements for signature cards to reduce regulatory burdens on casino operators and to allow them more flexibility to track and authenticate employee approvals while staying up to date with the latest technological advancements.
- **3772-11-26 – titled “Cancellation and destruction of cards and dice” (amendment)** The rule currently specifically states how cards and dice are to be cancelled or destroyed if no longer used for play in casino gaming, including how any cancelling marks must be applied and how any cancellations or destructions are to be logged. The purpose of this rule is to implement the Commission’s R.C. 3772.03(D) statutory mandate to identify and ensure the use of only permitted gaming supplies and devices, by ensuring no longer approved or suitable cards or dice are destroyed or cancelled, lessening any risk they could be reintroduced into gameplay. The amendments will allow casino operators to follow the process set forth in their internal controls to destroy dice and cards, lessening regulatory burdens by removing the specific steps a casino operator must take to remove and destroy cards and dice.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

R.C. 3772.01, 3772.03, 3772.033, 3772.09, 3772.10, 3772.13, and 3772.131

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

Not applicable.

- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

This question does not apply to these rules because the federal government does not regulate casino gaming in this state. Rather, casino gaming is permitted pursuant to Article XV, Section 6(C) of the Ohio Constitution and is controlled by Ohio's Casino Control Act (i.e., R.C. Chapter 3772).

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Article XV, Section 6(C) of the Ohio Constitution and R.C. Chapter 3772 require the Commission to ensure the integrity of casino gaming and to prescribe rules for how casino gaming should be conducted, including prescribing technical standards and requirements to be met by personnel who are employed at casino facilities, reporting requirements, and standards for certain internal controls. These rules and the proposed amendments are designed to continue to effectuate this constitutional and statutory mandate by prescribing licensee requirements, streamlining financial report requirements, and removing Commission-mandated destruction methods, based on years of casino gaming operations in Ohio, and allowing for more flexibility in casinos' daily operations without sacrificing necessary regulatory oversight.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Overall, the Commission will measure the success of these amended rules in terms of whether they help to ensure the integrity of casino gaming while recognizing the limited practical concerns casino operators face. This can be done in two ways: First, through evaluating whether the administrative cost of implementing and enforcing the proposed rules outweighs their public benefit. Second, through analyzing the regulated community's comments about requests for amendments to the rules or for waivers or variances from the rules. No such comments have been received on these rules during their review period or in the informal comment opportunities that preceded this filing.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

In reviewing these rules, an email was sent to stakeholders on December 18, 2024. (Exhibits A and B). Stakeholders were asked to submit any written comments on the rules 5:00 p.m. on January 3, 2025. (Exhibit A). The stakeholders included employees or casino operators, management companies, holding companies, gaming related vendors, and independent testing laboratories. No written comments from stakeholders were received. Finally, stakeholders had the opportunity to comment during the Commission's public meeting on January 15, 2025. No comments were made.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

No input was provided by stakeholders.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to these amendments because no scientific data was necessary to develop or measure their outcomes. Instead, Commission staff reviewed how other jurisdictions approached rules. Further, Commission staff considered past practice under the rules as presently written, whether the existing rules were the most efficient means by which to maintain the integrity of casino gaming in this context, and whether any waivers or variances had been requested and granted to the regulated community, all with an eye on its pivot towards regulatory oversight primarily by audit rather than prospective review and approval. In so doing, the Commission was able to use, as much as possible, rules the regulated community is accustomed to within the industry, with minor adaptations to remain in compliance with Ohio law.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

When originally drafting the rules, Commission staff reviewed the rules adopted in other jurisdictions and the suggestions provided by the stakeholders and other members of the industry. When examining existing rules, Commission staff considered any waivers or variances to existing rules that had been requested and granted, and compared the rules to the day-to-day operations of casino operators and the Commission. The amendments are a conglomeration of the rules used in other jurisdictions with adaptations made for Ohio and are, in some cases, the result of discussions between Commission staff and the regulated community, including reflections of existing waivers or present practice.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

This question does not apply to these amendments because no other regulations in these areas currently exist with respect to casino gaming in this state, over which the Commission has sole authority.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

These rules primarily relate to licensing and regulatory compliance, which is handled by the Commission's Licensing, Investigations, and Compliance staff, respectively, and overseen by a director in the Commission's central office. Further, to ensure ongoing compliance, there are gaming agents, auditors, and office managers stationed at each of the casinos observing, evaluating, and investigating casino operations. Any issues that arise will be funneled to the Commission's central office in Columbus, Ohio, where the Executive Director and the division directors can coordinate a consistent response and conduct outreach to the regulated community. Finally, the ultimate sanctioning must be brought before the Commission at a public meeting for a vote. As such, the regulated community can expect consistent and transparent application of the regulations from the Commission.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

