

## **Skill-Based Amusement Machine Rules Table of Contents**

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### **3772-50-01 Definitions.**

As used in this chapter, words have the following meanings, unless the context clearly indicates otherwise:

(A) “Advertisement” means any notice or communication to the public or any information concerning a type-B or type-C skill-based amusement machine or an applicant, licensee, or certified independent skill-based amusement machine testing laboratory under this chapter through broadcasting, publication, or any other means of dissemination, including electronic dissemination.

(B) “Applicant” means any person who applies to the commission for a license under this chapter.

(C) “Card for the purchase of gasoline” means a gift card, gift certificate, or other cash representation that can be used solely for the purchase of gasoline. A card for the purchase of gasoline may not be used to receive any non-gasoline merchandise, goods, or services.

(D) “Certified independent skill-based amusement machine testing laboratory” means any independent testing laboratory certified by the commission to test skill-based amusement machines. Certification under section 3772.03 of the Revised Code and rule 3772-15-01 of the Administrative Code does not grant authority to test skill-based amusement machines and equipment.

(E) “Commission” means the Ohio casino control commission.

(F) “Conduct” means to back, promote, offer, organize, manage, carry on, sponsor, or prepare for the operation of a skill-based amusement machine.

(G) “Licensee” means any person who has been granted a license under this chapter by the commission.

(H) “Merchandise prize” has the same meaning as in section 2915.01 of the Revised Code, but does not include a redeemable voucher; currency, including digital currency; and gold or silver bullion, coins, rounds, bars, or ingots.

(I) “Participate in conducting” means:

(1) To have a part in or share of backing, promoting, offering, organizing, managing, carrying on, sponsoring, or preparing the operation of a skill-based amusement machine; or

(2) To manufacture, distribute, sell, lease, or otherwise supply or provide skill-based amusement machine equipment, goods, or services.

(J) “Payout percentage function” means a setting or function that inhibits the ability of a player to achieve the result of the game or receive a merchandise prize based upon the prior number of plays, the outcome of those plays, or the amount of revenue generated by the machine.

(K) “Person” has the same meaning as in section 3772.01 of the Revised Code.

(L) “Player” means any person who plays a skill-based amusement machine.

(M) “Redeemable voucher” means any ticket, token, coupon, receipt, or other non-cash representation of value. Redeemable vouchers may not be redeemed for cash or used in combination with any gift card, cash, or the equivalent thereof to receive anything of value.

(N) “Revenue-sharing agreement” means any contract or agreement between a skill-based amusement machine operator and type-C skill-based amusement machine location for the placement or operation of skill-based amusement machines in which skill-based amusement machine revenue is divided between the parties.

(O) “Skill-based amusement machine” has the same meaning as in section 2915.01 of the Revised Code but does not include concession games licensed by the Ohio department of agriculture under section 1711.11 of the Revised Code.

(P) “Skill-based amusement machine key employee” means any of the following, as determined by the commission:

- (1) The individual who holds the position of executive decision-making authority for Ohio skill-based amusement machine gaming, as determined by the commission, such as a chief executive officer, executive director, or regional manager, concerning the operation of a person that has applied for or holds a license as a skill-based amusement machine vendor, type-B skill-based amusement machine operator, or type-C skill-based amusement machine operator;
- (2) The individual who holds the position of executive decision-making authority concerning the operation of a person that has applied for holds a license as a skill-based amusement machine location, except for skill-based amusement machine locations that are franchises of a licensed skill-based amusement machine operator;
- (3) Any individual who holds at least a twenty-five percent ownership interest in a person that has applied for or holds a license as a skill-based amusement machine vendor, type-B skill-based amusement machine operator, type-C skill-based amusement machine operator, or type-C skill-based amusement machine location;
- (4) Any other individual identified as a skill-based amusement machine key employee by the commission.

(Q) “Skill-based amusement machine location” means any place or site in the state of Ohio at which at least one skill-based amusement machine is operated or otherwise made available for play.

(R) “Skill-based amusement machine operator” means a person that provides, offers, leases, or otherwise has an ownership or possessory interest in a skill-based amusement machine, but does not include a skill-based amusement machine location that is not required to be licensed under paragraphs (A)(1) or (A)(2) of rule 3772-50-03 of the Administrative Code. Any person who has any ownership or leasehold interest in a skill-based amusement machine that is made available to a player is a skill-based amusement machine operator.

(S) “Skill-based amusement machine revenue” means all consideration paid by any and all players to play a skill-based amusement machine.

(T) “Skill-based amusement machine tournament” means any contest, competition, or event that has a defined starting and ending date; is open to participants who compete to win a merchandise prize or redeemable voucher for a merchandise prize; and utilizes a skill-based amusement machine.

(U) “Skill-based amusement machine vendor” means a person who manufactures, distributes, sells, or otherwise provides type-B or type-C skill-based amusement machines to a skill-based amusement machine vendor or operator.

(V) “Type-A skill-based amusement machine” means a skill-based amusement machine that does not enable or entitle a player to receive tickets, tokens, vouchers, coupons, merchandise, or any other thing of value, however delivered. Points or any other score-keeping mechanism cannot be exchanged for anything of value, at any time, including a merchandise prize or redeemable voucher.

(1) For purpose of paragraph (V) of this rule, a type-A skill-based amusement machine may entitle or enable a player to replay the game without additional consideration; and

(2) An unused free replay cannot be exchanged for anything of value, at any time, including a merchandise prize or redeemable voucher.

(W) “Type-B skill-based amusement machine” means a stand-alone, fully-enclosed skill-based amusement machine that entitles or enables a person to receive a merchandise prize, not to exceed a wholesale value of ten dollars, automatically and directly from the machine, and that has the following characteristics:

(1) The merchandise prize awarded automatically and directly from the machine is not redeemable and must constitute the sole prize available to a player;

(2) The merchandise prize is not a card for the purchase of gasoline;

- (3) The machine does not employ a payout percentage function, regardless of whether the function is turned off or on;
- (4) The claw, crane, or other mechanism, which is used to receive a merchandise prize, must be capable of being manipulated by a player to receive the merchandise prize;
- (5) The machine is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations; and
- (6) The machine does not simulate, display, or utilize rolling or spinning reels or wheels.

(X) “Type-B skill-based amusement machine operator” means any skill-based amusement machine operator of type-B skill-based amusement machines, but not type-C skill-based amusement machines.

(Y) “Type-C skill-based amusement machine” means a skill-based amusement machine that is not a type-A skill-based amusement machine or type-B skill-based amusement machine.

(Z) “Type-C skill-based amusement machine location” means a skill-based amusement machine location where one or more type-C skill-based amusement machines are made available to a player. A franchisee of a type-C skill-based amusement machine operator is a type-C skill-based amusement machine location.

(AA) “Type-C skill-based amusement machine operator” means any skill-based amusement machine operator of one or more type-C skill-based amusement machines.

**3772-50-02 Authority and purpose.**

(A) To ensure the integrity of skill-based amusement machine gaming, the commission shall have jurisdiction over all persons conducting or participating in the conduct of skill-based amusement machine gaming authorized by Chapters 2915. and 3772. of the Revised Code, including the authority to complete the functions of licensing, regulating, investigating, and penalizing those persons in a manner that is consistent with the commission's authority to do the same with respect to casino gaming.

(B) Pursuant to section 3772.03 of the Revised Code, the commission may adopt, amend, or repeal such rules as it deems necessary and proper for the successful and efficient regulation of skill-based amusement machine gaming under Chapters 2915. and 3772. of the Revised Code.

(C) This chapter shall be construed in a manner consistent with rule 3772-1-05 of the Administrative Code.

(D) The commission may delegate its authority under any provision of this chapter in a manner consistent with rule 3772-2-05 of the Administrative Code.

(E) To ensure the integrity of skill-based amusement machine gaming, the commission may utilize its subpoena power in accordance with rule 3772-2-06 of the Administrative Code.

### **3772-50-03 General licensing requirements.**

(A) No skill-based amusement machine operator, vendor, key employee, or location shall conduct or participate in conducting skill-based amusement machine gaming without first obtaining a license from the commission, except:

- (1) A person that conducts or participates in conducting type-A skill-based amusement machine gaming is not required to obtain a license from the commission provided that the person does not conduct or participate in conducting any type-B or type-C skill-based amusement machine gaming.
- (2) A skill-based amusement machine location that conducts or participates in conducting type-B skill-based amusement machine gaming is not required to obtain a license from the commission provided that the location does not conduct or participate in conducting any type-C skill-based amusement machine gaming.
- (3) A person licensed as a type-C skill-based amusement machine operator by the commission that conducts or participates in conducting skill-based amusement machine gaming at a location wholly owned or operated by the licensee is not required to be licensed as a type-C skill-based amusement machine location by the commission.

(B) A person licensed by the commission as a type-C skill-based amusement machine operator may conduct or participate in conducting type-A, type-B, or type-C skill-based amusement machine gaming.

(C) Information provided on the application, and any additional information provided to the commission, shall be used as a basis for an investigation of each applicant or licensee.

(D) An incomplete application, or an application containing false, misleading, or omitted information, is cause for administrative action by the commission.

(E) The commission may reopen a licensing investigation or adjudication at any time.

(F) The executive director may recommend to the commission that it deny any application, or limit, condition, restrict, suspend, or revoke any license or impose any fine upon any licensee or other person according to this chapter.

(G) No person may re-apply for a license under this chapter for three years from the date the person's application for licensure was denied or license was revoked by the commission.

(H) No license issued under this chapter is transferable. A significant change in or transfer of control of a licensee, as determined by the commission, shall require the filing of a new application and submission of the applicable fees under this chapter before any change or transfer of control is approved by the commission.

