

OHIO CASINO CONTROL COMMISSION
RESOLUTION 2017-08

FIVE YEAR REVIEW CHANGE ADMINISTRATIVE RULES – ADOPTION & FINAL FILE

WHEREAS, Article XV, Section 6(C)(4) of the Ohio Constitution created the Ohio Casino Control Commission (“Commission”) to ensure the integrity of casino gaming by, among other things, licensing and regulating all gaming authorized by Article XV, Section 6(C) of the Ohio Constitution;

WHEREAS, R.C. 3772.03(A) authorizes the Commission to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors, and grants the Commission with jurisdiction over all persons participating in casino gaming authorized by Article XV, Section 6(C)(4);

WHEREAS, R.C. 3772.03(B), (C), and (D) require the Commission to adopt regulations pursuant to R.C. Chapter 119 to complete the functions stated in R.C. 3772.03;

WHEREAS, R.C. 3772.03(D) requires the Commission to adopt regulations that, among other things, concern:

- The prevention of practices detrimental to the public interest;
- Describing the certification standards and duties of an independent testing laboratory certified under R.C. 3772.31 and the relationship between the Commission, the laboratory, the gaming-related vendor, and the casino operator;
- The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;
- Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in R.C. 3772.20, and requiring gaming devices and equipment to meet the standards of this state;
- Requiring the Commission to adopt standards regarding the marketing materials of a licensed casino operator, including allowing the Commission to prohibit marketing materials that are contrary to the adopted standards;
- Requiring that the records, including financial statements, of any casino operator, management company, holding company, and gaming-related vendor be maintained in the manner prescribed by the Commission and made available for inspection upon demand by the Commission, but shall be subject to R.C. 3772.16;
- The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;
- Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;

- Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;
- Establishing standards for the repair of casino gaming equipment;
- Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under R.C. 3772.18; and
- Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

WHEREAS, on March 16, August 17, September 21, and October 12, 2016, the Commission approved for original filing the following proposed rules and/or amendments to the administrative code (“Administrative Rules”):

- Ohio Adm. Code 3772-9 Gaming Supplies, Devices, and Equipment
 - 3772-9-03 Testing.
 - 3772-9-04 Testing results.
 - 3772-9-05 Transportation of electronic gaming equipment to and from a casino facility.
 - 3772-9-06 Possession and storage of electronic gaming equipment.
 - 3772-9-07 Transportation of electronic gaming equipment to and from a certified independent testing laboratory located in this state.
 - 3772-9-11 Remote systems access. (Rescind)
 - 3772-9-12 Electronic gaming equipment authentication.
- Ohio Adm. Code 3772-11 Table Games
 - 3772-11-01 Definitions.
 - 3772-11-02 Table games internal controls. (Rescind)
 - 3772-11-04 Prohibition on table game play by casino operator employees and gaming-related vendors.
 - 3772-11-05 Purchase or lease from authorized gaming-related vendors.
 - 3772-11-06 Shipment of table games and table games mechanisms.
 - 3772-11-07 Receipt of gaming chips from manufacturer.
 - 3772-11-08 Compliance with law; prohibited activities.
 - 3772-11-09 Publication of rules and payoff schedules for all permitted games.
 - 3772-11-10 Waiver of requirements. (Rescind)
 - 3772-11-13 Primary, secondary, and reserve sets of gaming chips.
 - 3772-11-15 Inventory of chips.
 - 3772-11-16 Destruction of chips.
 - 3772-11-20 Dice and card specifications.
 - 3772-11-21 Dice and cards receipt, storage, and use.
 - 3772-11-22 Inspection of dice and cards before use.
 - 3772-11-23 Cancellation and destruction of dice and cards.
 - 3772-11-25 Handling of cash at gaming tables.
 - 3772-11-26 Table inventory.
 - 3772-11-27 Opening of gaming tables.
 - 3772-11-28 Closing of gaming tables.
 - 3772-11-29 Payout for progressive table games.

- 3772-11-30 Procedures for manually filling chips from cage to tables; form procedures. (Rescind)
- 3772-11-32 Table game fill and credit backup procedures.
- 3772-11-35 Table game pit areas and supervision.
- 3772-11-36 Instructional table games offered to public.
- 3772-11-40 Poker room; general. (Rescind)
- 3772-11-41 Poker room; supervision. (Rescind)
- 3772-11-42 Poker room transactions.

- Ohio Adm. Code 3772-13 Advertising
 - 3772-13-03 Promotional activities.

- Ohio Adm. Code 3772-15 Independent Testing Laboratories
 - 3772-15-01 Independent testing laboratory certification.
 - 3772-15-02 Independent testing laboratory information, certification period, and certification renewal.
 - 3772-15-03 Certification fees.
 - 3772-15-04 Background investigation of an independent testing laboratory.
 - 3772-15-05 Conditions of certification.
 - 3772-15-06 Duties of a certified independent testing laboratory.

- Ohio Adm. Code 3772-20 Security Services
 - 3772-20-01 Security department.
 - 3772-20-02 Security department staffing.
 - 3772-20-03 Training.
 - 3772-20-04 Security plan.
 - 3772-20-05 Emergency operations plan.
 - 3772-20-06 Incident reports.
 - 3772-20-07 Security detention area.
 - 3772-20-08 Communications system.

WHEREAS, R.C. 121.82 prohibits an agency, as defined by R.C. 107.51, from electronically filing proposed rules that have an adverse impact on business, as defined by R.C. 107.52, with the Secretary of State (“SoS”), the Director of the Legislative Service Commission (“LSC”), and the Joint Committee on Agency Rule Review (“JCARR”) any sooner than the sixteenth business day after filing the proposed rule and accompanying Business Impact Analysis with the Common Sense Initiative Office (“CSI”).

WHEREAS, after complying with the CSI filing requirement, R.C. 119.03(B) requires that an agency electronically file proposed rules with the SoS and with LSC at least 65 days before the agency may adopt them;

WHEREAS, R.C. 119.03(H) requires that an agency electronically file proposed rules with JCARR at least 65 days before the agency may adopt them;

WHEREAS, if the proposed rules adversely impact business, R.C. 119.03(H) requires the agency to include with its electronic filing the Business Impact Analysis, any recommendations received from CSI, and the agency’s Memorandum in Response;

WHEREAS, R.C. 119.03(A) requires that reasonable public notice be given in the Register of Ohio at least 30 days prior to the date set for a public hearing, which must be held no sooner than the 31st nor any later than the 40th day after any proposed rules are filed under R.C. 119.03(B);

WHEREAS, R.C. 119.03(I)(1)(f) requires JCARR to hold a public hearing on any proposed administrative rules no earlier than the 41st day after the original versions of the proposed rules were filed with JCARR;

WHEREAS, on January 27, February 2, and February 3, 2017, the Commission's staff electronically filed the Administrative Rules and the public hearing notices with the SoS, LSC, and JCARR;

WHEREAS, on March 2 and March 14, 2017, the Commission held public hearings on the Administrative Rules;

WHEREAS, on March 27, 2017, JCARR held a public hearing on the Administrative Rules;

WHEREAS, on April 2 and April 8, 2017, JCARR's jurisdiction over the Administrative Rules ended, providing the Commission with the authority to adopt them;

WHEREAS, the Commission considered the matters at its public meeting on April 19, 2017;

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Administrative Rules are **ADOPTED**.

BE IT FURTHER RESOLVED that the Commission's staff is hereby authorized and directed to **FINAL FILE** the Administrative Rules in accordance with R.C. Chapter 119.

Adopted: April 19, 2017