

OHIO CASINO CONTROL COMMISSION

Mike DeWine
Governor



June E. Taylor
Chair

Technical Standards Guidance
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Introduction

To address the issue of illegal gambling establishments posing as legitimate operators, H.B. 64 (131st General Assembly) granted the Ohio Casino Control Commission (“Commission”) the authority to regulate skill-based amusement machines. To fulfill this obligation, the Commission has promulgated administrative rules to amplify the requirements in R.C. Chapter 2915. These rules became effective April 23, 2018.

As part of this framework, all games that purport to be a skill-based amusement machine are subject to approval by the Commission under Ohio Adm.Code 3772-50-25. Games subject to approval must meet the requirements of R.C. Chapter 2915 and the technical standards adopted by the Commission as Appendix A to Ohio Adm.Code 3772-50-24. To assist in its analysis of machines that purport to be skill-based amusement machines, the Commission may certify independent skill-based amusement machine testing laboratories (“labs”) to conduct technical assessments of skill-based amusement machines in accordance with Ohio law.

This Technical Standards Guidance (“guidance”) is designed to assist labs in their review of game submissions by providing the Commission’s interpretation and application of the technical standards. Questions or issues not directly addressed in the statute, administrative rules, or in this guidance should be brought to the Commission so that further, consistent guidance can be issued.

As such, the guidance is subject to change and, once re-issued, prior versions are considered obsolete and should no longer be relied upon. Further questions regarding the game approval process should be directed to the Commission’s Director of Skill Games.

Technical Guidance

“Choice” alone is insufficient to be the “requisite skill” for purposes of Game Outcome standards #3 and #4

The Commission is providing further guidance regarding the determination of what constitutes “requisite skill” for purposes of reading Game Outcome Standards #3 and #4. These technical standards state:

3-Game outcome shall be solely dependent upon a player’s ability to successfully apply the requisite skill as part of game design.

100 E. Broad Street – 20th Floor – Columbus, OH 43215
(855) 800-0058 toll-free
www.casinocontrol.ohio.gov

4- Game design, including the use of an RNG, or alteration of game-related parameters, whether prior to or during play, shall not prevent a player from obtaining any game outcome through the successful application of the requisite skill. An RNG, whether used prior to or during play, shall not impose any limitations associated with the player's application of skill.

These provisions, when read together, require that each game outcome must be solely determined by the player utilizing the requisite skill of the game and that the game cannot prevent a player from obtaining any game outcome. In determining "requisite skill" for this purpose, the objective of the game must be considered. As an example, in games with multiple game elements, the objective of the game may not be completing one game element versus another, but instead may be how elements are combined to maximize the player's prize. "Any game outcome" includes any of the prizes advertised to the player. Thus, the "requisite skill" must be the skillful action of the player that allows the player to determine the game outcome. Such outcome must include all of the available, advertised prizes.

The Commission has been asked if the choice between receiving a known prize and playing a skillful game with the potential for better (or worse) prizes is a "requisite skill" of a game. The Commission concludes that it is not. Deciding to play a game, choosing to continue to play a game, or choosing between a randomly-created potential prize or playing a game are not "skillful" for purposes of determining game outcome. Although deciding to play a game or choosing to utilize an element of a game versus another may have skillful elements, these elements are not the "requisite skill" of the game for purposes of determining the game outcome.

For example, a game that causes a player to choose between an outcome derived by chance and an outcome derived solely based on a player's skill is not a skill-based amusement machine in Ohio simply because the player can make an informed decision on which type of outcome he or she wishes to receive.