(I) In the event that the application fee paid by an applicant under this chapter is insufficient to cover the actual costs of investigating the suitability of the applicant, the commission may assess

additional fees to cover the costs of investigation that exceed the application fee paid under this chapter.



**3772-50-04 Skill-based amusement machine vendor licensure.**

(A) Except as provided in paragraph (G) of this rule, a person seeking a skill-based amusement machine vendor license shall apply for licensure via the state of Ohio eLicense website at [www.elicense.ohio.gov](http://www.elicense.ohio.gov), comply with all instructions, and pay a non-refundable three thousand dollar application fee.

(B) An applicant for a skill-based amusement machine vendor license shall establish, by clear and convincing evidence, the applicant's suitability for licensure.

(C) In determining whether to grant or maintain the privilege of a skill-based amusement machine vendor license, the commission shall evaluate each applicant and licensee in a manner consistent with the commission's authority to do the same with respect to casino gaming, including:

- (1) The reputation, experience, and financial integrity of the applicant or licensee and the applicant's or licensee's affiliates or affiliated companies;
- (2) The reputation, experience, and financial integrity of any person that directly or indirectly controls or influences the decision-making of the applicant or licensee;
- (3) If the applicant or licensee has filed, or had filed against it, a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise resolve the payment of any debt;
- (4) If the applicant or licensee is or has been a defendant in litigation involving the applicant's or licensee's business practices;
- (5) Whether and to what extent the applicant or licensee has associated with members of organized crime and other persons of disreputable character;
- (6) The extent to which the applicant or licensee has cooperated with the commission;
- (7) Whether the applicant or licensee has provided accurate and complete information as required by the commission or submitted false or misleading information to the commission;
- (8) If the applicant or licensee or any person that directly or indirectly controls the applicant or licensee has been indicted, convicted, or pleaded guilty or no contest concerning any criminal offense under the laws of any jurisdiction, excluding minor traffic violations;
- (9) If the applicant or licensee has been served with a complaint or other notice filed with any public body regarding a payment of any tax, required under federal, state, or local law, that has been delinquent for one or more years;

(10) If the applicant or licensee has shown a disregard of or otherwise failed to comply with the laws and regulations of this state or any other jurisdiction;

(11) If awarding or maintaining a license would undermine the public's confidence in skill-based amusement machine gaming in this state; and

(12) The suitability of any other material person, as determined by the commission.

(D) A skill-based amusement machine vendor licensee must maintain its suitability at all times during the licensure period.

(E) Except as provided in paragraph (G) of this rule, upon determination by the commission that an applicant for a new or renewal skill-based amusement machine vendor license is suitable to be issued a license, the applicant shall pay an upfront non-refundable license fee of three thousand dollars.

(F) If the commission determines that a person is suitable to be issued a skill-based amusement machine vendor license and all other requirements of this chapter have been met, the commission shall issue a license for not more than three years.

(G) If a skill-based amusement machine vendor is licensed as a type-C skill-based amusement machine operator, the skill-based amusement machine vendor is not required to pay the application fee described in paragraph (A) of this rule or the license fee described in paragraph (E) of this rule.

**3772-50-05 Skill-based amusement machine key employee licensure.**

(A) A person seeking a skill-based amusement machine key employee license shall apply for licensure via the state of Ohio eLicense website at [www.elicense.ohio.gov](http://www.elicense.ohio.gov), comply with all instructions, and pay a non-refundable application fee of two hundred fifty dollars.

(B) An applicant for a skill-based amusement machine key employee license shall cause to be submitted to the Commission the results of a bureau of criminal identification and investigation and federal bureau of investigation criminal background check in accordance with divisions (C)(2) and (C)(4) of section 109.572 of the Revised Code. An applicant for a skill-based amusement machine key employee license shall be responsible for the costs of obtaining the criminal background check.

(C) An applicant for a skill-based amusement machine key employee license shall establish, by clear and convincing evidence, the applicant's suitability for licensure.

(D) In determining whether to grant or maintain the privilege of a skill-based amusement machine key employee license, the commission shall evaluate each applicant and licensee in a manner consistent with the commission's authority to do the same with respect to casino gaming, including:

- (1) Whether the applicant or licensee possesses good character, honesty, and integrity;
- (2) Whether the applicant or licensee possesses financial stability, integrity, and responsibility;
- (3) The criminal history of an applicant or licensee;
- (4) The extent to which the applicant or licensee has cooperated with the commission;
- (5) Whether the applicant or licensee has provided accurate and complete information as required by the commission or submitted false or misleading information to the commission;
- (6) If the applicant or licensee has shown a disregard of or otherwise failed to comply with the laws and regulations of this state or any other jurisdiction;
- (7) If awarding or maintaining a license would undermine the public's confidence in skill-based amusement machine gaming in this state; and
- (8) If the applicant or licensee has been indicted, convicted, or pleaded guilty or no contest concerning any criminal offense under the laws of any jurisdiction, excluding minor traffic violations.

(E) A skill-based amusement machine key employee licensee must maintain his or her suitability at all times during the licensure period.

(F) The commission shall not issue a license unless the results of the background check described in paragraph (B) of this rule have been received by the commission.

(G) Upon determination by the commission that an applicant for a new or renewal skill-based amusement machine key employee license is suitable to be issued a license, the applicant shall pay an upfront non-refundable license fee of two hundred fifty dollars.

(H) If the commission determines that a person is suitable to be issued a skill-based amusement machine key employee license and all other requirements of this chapter have been met, the commission shall issue a license for not more than five years.

**3772-50-06 Type-B skill-based amusement machine operator licensure.**

(A) A person seeking a type-B skill-based amusement machine operator license shall apply for licensure via the state of Ohio eLicense website at [www.elicense.ohio.gov](http://www.elicense.ohio.gov), comply with all instructions, and pay a non-refundable one thousand five hundred dollar application fee.

(B) An applicant for a type-B skill-based amusement machine operator license shall establish, by clear and convincing evidence, the applicant's suitability for licensure.

(C) In determining whether to grant or maintain the privilege of a type-B skill-based amusement machine operator license, the commission shall evaluate each applicant and licensee in a manner consistent with the commission's authority to do the same with respect to casino gaming, including:

- (1) The reputation, experience, and financial integrity of the applicant or licensee and the applicant's or licensee's affiliates or affiliated companies;
- (2) The reputation, experience, and financial integrity of any person that directly or indirectly controls or influences the decision-making of the applicant or licensee;
- (3) If the applicant or licensee or any person that directly or indirectly controls the applicant or licensee has been indicted, convicted, or pleaded guilty or no contest concerning any criminal offense under the laws of any jurisdiction, excluding minor traffic violations;
- (4) Whether the applicant or licensee has provided accurate and complete information as required by the commission or submitted false or misleading information to the commission;
- (5) The extent to which the applicant or licensee has cooperated with the commission;
- (6) If the applicant or licensee has been served with a complaint or other notice filed with any public body regarding a payment of any tax, required under federal, state, or local law, that has been delinquent for one or more years;
- (7) If the applicant or licensee has shown a disregard of or otherwise failed to comply with the laws and regulations of this state or any other jurisdiction;
- (8) If awarding or maintaining a license would undermine the public's confidence in skill-based amusement machine gaming in this state; and
- (9) The suitability of any other material person, as determined by the commission.

(D) A type-B skill-based amusement machine operator licensee must maintain its suitability at all times during the licensure period.

(E) Upon a determination by the commission that an applicant for a new or renewal type-B skill-based amusement machine operator license is suitable to be issued a license, the applicant shall pay an upfront, non-refundable license fee of one thousand five hundred dollars.

(F) If the commission determines that a person is suitable to be issued a type-B skill-based amusement machine operator license and all other requirements of this chapter have been met, the commission shall issue a license for not more than three years.

**3772-50-07 Type-C skill-based amusement machine operator licensure.**

(A) A person seeking a type-C skill-based amusement machine operator license shall apply for licensure via the state of Ohio eLicense website at [www.elicense.ohio.gov](http://www.elicense.ohio.gov), comply with all instructions, and pay a non-refundable three thousand dollar application fee.

(B) An applicant for a type-C skill-based amusement machine operator license shall establish, by clear and convincing evidence, the applicant's suitability for licensure.

(C) In determining whether to grant or maintain the privilege of a type-C skill-based amusement machine operator license, the commission shall evaluate each applicant and licensee in a manner consistent with the commission's authority to do the same with respect to casino gaming, including:

- (1) The reputation, experience, and financial integrity of the applicant or licensee and the applicant's or licensee's affiliates or affiliated companies;
- (2) The reputation, experience, and financial integrity of any person with direct or indirect ownership interest or that directly or indirectly controls or influences the decision-making of the applicant or licensee;
- (3) If the applicant or licensee has filed, or had filed against it, a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise resolve the payment of any debt;
- (4) If the applicant or licensee is or has been a defendant in litigation involving the applicant's or licensee's business practices;
- (5) Whether the applicant or licensee possesses good character, honesty, and integrity;
- (6) Whether and to what extent the applicant or licensee has associated with members of organized crime and other persons of disreputable character;
- (7) The extent to which the applicant or licensee has cooperated with the commission;
- (8) Whether the applicant or licensee has provided accurate and complete information as required by the commission or submitted false or misleading information to the commission;
- (9) If the applicant or licensee or any person that directly or indirectly controls the applicant or licensee has been indicted, convicted, or pleaded guilty or no contest concerning any criminal offense under the laws of any jurisdiction, excluding minor traffic violations;
- (10) If the applicant or licensee has been served with a complaint or other notice filed with any public body regarding a payment of any tax, required under federal, state, or local law, that has been delinquent for one or more years;

(11) If the applicant or licensee has shown a disregard of or otherwise failed to comply with the laws and regulations of this state or any other jurisdiction;

(12) If awarding or maintaining a license would undermine the public's confidence in skill-based amusement machine gaming in this state; and

(13) The suitability of any other material person, as determined by the commission.