- **Identify the scope of the impacted business community, and**
- **Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

The impacted business community includes casino operators and management companies. The nature of the potential adverse impact from the rules includes fines for noncompliance, costs for employee time and payroll for, among other things, developing internal procedures, training, and sending notifications and reports to the Commission, as well as the potential for other monetary costs to the casino operators. Any adverse impact is justified to ensure the integrity of casino gaming through licensing, reporting, and destroying articles no longer used by casino operators.

3772-5-01 (amendment), "Key employee license required."

The Commission anticipates a minimal adverse impact on business from this rule. This rule lists the positions for which a key employee license is required. R.C. 3772.09 and 3772.13 mandate that a person employed as a key employee, as defined in R.C. 3772.01, must be

validly licensed by the Commission. This rule amplifies that statutory requirement. The amendment reduces adverse impacts by removing a prohibition on employment. Moreover, requiring licensure of casino gaming key employees is common in the industry, meaning the costs associated with this type of regulation are ingrained in each company's business model. The Commission also worked with casino operators to ensure the credential is built into each employee's casino-issued badge, meaning no additional costs or burdens are imposed on the casinos or employees.

3772-8-01 (amendment), "Casino gaming employee license required."

The Commission anticipates a minimal adverse impact on business from this rule. This rule lists the positions for which a casino gaming employee license is required. R.C. 3772.09 and 3772.131 mandate that a person employed as a casino gaming employee, as defined in R.C. 3772.01, must be validly licensed by the Commission. This rule merely amplifies that requirement. The amendment reduces adverse impacts by removing a prohibition on employment. Moreover, requiring licensure of casino gaming employees is common in the industry, meaning the costs associated with this type of regulation are built into each company's business model. The Commission also worked with casino operators to ensure the credential is built into each employee's casino-issued badge, meaning no additional costs or burdens are imposed on the casinos or employees.

3772-10-06 (amendment), "Standard financial reports."

The Commission anticipates a minimal adverse impact on business from this rule. The costs associated with this rule relate to the costs required to prepare certain financial reports. The amendment reduces costs associated with submitting more reports to the Commission more frequently, and instead only requires the reports be made available to the Commission. Even so, the reports are necessary to ensure the ongoing financial suitability and stability of a casino operator, as required by R.C. 3772.10, and to ensure R.C. 3772.03(D)(12)'s requirement that financial statements and other records are maintained is met. This justifies any business impact.

3772-10-13 (amendment), "Signature requirements."

The Commission anticipates a minimal adverse impact on business from this rule. The rule amplifies the Commission's investigatory, inspection, and audit authority granted by R.C. 3772.033, as it ensures that both the casino operator and the Commission can quickly and confidently investigate any issues that may arise in an area where a signature is required by an employee. Further, the amendment gives more flexibility to casino operators by removing specific signature requirements, allowing operators to use electronic or other forms of signatures that may be necessitated by developing technology.

3772-11-26 (amendment), "Cancellation and destruction of cards and dice."

The Commission anticipates a minimal adverse impact on business from this rule. The rule currently sets forth how cards and dice are to be cancelled and destroyed if no longer used in casino gaming. The rule is necessary to implement the Commission's duty pursuant to R.C. 3772.03(D) to identify and ensure the use of only permitted gaming supplies and

devices, by guaranteeing cards or dice that are no longer approved are destroyed or cancelled, lessening the risk of being reintroduced into gameplay. These procedures assure both the Commission and casino operators that destruction avoids the theft and misuse of cards and dice, lowering risk and loss for both operators and the State. The amendments further reduce adverse impact on businesses from this rule because operators can establish their own procedures for destruction while the Commission maintains oversight.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

3772-5-01 (amendment), “Key employee license required.”

The amendment reduces regulatory burdens on the business community by removing a prohibition on employment.

3772-8-01 (amendment), “Casino gaming employee license required.”

Similar to the previous rule, the amendment reduces regulatory burdens on the business community by removing a prohibition on employment.

3772-10-06 (amendment), “Standard financial reports.”

The amendment reduces regulatory burdens on the business community by removing the requirement that certain reports are monthly submitted to the Commission. The amendments simply require those reports to be made available to the Commission for inspection.

3772-10-13 (amendment), “Signature requirements.”

