



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Andromeda Morrison, Ohio Casino Control Commission

FROM: Jacob Ritzenthaler, Business Advocate

DATE: March 8, 2024

RE: **CSI Review – Voluntary Exclusion and Compulsive and Problem Gambling (OAC 3772-12-02, 3772-12-05, 3772-12-06, and 3772-12-07)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Commission as provided for in ORC 107.54.

Analysis

This rule package consists of four no-change rules proposed by the Ohio Casino Control Commission (Commission) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on February 2, 2024, and the public comment period was held open through February 16, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 2, 2024.

Ohio Administrative Code (OAC) Chapter 3772-12 establishes requirements concerning the Ohio Voluntary Exclusion Program (Ohio VEP), which allows individuals to voluntarily exclude themselves from casino, lottery, and sports gaming facilities and entities to curtail disordered and problem gambling. OAC 3772-12-02 sets forth the application process for the Ohio VEP, which requires applications to be available for completion at all Ohio casino facilities, video lottery terminal facilities, and online portals. The rule requires that applicants select the duration of their voluntary exclusion, which may be for a period of one year, five years, or for the applicant's lifetime. OAC 3772-12-05 allows Ohio VEP participants to request removal from the Ohio VEP at the end of their selected duration. Participants who have selected a lifetime exclusion may request their removal after remaining excluded for at least five years, completing an Ohio VEP education program on problem

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

gambling awareness, and completing an application for removal. OAC 3772-12-06 requires all casino facilities, sports gaming facilities, and online sports pools to provide the Commission with a disordered and problem gambling plan, which must contain policies and procedures for Ohio VEP compliance, duties of employees responsible for program implementation, identification of Ohio VEP participants, provision of information and education material to patrons, and prevention of underage gambling, among others. OAC 3772-12-07 concerns voluntary exclusions submitted before the rule's effective date.

During early stakeholder outreach, the Commission sent the proposed rules to industry stakeholders for feedback, including casino operators, sports gaming proprietors, management companies, gaming vendors, and independent testing laboratories. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes all casino and sports gaming proprietors, as well as employees, service providers, suppliers, and providers of responsible gambling treatments. The adverse impacts created by the rules include creating, maintaining, and submitting to the Commission a disordered and problem gambling plan, as well as potential penalties for violations of the rule requirements. The Commission states that the adverse impacts are necessary to ensure that the Ohio VEP is accessible and that the integrity casino and sports gaming is maintained.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.