(D) A type-C skill-based amusement machine operator licensee must maintain its suitability at all times during the licensure period.

(E) Upon determination by the commission that an applicant for a new or renewal type-C skill-based amusement machine operator license is suitable to be issued a license, the applicant shall pay an upfront non-refundable license fee of three thousand dollars.

(F) If the commission determines that a person is suitable to be issued a type-C skill-based amusement machine operator license and all other requirements of this chapter have been met, the commission shall issue a license for not more than three years.



**3772-50-08 Type-C skill-based amusement machine location licensure.**

(A) A person seeking a type-C skill-based amusement machine location license apply for licensure via the state of Ohio eLicense website at [www.elicense.ohio.gov](http://www.elicense.ohio.gov), comply with all instructions, and pay a non-refundable two hundred fifty dollar application fee.

(B) An applicant for a type-C skill-based amusement machine location license shall establish, by clear and convincing evidence, the applicant's suitability for licensure.

(C) In determining whether to grant or maintain the privilege of a type-C skill-based amusement machine location license, the commission shall evaluate each applicant and licensee in a manner consistent with the commission's authority to do the same with respect to casino gaming, including:

- (1) The reputation, experience, and financial integrity of the applicant or licensee and the applicant's or licensee's affiliates or affiliated companies;
- (2) The reputation, experience, and financial integrity of any person that directly or indirectly controls or influences the decision-making of the applicant or licensee;
- (3) If the applicant or licensee or any person that directly or indirectly controls the applicant or licensee has been indicted, convicted, or pleaded guilty or no contest concerning any criminal offense under the laws of any jurisdiction, excluding minor traffic violations;
- (4) Whether the applicant or licensee has provided accurate and complete information as required by the commission or submitted false or misleading information to the commission;
- (5) If the applicant or licensee has been served with a complaint or other notice filed with any public body regarding a payment of any tax, required under federal, state or local law, that has been delinquent for one or more years;
- (6) The extent to which the applicant or licensee has cooperated with the commission;
- (7) If the applicant or licensee has shown a disregard of or otherwise failed to comply with the laws and regulations of this state or any other jurisdiction;
- (8) If awarding or maintaining a license would undermine the public's confidence in skill-based amusement machine gaming in this state; and
- (9) The suitability of any other material person, as determined by the commission.

(D) A type-C skill-based amusement machine location licensee must maintain its suitability at all times during the licensure period.

(E) Upon determination by the commission that an applicant for a new or renewal type-C skill-based amusement machine location license is suitable to be issued a license, the applicant shall pay an upfront non-refundable license fee of two hundred fifty dollars.

(F) If the commission determines that a person is suitable to be issued a type-C skill-based amusement machine location license and all other requirements of this chapter have been met, the commission shall issue a license for not more than five years.

**3772-50-09 Registration of operation of skill-based amusement machine.**

(A) A person otherwise required to be licensed as a type-B or type-C skill-based amusement machine operator under this chapter that conducts or participates in conducting type-B or type-C skill-based amusement machine gaming upon the effective date of this rule may continue to operate type-B or type-C skill-based amusement machines provided that:

- (1) The person registers with the commission, through the state of Ohio eLicense website at [www.elicense.ohio.gov](http://www.elicense.ohio.gov), within ninety days of the effective date of this rule, including:
  - (a) A complete list, including legal name, business name, address, and business phone number, of locations where the person conducts or participates in conducting type-B or type-C skill-based amusement machine gaming;
  - (b) A complete list of skill-based amusement machines, including model, serial number, manufacturer, and machine or game name, in each of the skill-based amusement machine locations;
  - (c) A complete list, including mailing address and phone number, of all skill-based amusement machine vendors with which the person conducts or otherwise transacts business; and
  - (d) Any other information requested by the commission.
- (2) The person submits a completed application for licensure, in accordance with this chapter, to the commission within one hundred twenty days of the effective date of this rule;
- (3) The person operates skill-based amusement machines in accordance with Chapters 2915. and 3772. of the Revised Code;
- (4) The person pays a two hundred dollar fee for each location provided in paragraph (A)(1)(a) of this rule where type-C skill-based amusement machines are operated; and
- (5) The person pays a twenty-five dollar fee for each location provided in paragraph (A)(1)(a) of this rule where type-B skill-based amusement machines are operated.

(B) A person otherwise required to be licensed as a skill-based amusement machine vendor under this chapter may continue to manufacture, distribute, sell, or otherwise provide type-B or type-C skill-based amusement machines provided that:

- (1) The person registers with the commission, through the state of Ohio eLicense website at [www.elicense.ohio.gov](http://www.elicense.ohio.gov), with the within ninety days of the effective date of this rule, including:

- (a) A complete list, including mailing address and phone number, of all skill-based amusement machine vendors and operators with which the person conducts or otherwise transacts business; and
  - (b) Any other information requested by the commission.
- (2) The person submits a completed application for licensure, in accordance with this chapter, to the commission within one hundred twenty days of the effective date of this rule;
  - (3) The person complies with Chapters 2915. and 3772. of the Revised Code; and
  - (4) The person pays a two hundred dollar fee.
- (C) Except as provided in paragraph (D) of this rule, a registration under this rule shall remain in effect until the commission renders a final determination on the person's application for licensure under this chapter.
- (D) Registration under this rule expires if a person fails to submit a completed application for licensure in the time required in paragraphs (A)(2) or (B)(2) of this rule.
- (E) A person that has registered skill-based amusement machine gaming according to this rule may not increase the number of skill-based amusement machines at a location or increase the number of skill-based amusement machine locations where the person conducts or participates in conducting skill-based amusement machine gaming, until a licensure decision is made by the commission, unless:
- (1) The person provides prior, written notice to the commission that describes the planned changes and planned date of implementation; and
  - (2) If applicable, the person pays the fees described in paragraphs (A)(4) or (A)(5) of this rule.
- (F) Registration under this rule does not constitute any license provided under this chapter.
- (G) A person that has registered according to this rule shall advertise in compliance with rule 3772-50-14 of the administrative code.
- (H) A person that has registered according to this rule is under a continuing duty to update the commission if any of the information submitted to the commission in connection with registration has changed.
- (I) Nothing in this rule shall preclude enforcement of violations of Chapter 2915. or 3772. of the Revised Code.

**3772-50-10 Waivers and variances.**

(A) Notwithstanding anything to the contrary in this chapter, the commission may specifically waive or vary one or more of the requirements of this chapter that relate solely to skill-based amusement machine gaming upon written request from and good cause shown by, as determined by the commission, a skill-based amusement machine operator, vendor, location, or key employee.

(B) A person required to obtain a license under this chapter shall not be granted a waiver such that the person would not be required to apply for or obtain a license under this chapter.

(C) A waiver or variance request submitted under this rule shall be on the form prescribed by the commission and shall contain all of the following:

- (1) The requestor's name, mailing address, telephone number, and electronic mail address;
- (2) A contact person and that person's mailing address, telephone number, and electronic mail address;
- (3) A detailed description of the specific requirement or requirements that the requestor is seeking to have waived or to vary from and the reason or reasons justifying the request;
- (4) The requestor's signature or the signature of a duly authorized agent, employee, or representative of the requestor; and
- (5) Any other information required by the commission.

(D) Payment of a non-refundable fee in the amount of one hundred dollars shall accompany each waiver or variance request submitted to the commission. Payment shall be submitted to the commission in the form of a certified check, cashier's check, or electronic funds transfer payable to the treasurer of the state of Ohio.

(E) The commission may consider any waiver or variance request properly submitted under this rule at a meeting held under section 3772.02 of the Revised Code or designate such responsibility to the commission chairperson or the executive director. If such a designation occurs, the commission chairperson or the executive director shall provide a written response to the requestor indicating whether the waiver or variance has been granted or denied.

(F) The commission, or the commission chairperson or executive director if designated, shall retain sole authority to grant, deny, or modify a waiver or variance request submitted under this rule. The request may be denied or modified for any reason except that no denial or modification under this rule shall be done in an arbitrary or capricious manner.

(G) Denial or modification of any waiver or variance request submitted under this rule shall not require notice and an opportunity for hearing nor shall it be considered an adjudication or final appealable order for purposes of Chapter 119. or section 2505.03 of the Revised Code. Such denial shall not be considered by the commission during any licensure determination.

**3772-50-11 Duty to update information.**

(A) All applicants and licensees shall update the commission, in writing, with the following information, as applicable:

- (1) Changes to the name or contact information of the applicant or licensee;
- (2) Changes to the state of incorporation or principal place of business of the applicant or licensee;
- (3) Any bankruptcy filed by, or against, the applicant or licensee;
- (4) Any civil action against the applicant or licensee regarding skill-based amusement machine gaming, gambling, or involving allegations of fraud or deceptive trade practices;
- (5) Any civil settlement or judgment to which the applicant or licensee is a party in a federal or state court located in the state of Ohio;
- (6) Any arrest, charge, conviction, plea of guilty or no contest, or forfeited bail concerning any criminal offense in any jurisdiction, excluding minor misdemeanor traffic offenses;
- (7) Any inquiry into, investigation of, or regulatory action involving the applicant or licensee by any gaming regulatory agency or regulatory agency that oversees skill-based amusement machine gaming, or its equivalent, in any jurisdiction, except for routine renewal application submissions;
- (8) Any rejection, denial, suspension, or revocation of any gaming-related or skill-based amusement machine-related, or its equivalent, application or license, and any fine, penalty, or settled amount related to any gaming-related or skill-based amusement machine-related, or its equivalent, application or license that has been imposed upon or agreed to by the applicant or licensee in any jurisdiction;
- (9) Any rejection, denial, suspension, or revocation of any application or license, and any fine, penalty, or settled amount related to any application or license that has been imposed upon or agreed to by the applicant or licensee in the state of Ohio; and
- (10) Any other information that would affect the licensee's or applicant's suitability to maintain a license under Chapters 2915. and 3772. of the Revised Code or this chapter, including any information sought by the applicable application.

