



Common Sense Initiative

Mike DeWine, *Governor*
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Ian Litherland, Ohio State Lottery Commission

FROM: Jacob Ritzenthaler, Business Advocate

DATE: June 13, 2025

RE: CSI Review – Video Lottery Operations (OAC 3770:2-6-01, 3770:2-6-02, 3770:2-6-03, 3770:2-6-04, and 3770:2-6-05)

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 five no-change rules proposed by the Ohio State Lottery Commission (Commission). This rule package was submitted to the CSI Office on April 23, 2025, and the public comment period was held open through May 9, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 23, 2025.

Ohio Administrative Code (OAC) Chapter 3770:2-6 establishes requirements for video lottery operations. OAC 3770:2-6-01 sets forth requirements for facility hours of operation and the number of video lottery terminals. OAC 3770:2-6-02 concerns maintenance and repair of video lottery terminals. OAC 3770:2-6-03 requires agents to maintain a security and surveillance plan and to ensure security and surveillance employees apply for and maintain licensure. OAC 3770:2-6-04 concerns activities involving video lottery terminals, including transportation, relocation, installation,

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certification, and storage. OAC 3770:2-6-05 establishes requirements for advertising and promotions.

During early stakeholder outreach, the Commission sent the proposed rules to industry stakeholders for feedback, including video lottery sales agents, horse racing permit holders, and other interested parties. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes the seven horse racing permit holders, as well as video lottery sales agents and employees. The adverse impacts created by the rules include requirements to seek Commission approval for terminal operation, submit a security and surveillance plan, notify the Commission regarding movement of terminals or floor plans, and maintain maintenance logs for terminals. The Commission states that the adverse impacts created by the rules are necessary to ensure the consistent and proper conduct of video lottery games and licensees.

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.