The amendment reduces a regulatory burden by allowing casino operators to use electronic or other forms of signatures that may be necessitated by developing technology.

3772-11-26 (amendment), “Cancellation and destruction of cards and dice.”

The amendments reduce regulatory burdens by allowing operators to establish their own procedures for destruction instead of following specific steps set out in Code.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The regulatory intent justifies any adverse impact because Article XV, Section 6(C) of the Ohio Constitution and R.C. Chapter 3772 require the Commission to ensure the integrity of casino gaming, specifically by ensuring applicants are suitable for licensure and casino operators monitor signatures and the destruction of devices no longer suitable for game play. Moreover, the regulatory intent justifies any adverse impact because casino gaming is a highly regulated industry. Unregulated gaming poses a threat to the public welfare and raises the potential for fraud and abuse. To mitigate these threats, the Commission, like other gaming regulatory bodies, is using its regulatory authority to establish a best practice framework,

starting with its own internal management and licensing rules covering operators, management companies, and holding companies. Finally, each of the amendments in this package further lessens any business impact.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

Yes (indirectly), though it is unlikely this will be necessary since these regulations only impact businesses in the casino industry, none of which likely constitute a small business. These amendments indirectly provide exemption or alternative means of compliance through Ohio Adm.Code 3772-1-04, which permits the Commission, upon written request, to grant waivers and variances from the rules adopted under R.C. Chapter 3772, including these rules, if doing so is in the best interest of the public and will maintain the integrity of casino gaming in the State of Ohio.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Though it is unlikely R.C. 119.14 will apply to these amendments because the rules only impact businesses in the casino industry, none of which likely constitute a small business, the Commission will adhere to the statutory requirements thereunder, if applicable.

To the extent R.C. 119.14 would apply to a violation of these amendments, the Commission will provide verbal and written notification to the small business to correct the paperwork violation. Thereafter, the Commission would allow the small business a reasonable amount of time to correct the violation. The Commission and its staff would also offer any additional assistance necessary to aid in remediation of the violation. No further action would be taken unless the small business fails to remedy the violation within the reasonable time allotted by the Commission

20. What resources are available to assist small businesses with compliance of the regulation?

The Commission and its staff are dedicated to working with members of the regulated community and the public to effectively and efficiently regulate casino gaming in this state. As a result, the following resources are available:

- Commission's mailing address:
100 E. Broad Street, 20th Floor, Columbus, Ohio 43215
- Commission's toll free telephone number: (855) 800-0058
- Commission's fax number: (614) 485-1007
- Commission's website: <http://www.casinocontrol.ohio.gov/>
- Commission's email: info@casinocontrol.ohio.gov and
- Commission's casino gaming listserv:

<https://ohio.us7.list-manage.com/subscribe?u=1c618d44ec5c718843ae2e7bb&id=3d36674d21>

Also, all members of the regulated community and public may, in accordance with rule 3772-2-04, request to address the Commission during a public meeting. Finally, all members of the regulated community may, pursuant to rule 3772-1-05, request waivers and variances from Commission regulations.

EXHIBIT A

From: [Ohio Casino Control Commission](#)
To: [Berner, Emily](#)
Subject: Casino Gaming Rules for Comment
Date: Wednesday, December 18, 2024 4:30:45 PM

[View this email in your browser](#)



Casino Gaming Stakeholders,

As part of the Ohio Casino Control Commission's ("Commission") efforts to carefully review casino gaming regulations, the Commission is putting forward 5 proposed rule amendments for stakeholder comment: Ohio Adm. Code 3772-5-01 (Key employee license required), 3772-8-01 (Casino gaming employee license required), 3772-10-06 (Standard financial reports), 3772-10-13 (Signature requirements), and 3772-11-26 (Cancellation and destruction of dice and cards). The rules are being reviewed pursuant to the State's regulatory reduction requirement. The proposed

versions of those rules can be found [here](#).

As always, please feel free to forward this communication to anyone else you think may be interested in these rules. If you would like to unsubscribe from this listserv, you may do so using the link located at the bottom of this email.

We understand that you may have questions or would like additional information before commenting, and if that is the case, we encourage you to reach out to your normal contacts at the Commission at your earliest convenience. If, in the end, you would like to provide formal written comments, please email them to rulecomments@casinocontrol.ohio.gov **by 5:00 PM on January 3, 2025**.

While you will have some additional chances to comment on these rules, including when they are filed with the state's Common Sense Initiative Office, please note that it is much easier for the Commission and for stakeholders to work out any questions or comments directly before the rules start the formal rule filing process.



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EXHIBIT B

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