(B) All information required to be submitted under this rule must include the name of the applicant or licensee and license number, if applicable, and be submitted within thirty calendar days after the change or occurrence of the event.

**3772-50-12 Filing requirements.**

(A) Upon a determination by the commission that an applicant for a new or renewal type-C skill-based amusement machine operator license is suitable to be issued a license, the operator shall file a report with the commission, available at the commission's website at [www.casinocontrol.ohio.gov/SkillGames.aspx](http://www.casinocontrol.ohio.gov/SkillGames.aspx) , including:

- (1) A complete list, including mailing address and phone number, of all skill-based amusement machine locations it owns, leases, or manages in this state;
- (2) A complete list, including mailing address and phone number, of all skill-based amusement machine locations in which it operates one or more type-B or type-C skill-based amusement machines in this state;
- (3) A complete list of the type-B and type-C skill-based amusement machines in each skill-based amusement machine location described in paragraphs (A)(1) and (A)(2) of this rule;
- (4) A complete list, including mailing address and phone number, of all skill-based amusement machine vendors with which the type-C skill-based amusement machine operator conducts or otherwise transacts business for use in this state; and
- (5) Any other information requested by the commission.

(B) Each type-C skill-based amusement machine operator licensee shall file annual reports with the commission, no later than the thirty-first day of March of each calendar year, providing all information described in paragraphs (A)(1), (A)(2), (A)(3), and (A)(4) of this rule, for the entire reporting period, and any additional information requested by the commission.

(C) Upon a determination by the commission that an applicant for a new or renewal type-B skill-based amusement machine operator license is suitable to be issued a license, the operator shall file a report with the commission, available at the commission's website at [www.casinocontrol.ohio.gov/SkillGames.aspx](http://www.casinocontrol.ohio.gov/SkillGames.aspx), including:

- (1) A complete list, including mailing address and phone number, of all skill-based amusement machine locations it owns, leases, or manages in this state;
- (2) A complete list, including mailing address and phone number, of all skill-based amusement machine locations in which it operates one or more type-B skill-based amusement machines in this state;
- (3) A complete list of the type-B skill-based amusement machines in each skill-based amusement machine locations described in paragraphs (C)(1) and (C)(2) of this rule;



(4) A complete list, including mailing address and phone number, of all skill-based amusement machine vendors with which the type-B skill-based amusement machine operator conducts or otherwise transacts business; and

(5) Any other information requested by the commission.

(D) Each type-B skill-based amusement machine operator licensee shall file annual reports with the commission, no later than the thirty-first day of March of each calendar year, providing all information described in paragraphs (C)(1), (C)(2), (C)(3) and (C)(4) of this rule, for the entire reporting period, and any additional information requested by the commission.

(E) Upon a determination by the commission that an applicant for a new or renewal skill-based amusement machine vendor license is suitable to be issued a license, the vendor shall file a report with the commission, available at the commission's website at [www.casinocontrol.ohio.gov/SkillGames.aspx](http://www.casinocontrol.ohio.gov/SkillGames.aspx), including:

(1) A complete list, including mailing address and phone number, of all skill-based amusement machine vendors, type-B skill-based amusement machine operators, and type-C skill-based amusement machine operators with which the skill-based amusement machine vendor conducts or otherwise transacts business;

(2) A complete list of all type-B and type-C skill-based amusement machines manufactured for, sold, or otherwise provided for use in Ohio; and

(3) Any other information requested by the commission.

(F) Each skill-based amusement machine vendor licensee shall file annual reports with the commission, no later than the thirty-first day of March of each calendar year, providing all information described in paragraphs (E)(1) and (E)(2) of this rule, for the entire reporting period, and any additional information requested by the commission.

(G) A skill-based amusement machine vendor or operator that intends to cease doing business as a skill-based amusement machine vendor or operator under this chapter shall provide notice to the commission that the skill-based amusement machine vendor or operator intends to cease business. The notice shall contain the following:

(1) The date of the proposed closure or termination;

(2) A list and description of the disposal of all skill-based amusement machines in this state whether by sale, donation, or other disposal method; and

(3) Any other information requested by the commission.

### **3772-50-13 Record retention requirements.**

(A) Each skill-based amusement machine operator, vendor, and location licensee shall retain and maintain accurate, complete, legible, and permanent records, whether in electronic or other format, of any books, records, or documents related to the conduct or participation in the conduct of skill-based amusement machine gaming in this state for at least three years after they are created and, upon request, provide the commission with those records.

(B) At a minimum, each skill-based amusement machine vendor shall retain and maintain the following records:

- (1) The name, address, and phone number for each skill-based amusement machine operator or vendor with which the skill-based amusement machine vendor sold or otherwise provided skill-based amusement machines for use in Ohio;
- (2) The manufacturer, game name, model, and serial number of each type-B and type-C skill-based amusement machine sold or otherwise provided for use in Ohio; and
- (3) Copies of all documentation from a certified independent skill-based amusement machine testing laboratory regarding skill-based amusement machines sold or otherwise provided to a skill-based amusement machine vendor or operator licensee in Ohio.

(C) At a minimum each type-B and type-C skill-based amusement machine operator shall retain and maintain the following records:

- (1) Invoices for each skill-based amusement machine purchased or otherwise obtained from a skill-based amusement machine vendor or operator for use in this state;
- (2) Invoices for all merchandise prizes, including wholesale price per individual merchandise prize for use in this state;
- (3) A list of prizes available to be awarded to a player and the dates the listed prizes were available to be awarded to a player;
- (4) Copies of all documentation from a certified independent skill-based amusement machine testing laboratory regarding any skill-based amusement machine placed at a skill-based amusement machine location or otherwise available for play in the state of Ohio;
- (5) Copies of all contracts or revenue-sharing agreements with any type-C skill-based amusement machine location; and
- (6) Accounting for all amounts paid to or revenue shared with a skill-based amusement machine location.

(D) At a minimum each type-C skill-based amusement machine location shall retain and maintain the following records:

- (1) A copy of the contract or revenue-sharing agreement with any skill-based amusement machine operator;
- (2) An accurate accounting of all amounts received or revenue shared with a skill-based amusement machine operator; and
- (3) A list of all prizes available to be awarded to a player and the dates the listed prizes were available to be awarded to a player.

(E) Each skill-based amusement machine vendor, operator, and location licensee shall organize and index all required records in a manner that enables the commission to locate, inspect, review, and analyze the records with reasonable ease and efficiency. Records may be retained at a skill-based amusement machine vendor, operator, or location licensee's principal place of business, provided that records retained at a location outside this state are maintained in such a manner to allow for the electronic transmission of records to the commission within a reasonable time.

(F) Nothing in this rule shall be construed to require disclosure of a record that is protected by the attorney-client privilege as long as the skill-based amusement machine vendor, operator, or location licensee provides the commission with written notification of the record's existence. Any such notification shall also include a general description of the record's contents and the basis for the privilege.

**3772-50-14 Inspection and audits.**

(A) The commission shall have access to any skill-based amusement machine location and any facility in which skill-based amusement machine supplies, devices, or equipment are manufactured, sold, distributed, tested, or otherwise held or maintained to carry out the requirements of Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.

(B) The commission may do all of the following:

- (1) Inspect and examine all skill-based amusement machine locations licensed by the commission, any location that conducts or participates in conducting skill-based amusement machine gaming and is not licensed by the commission, and any facility in which skill-based amusement machine supplies, devices, or equipment are manufactured, sold, distributed, tested, or otherwise held or maintained;
  - (a) Inspections shall be conducted for the purpose of determining compliance with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.
  - (b) Inspections may be conducted during reasonable business hours or at any other time if it reasonably appears that all or part of the location or facility is in operation.
- (2) Inspect and examine all skill-based amusement machine supplies, devices, and equipment in or about a skill-based amusement machine location, whether or not the location is registered with or licensed by the commission;
- (3) Summarily impound, seize, and remove from a skill-based amusement machine location any skill-based amusement machine supplies, devices, and equipment for the purpose of examination and inspection;
- (4) Audit all persons that conduct or participate in conducting skill-based amusement machine gaming, including those that have ceased gaming; and
- (5) Perform all other things the commission considers necessary to ensure the integrity of skill-based amusement machine gaming and for the effective licensing, regulating, investigating, and penalizing of all persons conducting or participating in the conduct of skill-based amusement machine gaming authorized by Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.

(C) The commission may request, in writing, any person subject to licensure under this chapter to produce audits, reports, advertisements, tax returns and financial records, or any other documents related to the conduct of skill-based amusement machine gaming in this state.

(D) A person shall, upon identification of a commission employee or agent, immediately admit such commission employee or agent to the location or other premise where skill-based amusement machine gaming is conducted or skill-based amusement machines are stored, repaired, or housed. A person shall cooperate at all times with the direction of the commission employee or agent and

shall not interfere or hinder an inspection, audit, or investigation or allow others to interfere or hinder an inspection, audit, or investigation.

(E) All applicants and licensees consent to inspections, searches, and seizures and to the disclosure to the commission and its agents of confidential records, including tax records, held by any federal, state, or local agency, credit bureau, or financial institution and to provide handwriting exemplars, photographs, fingerprints, and any other information requested by the commission.

**3772-50-15 Advertising.**

(A) Advertising for skill-based amusement machine gaming shall be based upon fact and shall not be false, deceptive, or misleading.

(B) No advertisement shall depict or display any prize prohibited under Chapters 2915. and 3772. of the Revised Code and this chapter.

(C) No person shall use the seal of the state of Ohio or commission, or any other symbol or indication of endorsement, to state or imply sponsorship, endorsement, or operation of skill-based amusement machines by the commission or any other entity of the state of Ohio.

(D) Advertisements depicting type-B or type-C skill-based amusement machines may only depict or display type-B or type-C skill-based amusement machines approved for use in this state by the commission; however, a skill-based amusement machine operator that conducts a national advertisement campaign may depict a type-B or type-C skill-based amusement machine not approved for use in this state provided the advertisement contains a conspicuous statement that the games depicted may not be available in this state.

(E) Advertisements depicting type-B skill-based amusement machines may only depict or display type-B skill-based amusement machines which are compliant with paragraph (W) of rule 3772-50-01.

**3772-50-16 Prohibited activities.**

(A) No skill-based amusement machine vendor shall manufacture, sell, or distribute type-B or type-C skill-based amusement machines, to be used in Ohio, to any person not licensed by the commission as a skill-based amusement machine vendor or skill-based amusement machine operator under this chapter.

(1) A skill-based amusement machine vendor, licensed by the commission under this chapter, may purchase or otherwise obtain a type-B or type-C skill-based amusement machine from a skill-based amusement machine vendor not licensed by the commission under this chapter.

(2) No skill-based amusement machine vendor that obtains a type-B or type-C skill-based amusement machine according to paragraph (A)(1) of this rule shall fail to ensure that the skill-based amusement machine complies with Chapters 2915. and 3772. of the Revised Code and this chapter.

(B) No type-B skill-based amusement machine operator, or type-C skill-based amusement machine operator shall purchase or otherwise obtain a type-B or type-C skill-based amusement machine, to be used in Ohio, from a person not licensed by the commission as a skill-based amusement machine vendor under this chapter

(C) Except as provided in paragraph (A)(3) of rule 3772-50-03 of the Administrative Code, no type-C skill-based amusement machine operator shall place, provide, or make available a type-C skill-based amusement machine at a location other than a type-C skill-based amusement machine location licensed by the commission under this chapter.

(D) Except as provided in paragraph (N) of this rule, no person shall revenue-share or otherwise obtain a type-B skill-based amusement machine from any person not licensed by the commission as a type-B or type-C skill-based amusement machine operator under this chapter.

(E) No type-C skill-based amusement machine location shall revenue-share or otherwise obtain a type-C skill-based amusement machine from any person not licensed as a type-C skill-based amusement machine operator under this chapter.

(F) No skill-based amusement machine vendor, skill-based amusement machine operator, or type-C skill-based amusement machine location shall be owned by or employ, contract with, or otherwise accept the services of any skill-based amusement machine key employee other than a skill-based amusement machine key employee licensed by the commission under this chapter.

(G) No person shall extend any form of credit to a player of a skill-based amusement machine or allow deferred payment where a player receives something of value with the agreement to repay the lender in the future for the purpose of playing a skill-based amusement machine.

(H) No person shall modify, alter, change, or turn on or off any electronic or mechanical feature of a skill-based amusement machine that makes the skill-based amusement machine not comply with any requirements under this chapter.

(I) No person shall facilitate or aid another person in further redeeming any merchandize prize previously awarded as a result of playing any skill-based amusement machine for a prize prohibited under section 2915.01 of the Revised Code or this chapter.

(J) No person shall conduct, participate in conducting, or otherwise operate a skill-based amusement machine or advertise in a manner inconsistent with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.

(K) No person shall copy, duplicate, or otherwise create or re-create any registration, license, seal, or other item that suggests or tends to suggest the authority to sell, lease, or otherwise provide the authority to conduct or participate in conducting skill-based amusement machine gaming.

(L) No person shall submit the same skill-based amusement machine or related electronic or digital components, such as software, for testing under this chapter to more than one certified independent skill-based amusement machine testing laboratory, unless approved, in writing, by the executive director of the commission or his or her designee.

(M) No certified independent skill-based amusement machine testing laboratory shall test or accept for testing under this chapter the same skill-based amusement machine or related electronic or digital components, such as software it knows or has reason to suspect has been submitted for testing at another certified independent skill-based amusement machine testing laboratory unless approved, in writing, by the executive director of the commission or his or her designee.

(N) No skill-based amusement machine vendor shall participate in any revenue-sharing agreement or contract where the skill-based amusement machine vendor receives anything of value based on the amount of coin-in, revenue, receipts, or other performance of a type-B or type-C skill-based amusement machine, unless:

- (1) The skill-based amusement machine vendor participates in a revenue-sharing agreement with a licensed type-B skill-based amusement machine operator or licensed type-C skill-based amusement machine operator;
- (2) The skill-based amusement machine vendor has no responsibility with respect to the operation or conduct of skill-based amusement machine gaming except for receipts under the revenue-sharing agreement;
- (3) The skill-based amusement machine vendor is not entitled to a greater percentage of revenue under the revenue-sharing agreement than the type-B skill-based amusement machine operator or type-C skill-based amusement machine operator, as applicable; and
- (4) The skill-based amusement machine vendor provides a copy of the revenue-sharing agreement to the commission.



(O) No person shall award to a player a merchandise prize, or a redeemable voucher for a merchandise prize, with a wholesale value in excess of ten dollars as a result of a single play of a skill-based amusement machine.

(P) No person shall fail to submit any form, report, or information required under this chapter or requested by the commission.

(Q) No person shall issue a refund of a merchandise prize or redeemable voucher for a merchandise prize awarded to a player of a skill-based amusement machine. Nothing in this rule shall prohibit a person from replacing or exchanging a merchandise prize with a merchandise prize of the same wholesale value.

(R) No person may redeem a redeemable voucher for a merchandise prize except a skill-based amusement machine operator or location licensed by the commission under this chapter.

(S) No skill-based amusement machine operator or location shall knowingly award a merchandise prize that is not operational or does not function as advertised or displayed.

(T) In addition to any other sanction imposed under Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder, a person who violates any provision of this rule shall be subject to sanctions in accordance with rule 3772-50-28 of the Administrative Code.

**3772-50-17 Duties of skill-based amusement machine vendors.**

In addition to all other requirements under this chapter, each skill-based amusement machine vendor has an ongoing duty to:

(A) Only manufacture, for use in this state, skill-based amusement machines and related equipment in accordance with the specifications of Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.

(B) Ensure that each skill-based amusement machine sold or otherwise provided in this state meets the minimum technical standards established by the commission.

(C) Unless otherwise approved, submit all type-B and type-C skill-based amusement machines to a certified independent skill-based testing laboratory for testing in accordance with this chapter prior to selling or otherwise providing a type-B or type-C skill-based amusement machine for use in this state.

(D) Ensure copies of testing reports and all other documentation from a certified independent skill-based amusement machine testing laboratory are made available to the commission upon request.

(E) Ensure that all electronic or mechanical components, including the motherboard, that can or could be manipulated to affect the outcome of a game, excluding those components that interact with a player, are located in a locked cabinet or console.

(F) Comply with all notices or directives from the commission, executive director of the commission, or his or her designee, to draft, edit, or implement policies, procedures, or practices.

### **3772-50-18 Duties of type-B skill-based amusement machine operators.**

In addition to all other requirements under this chapter, each type-B skill-based amusement machine operator has an ongoing duty to:

(A) Maintain complete and accurate records of the following:

- (1) The amount of revenue generated from each skill-based amusement machine at a location; and
- (2) The quantity and wholesale value of each merchandise prize offered or awarded at a location.

(B) Safeguard keys to the locked cabinet of a skill-based amusement machine, required under paragraph (E) of rule 3772-50-17 of the Administrative Code. A type-B skill-based amusement machine operator shall not provide keys to a location or a location's employees or agents, unless the operator owns, manages, or operates the location.

(C) Maintain a record of changes to the mechanical or electronic components described in paragraph (E) of rule 3772-50-17 of the Administrative Code for each skill-based amusement machine it operates. The record shall provide for the time and date of the change, the names of all persons who made the change, and the purpose of the change.

- (1) The record shall be kept at the location where skill-based amusement machine gaming is conducted; and
- (2) The record shall be retained for a period of at least two years and made available to the commission immediately upon request.

(D) Ensure that any mechanical claw, crane, or similar aperture may pick-up, hold, carry, push, or otherwise manipulate the merchandise prizes available such that a player is reasonably capable of winning the prize by playing the skill-based amusement machine as advertised or instructed.

(E) Conspicuously display a sign or sticker affixed to the front of a skill-based amusement machine that indicates the name of the operator and a phone number where consumers can contact the operator to file a complaint.

(F) Comply with all notices or directives from the commission, executive director of the commission, or his or her designee, to draft, edit, or implement policies, procedures, or practices.

### **3772-50-19 Duties of type-C skill-based amusement machine operators.**

In addition to all other requirements under this chapter, each type-C skill-based amusement machine operator has an ongoing duty to:

(A) Maintain complete and accurate records of the following:

- (1) The amount of coin-in and revenue generated from a skill-based amusement machine at a location; and
- (2) The quantity and wholesale value of each merchandise prize offered at a location.

(B) Safeguard keys to the locked cabinet of a skill-based amusement machine, required under paragraph (E) of rule 3772-50-17 of the Administrative Code, and not provide keys to a location or a location's employees or agents unless the operator is a franchisor of the location or the operator owns, manages or operates the location.

(C) Maintain a record of changes to the mechanical or electrical components described in paragraph (E) of rule 3772-50-17 of the Administrative Code for each skill-based amusement machine it operates. The record shall provide for the time and date of the change, the names of all persons who made the change, and the purpose of the change.

- (1) The record shall be kept at the location where skill-based amusement machine gaming is conducted; and
- (2) The record shall be retained for a period of at least two years and made available to the commission upon request.

(D) Conspicuously display or cause to be displayed at all locations where it conducts skill-based amusement machine gaming a sign visible to the general public and players of skill-based amusement machines, that Ohio law prohibits the payment of cash, currency, gift cards, firearms, tobacco, alcohol, lottery tickets, bingo, or plays on a game of chance as prizes for playing a skill-based amusement machine.

(E) Conspicuously display or cause to be displayed, in a single area, approved by the commission, executive director of the commission, or his or her designee, all merchandise prizes for which redeemable vouchers obtained by playing any skill-based amusement machine may be redeemed.

- (1) The prize display area must be at the location where skill-based amusement machine gaming is conducted;
- (2) The number of redeemable vouchers required to obtain each merchandise prize must be conspicuously displayed;
- (3) The merchandise prize must be available at the time of redemption without a player having to return at a later date or time to obtain the merchandise prize;

- (4) All prizes must be held in a physical inventory, maintained by the type-C skill-based amusement machine operator or the type-C skill-based amusement machine location, at the location where prizes may be redeemed;
- (5) No player may select a prize from a catalog, directory, or website; and
- (6) No prize may be shipped or delivered to a player on a date after the date the player redeemed a voucher or otherwise selected the merchandise prize.

(F) A type-C skill-based amusement machine operator shall place a sign or sticker affixed to the front of a skill-based amusement machine that indicates the name of the operator and a phone number where consumers can contact the operator to file a complaint. However, if the operator is a franchisor of the location where a skill-based amusement machine is available for play or the operator owns, manages, or operates the location the operator may post a visible sign at the location that indicates a phone number where consumers can file a complaint with the operator.

(G) Comply with all notices or directives from the commission, executive director of the commission, or his or her designee, to draft, edit, or implement policies, procedures, or practices.

### **3772-50-20 Duties of type-C skill-based amusement machine locations.**

In addition to all other requirements under this chapter, each licensed type-C skill-based amusement machine location has an ongoing duty to:

(A) Enter into a written revenue-sharing agreement with a skill-based amusement machine operator licensed by the commission, if a type-C skill-based amusement machine location does not own and operate its own skill-based amusement machines.

(B) Allow a skill-based amusement machine operator to place any signs, brochures, or other material at the type-C skill-based amusement machine location to comply with the requirements of this chapter.

(C) Conspicuously display, in a single area approved by the executive director of the commission or his or her designee, all merchandise prizes for which redeemable vouchers obtained by playing any type-C skill-based amusement machine may be redeemed.

(1) The prize display area must be at the location where skill-based amusement machine gaming is conducted;

(2) The number of redeemable vouchers required to obtain each merchandise prize must be conspicuously displayed;

(3) The merchandise prize must be available at the time of redemption without a player having to return at a later date or time to obtain the merchandise prize;

(4) All prizes must be held in a physical inventory, maintained by the skill-based amusement machine location or the type-C skill-based amusement machine operator that operates the type-C skill-based amusement machines, at the location where prizes may be redeemed;

(5) No player may select a prize from a catalog, directory, or website; and

(6) No prize may be shipped or delivered to a player on a date after the date the player redeemed a voucher or otherwise selected the merchandise prize.

(D) Retain and maintain separate accounting, invoicing, and related documents for each skill-based amusement machine operator with which it has entered into a revenue-sharing agreement under paragraph (A) of this rule.

(E) Comply with all notices or directives from the commission, executive director of the commission, or his or her designee, to draft, edit, or implement policies, procedures, or practices.

**3772-50-21 Independent skill-based amusement machine testing laboratory certification.**

(A) An independent skill-based amusement machine testing laboratory may request to be certified by the commission to scientifically test and technically evaluate skill-based amusement machines and equipment for compliance with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.

(B) A certification to scientifically test and technically evaluate slot machines, mechanical, electromechanical or electronic table games, slot accounting systems, and other electronic gaming equipment pursuant to Chapter 3772. of the Revised Code and the rules adopted thereunder does not grant authority to test skill-based amusement machines and equipment for compliance with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.

(C) A certification to test skill-based amusement machines and equipment for compliance with Chapters 2915. and 3772. of the Revised Code does not grant authority to scientifically test and technically evaluate slot machines, mechanical, electromechanical or electronic table games, slot accounting systems and other electronic gaming equipment pursuant to Chapter 3772. of the Revised Code and the rules adopted thereunder.

(D) Before an independent skill-based amusement machine testing laboratory is certified by the commission, it shall undergo an investigation by the commission to determine its competency and qualifications to conduct testing under Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder, including, but not limited to, the following:

- (1) The corporate structure including ownership and controlling interests in the independent skill-based amusement machine testing laboratory;
- (2) The policies and procedures of the independent skill-based amusement machine testing laboratory, including if the policies and procedures prevent conflicts of interest, detect and prevent fraud, and guarantee impartiality;
- (3) The experience and expertise of the independent skill-based amusement machine testing laboratory's staff to conduct all tests required by the commission;
- (4) The sufficiency of staff and equipment of the independent skill-based amusement machine testing laboratory to conduct all required testing;
- (5) The financial viability of the independent skill-based amusement machine testing laboratory to conduct all required testing;
- (6) The demonstrated ability to conduct and complete testing of skill-based amusement machines to the standards adopted by the commission; and
- (7) Any other requirement prescribed by the commission.

(E) Before an independent skill-based amusement machine testing laboratory is certified by the commission, it shall demonstrate to the commission's satisfaction its ability to meet the conditions and duties described in rules 3772-50-22 and 3772-50-23 of the Administrative Code.

(F) The independent skill-based amusement machine testing laboratory requesting certification or requesting renewal certification shall provide all information, documents, and materials requested by the commission at the independent skill-based amusement machine testing laboratory's sole expense and cost.

(G) An independent skill-based amusement machine testing laboratory shall pay a non-refundable certification fee of two thousand dollars. All fees shall be submitted to the commission in the form of a certified check, cashier's check, or electronic funds transfer payable to the treasurer of the state of Ohio.

(H) An independent skill-based amusement machine testing laboratory's certification expires three years after the date of certification.

(I) A certified independent skill-based amusement machine testing laboratory may request renewal of the certification by completing and submitting, not less than ninety days before the expiration of the certification, the information required by the commission and paying a certification fee as described in paragraph (G) of this rule.

(J) The certification fee for independent skill-based amusement machine testing laboratory certification or renewal certification may be increased to the extent that the cost of the background investigation relating to an independent skill-based amusement machine testing laboratory exceeds the certification fee set forth in paragraph (G) of this rule.

(K) All certified independent skill-based amusement machine testing laboratories shall undergo an investigation at least once every three years, as determined by the commission, to verify that each certified independent skill-based amusement machine testing laboratory remains in compliance with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.

(L) The commission may reopen a certification investigation or adjudication at any time.

(M) No certification issued under this chapter is transferable. A significant change in or transfer of control of a certified independent skill-based amusement machine testing laboratory, as determined by the commission, shall require the filing of a new application and submission of the certification fee described in paragraph (G) of this rule before any change or transfer of control is approved by the commission.



**3772-50-22 Conditions of skill-based amusement machine testing laboratory certification.**

In order to be certified and to maintain certification, the independent skill-based amusement machine testing laboratory shall avoid conflicts of interest and agree to the following conditions:

- (A) Obtain and maintain “Professional Liability (Errors and Omissions) Insurance” in the amount of one million dollars. If such insurance is not renewed, or is revoked or terminated in any way, the commission shall be notified immediately;
- (B) Ensure that testing and support procedures are performed consistently at all laboratory locations;
- (C) Maintain accreditation from a national accrediting body to the International Organization for Standardization (ISO) standards 17025 and 17020, and any other standards as required by the commission. If accreditation is not renewed, or is revoked or terminated in any way, the commission shall be notified immediately;
- (D) Make available to the commission, upon request, all policies, procedures, and records of the independent skill-based amusement machine testing laboratory;
- (E) Have a full-time quality manager on staff that is responsible for ensuring compliance with national accreditation standards and Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.
- (F) Make available to the commission, upon request, a master list of all test methods, standards, forms, and other relevant documents used in the independent skill-based amusement machine testing laboratory;
- (G) Maintain an inventory of equipment and authorized versions of software submitted for testing;
- (H) Maintain records for testing equipment requiring calibration and make the records available to the commission upon request;
- (I) Assist the commission in investigations when requested;
- (J) Assist and train the commission on the compliance and accounting/auditing practices that should be used;
- (K) Have internal policies and controls that prohibit any one individual from having the sole responsibility for both review and approval of devices or technologies to be used in skill-based amusement machine gaming;
- (L) Have physical security at each laboratory facility, including, but not limited to, surveillance systems and alarms to minimize the risk that confidential information is misappropriated;

(M) Ensure that all software media used in devices or technologies, along with the documentation and source code that is supplied on storage media, is labeled and archived in a safe or other locked, fire-proof, and monitored enclosure that shall only be accessible to approved laboratory personnel;

(N) Maintain all records about submissions under this chapter for a minimum of three years;

(O) Agree to not subcontract testing of any devices or technologies to be used in skill-based amusement machine gaming without the prior written approval of the commission;

(P) Maintain an electronic database containing testing data, reports, and related materials and provide access to the commission. Data, reports, and related materials shall be provided in a format and through a mechanism approved by the commission;

(Q) Maintain any other records, information, or conditions the commission determines is necessary to ensure the integrity of skill-based amusement machine gaming; and

(R) Provide immediate notification to the commission of any breach or failure to meet any condition of certification listed in this rule and any additional condition imposed by the commission.

**3772-50-23 Duties of certified independent skill-based amusement machine testing laboratories.**

(A) A certified independent skill-based amusement machine testing laboratory shall determine whether skill-based amusement machines or equipment comply with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.

(B) A certified independent skill-based amusement machine testing laboratory shall provide a report to the commission, in a format approved by the commission, of its test results for each skill-based amusement machine submission. No skill-based amusement machine shall be considered approved for use in Ohio until approved by the commission.

(C) A certified independent skill-based amusement machine testing laboratory shall testify at any administrative hearing or court proceeding as requested by the commission.

(D) A certified independent skill-based amusement machine testing laboratory shall not testify at any administrative hearing or court proceeding against the commission with respect to any matter in which the commission has authority under Chapters 2915. or 3772. of the Revised Code and the rules adopted thereunder. Nothing in this rule shall prohibit the use of a certified independent skill-based amusement machine laboratory report submitted to the commission as an exhibit by any party to an administrative hearing or court proceeding.

(E) A certified independent skill-based amusement machine testing laboratory shall annually review each of its employees. This review shall include criminal background checks, updated background forms, credits checks, and employee interviews.

(F) A certified independent skill-based amusement machine testing laboratory shall take corrective action whenever any nonconforming work is discovered, laboratory procedures are not followed, procedures are required to be changed, or other unsatisfactory conditions exist, and shall notify the commission of any of the foregoing issues and the corrective action taken.

(G) The quality manager of a certified independent skill-based amusement machine testing laboratory shall file and maintain an internal report of the issues described in paragraph (F) of this rule, describing why the problem occurred, what was done to resolve the problem, and how the problem will be prevented in the future. Such report shall be made available to the commission upon request.

(H) A certified independent skill-based amusement machine testing laboratory shall establish and maintain a training program for its employees to ensure that the employees can adequately review skill-based amusement machine devices and new technologies in accordance with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder. Training records shall be maintained for all employees and made available to the commission upon request.

(I) A certified independent testing laboratory shall test and verify that all testing equipment and software used internally is suitable for use. Internal policies shall be developed by the laboratory

to verify that such equipment and software used by the laboratory will perform as needed. The laboratory shall maintain records of test cases involving the validation of equipment, software, and methods. All testing performed by the laboratory shall be traceable to a test method that has been suitably validated.

**3772-50-24 Skill-based amusement machine standards.**

(A) All type-B and type-C skill-based amusement machines must be approved by the commission for use in Ohio and comply with all technical and testing standards adopted by the commission as appendix A to this rule.

(B) A skill-based amusement machine operator must be able to account for the following:

1. Total played; and
2. Total won.

For purpose of this paragraph, “total played” and “total won” have the same meaning as those terms are defined in appendix A of this rule.

(C) A skill-based amusement machine operator shall ensure that all game rules are prominently displayed and clearly and accurately state the advertised prize(s), as defined in appendix A of this rule, fees charged for play, and the rules of the game.

(D) A skill-based amusement machine concept not contemplated under the technical and testing standards adopted by the commission in this rule will be reviewed on a case-by-case basis by the commission.

# Appendix A: Skill-Based Amusement Machine Technical Standards

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## Definitions

### Advertised Prize

A prize, with a known value or quantity, that can be awarded by a skill-based amusement machine and that is explicitly advertised to the player prior to the commencement of each game.

### Award

A thing of value that is transferred to a player, either immediately or by any method of representation, as a result of a game or play, regardless of when it is obtained by the player.

### Bonus pool

An award where the value increases when one or more specific conditions occur (which can include a function of credits played), as defined by the rules of the game, and which is granted to the player when they achieve the advertised outcome or triggering event.

### Credit Meter

A meter which maintains the credits or value available to the player for initiating game play.

### Currency

A physical item such as a token, coin or paper bill, or virtual representation of such which is used as a medium of exchange of funds.

### Field of Play

Area utilized to complete the objective of a game or play by a player.

### Free Game or Free Play

A mode achieved by a player where participation in the game occurs at no additional cost to the player.

### Game Accounting

#### Total Played

The cumulative total of the value, in currency, committed for game play or the count of number of games played.

#### Total Won

The cumulative total of the value, in currency or number of redeemable vouchers, of the award(s) and/or prize(s) achieved.

# Appendix A: Skill-Based Amusement Machine Technical Standards

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## **Game and Play**

Has the same meaning as in R.C. 2915.01(UU)(3)(a).

## **Game Design**

All features and functions, including player skill requirements, of a skill-based amusement machine.

## **Game Outcome**

Defined as whether or not the merchandise prize (as defined in 3772-50-01(H)) is awarded, or as the final result of the game.

## **Game-Related Parameters**

Conditions or bounds related to game operation. Examples include prizes available, game difficulty, cost per play, etc.

## **Measure**

An assessment of the extent, quality, value, or effect of something as a standard unit used to express the size, amount, or degree of something.

## **Merchandise Prize**

Has the same meaning as in paragraph 3772-50-01(H) of the administrative code.

## **Paid Bonus Games**

A mode achieved by a player during the initial purchased game in which an additional cost is required from the player prior to participation.

## **Player Interaction Device, Electronic**

An internal or external electronic device that connects to a machine and that registers various types of player inputs allowing the player to interact with the machine. Several examples include touch screens, button panels, joysticks, handheld controllers, camera systems, etc. The player interaction device may be hard-wired or wireless.

## **Player Interaction Device, Non-Electronic**

An internal or external non-electronic device required for the player to complete the objective of the game. Examples include balls, hoops, darts, mechanical guns, etc.

## **Random Number Generator, RNG**

A computational or physical device, algorithm, or system designed to produce numbers, outcomes, or circumstances in a manner indistinguishable from random selection.

# Appendix A: Skill-Based Amusement Machine Technical Standards

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## Redeemable Voucher

Has the same meaning as in paragraph 3772-50-01(M) of the administrative code.

## Virtual Opponent

Term used to describe a computer-based player that participates in a game with skill and effectively mimics the actions of a live player.

## Skill-Based Amusement Machines Technical Requirements

### Common Requirements (Type B and Type C)

#### Software Verification

1. If the skill-based amusement machine contains a video monitor or similar display mechanism, the software version information shall be accessible to be displayed.
2. The electronic game shall have the ability to allow for an independent integrity check of its software/program storage media from an outside source.

#### Game Rules

1. Game rules included as part of game design must be prominently displayed and/or readily available and shall clearly and accurately state the rules of the game, fees charged for play, and the advertised prize(s).
2. If a player is limited by time, the time allowed by the skill-based amusement machine for a player to play shall be clearly displayed.
3. In the event game configurations or rules of play change between games, notice of the change shall be prominently displayed to the player.
4. Subsequent levels or rounds within the same game may have varying levels of difficulty, as long as the change in difficulty is consistent for all players.
5. Game-related parameters can be configurable by an operator, as long as after the configuration the game remains consistent for all subsequent players.
6. Configurations performed between games that do not change the rules of the game are not required to be disclosed to the player as long as after the configuration the game remains consistent for all subsequent players.

#### Game Outcome

1. Each game or play shall not award, including bonus pools, a merchandise prize, or redeemable voucher for a merchandise prize, with a wholesale value in excess of \$10.00.
2. At no point can a player be awarded (even if that award is not obtained until subsequent games or plays have occurred) an amount over \$10.00 as a result of a single game or single play, including a bonus pool.



# Appendix A: Skill-Based Amusement Machine Technical Standards

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3. Game outcome shall be solely dependent upon a player's ability to successfully apply the requisite skill as part of game design.
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.
5. The player shall have the ability to achieve the advertised prize(s) on each paid game.
6. Once a game is initiated, how a player utilizes skill to achieve a game outcome shall not be altered by the game during play based on the demonstrated skill of the player.
7. The skill-based amusement machine must accurately measure the task completed, per the game's design, consistently from one player to the next.
8. For skill-based amusement machines where more than one player competes against each other the game shall function consistently from player position to player position; however, features allowing a player or players to gain an advantage over other players may be used, provided the skill-based amusement machine:
  - a. Clearly describes to all players that the feature is available and the advantage it offers;
  - b. Discloses the method for obtaining the feature; and
  - c. Provides players with sufficient information to make an informed decision, prior to play, as to whether or not to compete against another player(s) who may possess such a feature.
9. A skill-based amusement machine may offer a player the opportunity to compete against a virtual opponent provided that the skill-based amusement machine:
  - a. Clearly discloses when a virtual opponent is participating; and
  - b. Prevents the virtual opponent from utilizing privileged information of the live player, unless otherwise disclosed to the live player.

## Bonus Games

1. Paid bonus games shall not be considered as part of the initial game in which they were awarded or triggered.
2. Free games or other additional playing time which does not require additional consideration (pay) shall be considered part of the initial game in which the free game was awarded or triggered.
3. The machine or device may award free games or free plays only if a method is in place to ensure an award of a merchandise prize, or redeemable voucher for a merchandise prize, with a wholesale value in excess of \$10.00 cannot occur.

## Credit Acceptance

1. All valid currency inserted shall be accurately registered by the skill-based amusement machine.
2. All currency rejected by the skill-based amusement machine shall be returned to the player.

# Appendix A: Skill-Based Amusement Machine Technical Standards

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3. A skill-based amusement machine shall only accept currency when the skill-based amusement machine is enabled for play.

## Game Accounting

1. A credit meter may be increased by additional currency inserted into a skill-based amusement machine or prize value, in the form of a redeemable voucher or electronic representation.
2. If prize value is used to increase a credit meter, the skill-based amusement machine must ensure that:
  - a. Players have the ability to not use prize value to increase the credit meter (this ability must be exercised before a credit meter is increased);
  - b. Players must have the ability to receive a merchandise prize or a redeemable voucher for a merchandise prize on every play (i.e. increasing the credit meter may not be the only prize redemption available to a player);
  - c. A credit meter may only be increased by using prize value won on the same skill-based amusement machine;
  - d. A player may not receive a refund of prize value used to increase a credit meter; and
  - e. A record is created and maintained that details the value of prizes used to increase the credit meter.
3. For games that support bonus pool awards, a bonus pool meter shall be visible to all players who are playing a device that may potentially trigger the award.
4. The bonus pool meter shall display the current total of the bonus pool award.

## Player Interaction Devices

1. Electronic Player Interaction Devices that impact game outcome shall:
  - a. Be capable of calibration, replacement, or repair to effect and maintain appropriate function and accuracy;
  - b. Be secured such that the function of the player interaction device is not influenced by any persons or devices, other than the player using the device;
  - c. Be clearly labeled according to their function and shall operate in accordance with applicable game rules; and
  - d. Not contain functionality that affect game play and/or that impact the integrity or outcome of the game, except as provided for by the game rules.
2. Non-electronic player interaction devices that impact game outcome shall:
  - a. Conform to the manufacturer's specifications;
  - b. Be capable of being maneuvered, as allowed by the rules of the game; and
  - c. Fit on, through, on top of, in, or around the target as allowed by the rules of the game.

## Player Safety

1. Electrical and mechanical parts and design principals of the skill-based amusement machine must not subject a player to any physical hazards.

# Appendix A: Skill-Based Amusement Machine Technical Standards

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## ADDITIONAL REQUIREMENTS FOR TYPE-B SKILL-BASED AMUSEMENT MACHINES

1. The skill-based amusement machine shall secure the fully-enclosed merchandise field of play behind a locked mechanism to prevent unauthorized access.
2. Free games or free plays may only be allowed if a merchandise prize was not awarded in the initial game played.
3. The skill-based amusement machine must not be capable of displaying symbols or characters as winning or losing combination(s).
4. Rolling or spinning reels or wheels shall not be simulated, displayed, or utilized in any facet of the game.
- 5.

**3772-50-25 Approval and testing.**

(A) Except as provided in paragraph (B) of this rule, no type-B or type-C skill-based amusement machine or game-related technology shall be used to conduct or to participate in conducting skill-based amusement machine gaming unless a certified independent skill-based amusement machine testing laboratory concludes that the item at issue complies with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder and the type-B or type-C skill-based amusement machine or game-related technology has been approved by the commission.

(B) Prior to seeking testing of a type-B or type-C skill-based amusement machine or game-related technology in accordance with this rule, a skill-based amusement machine vendor may certify to the commission that the skill-based amusement machine complies with the technical standards adopted by the commission under rule 3772-50-24 of the administrative code. The certification shall include, at a minimum:

- (1) An identification of the skill-based amusement machine, including version number or issuance date;
- (2) An attested statement by a key employee of the skill-based amusement machine vendor confirming the skill-based amusement machine complies with technical standards adopted by the commission;
- (3) Documentation detailing the function and operation of the skill-based amusement machine;
- (4) Documentation demonstrating compliance with the technical standards adopted by the commission; and
- (5) Any other information requested by the commission.

(C) After receipt of the certification and supporting documentation submitted pursuant to paragraph (B) of this rule, the commission shall, within a reasonable time, either:

- (1) Approve the type-B or type-C skill-based amusement machine or game-related technology if the commission is satisfied that the skill-based amusement machine or game-related technology complies with the technical standards adopted by the commission; or
- (2) Notify the skill-based amusement machine vendor that the commission cannot determine, based on the documents submitted, that the skill-based amusement machine complies with the technical standards adopted by the commission, and the skill-based amusement machine vendor shall seek testing from an independent skill-based amusement machine testing laboratory in accordance with this rule.

(D) Submission of a false or misleading certification under paragraph (B) of this rule will result in a notification under paragraph (C)(2) of this rule and may result in administrative action,

pursuant to rule 3772-50-28 of the administrative code, against the skill-based amusement machine vendor or skill-based amusement machine key employee that submitted the certification.

(E) A skill-based amusement machine vendor seeking testing or technical evaluation of any type-B or type-C skill-based amusement machine or game-related technology must comply with the following:

- (1) Submit a written request to a certified independent skill-based amusement machine testing laboratory that, at a minimum, specifically references the scientific testing and technical evaluation necessary under Chapters 2915. and 3772. of the Revised Code and this chapter and identifies the particular skill-based amusement machine or game-related technology at issue;
- (2) Submit all necessary items and information to the certified independent skill-based amusement machine testing laboratory;
- (3) Pay all costs associated with the scientific testing and technical evaluation performed by the certified independent skill-based amusement machine testing laboratory; and
- (4) Engage no more than one certified independent skill-based amusement machine testing laboratory to perform scientific testing and technical evaluation of any particular device, version of software, hardware, or other technology to be used in Ohio without prior written authorization from the commission, executive director of the commission, or his or her designee.

(F) A skill-based amusement machine vendor that purchases or otherwise obtains a type-B or type-C skill-based amusement machine in accordance with paragraph (A)(1) of rule 3772-50-16 of the Administrative Code shall comply with the requirements of this rule.

(G) In the event a skill-based amusement machine vendor is unable or unwilling to comply with the requirements under this rule, a skill-based amusement machine operator may seek the requisite approval in accordance with paragraph (B) of this rule, or testing, in accordance with paragraph (E) of this rule. For purposes of this rule, a skill-based amusement machine operator that seeks approval or testing of a type-B or type-C skill-based amusement machine is subject to the same requirements of a skill-based amusement machine vendor.

(H) Before selling or otherwise providing any type-B or type-C skill-based amusement machine or game-related technology used to conduct or participate in conducting type-B or type-C skill based amusement machine gaming in Ohio, a skill-based amusement machine vendor shall provide notice of the results described in paragraph (A) of this rule or commission approval described in paragraph (C) of this rule to each skill-based amusement machine operator to whom the vendor sells or otherwise provides such skill-based amusement machine or technology for use in Ohio.

(I) The commission shall maintain a database of all type-B and type-C skill-based amusement machines or game-related technology that have been approved by the commission under

paragraphs (A) and (C) of this rule. A licensed skill-based amusement machine vendor or operator may sell or use in this state any skill-based amusement machine or game-related technology approved by the commission under this rule without seeking additional testing or commission approval.

(J) Notwithstanding any of the other requirements under this rule, a skill-based amusement machine vendor that has submitted a skill-based amusement machine vendor registration pursuant to rule 3772-50-09 of the administrative code shall seek approval of a type-B or type-C skill-based amusement machine, available for play at any location, pursuant to this rule within ninety days of the issuance of its first skill-based amusement machine vendor license.

**3772-50-26 Skill-based amusement machine tournaments.**

(A) Except as provided in paragraph (H) of this rule, any skill-based amusement machine operator licensee under this chapter shall provide notification to the commission on a form available at the commission's website at [www.casinocontrol.ohio.gov/SkillGames.aspx](http://www.casinocontrol.ohio.gov/SkillGames.aspx), that the operator intends to conduct or participate in conducting a skill-based amusement machine tournament. No operator may conduct or participate in conducting a skill-based amusement machine tournament without providing prior notice to the commission and complying with all requirements under this rule.

(B) The commission, executive director of the commission, or his or her designee, may limit, condition, or restrict a skill-based amusement machine tournament or prohibit a licensee from conducting or participating in conducting a skill-based amusement machine tournament if the conduct of the tournament would violate a provision of chapters 2915. or 3772. of the Revised Code or the rules adopted thereunder or the conduct of the tournament would impact the integrity of skill-based amusement machine gaming in Ohio.

(C) A skill-based amusement machine tournament shall award merchandise prizes or redeemable vouchers for merchandise prizes that are announced, established, and made known to the players at least forty-eight hours in advance of the tournament. The value of prizes may not be determined by the number of players in the tournament or the amount of any fees paid by the players.

(1) The announced prizes may not be changed.

(2) The announced prizes may exceed a wholesale value of ten dollars but may not be for any of the following:

- (a) Cash, gift cards, currency, including digital currency, or any equivalent thereof;
- (b) Plays on games of chance, state lottery tickets, bingo, or instant bingo;
- (c) Firearms, tobacco, or alcoholic beverages;
- (d) Gold or silver bullion, coins, rounds, bars, or ingots; or
- (e) A redeemable voucher that is redeemable for any of the items listed in paragraph (C)(2)(a) through paragraph (C)(2)(d) of this rule.

(D) An operator who desires to conduct or participate in conducting a skill-based amusement machine tournament must submit the notification described in paragraph (A) of this rule at least thirty calendar days prior to the proposed start date of the tournament.

(E) A tournament shall be for a designated start and end date, not to exceed seven consecutive calendar days, unless otherwise authorized, in writing, by the commission, executive director of the commission, or his or her designee.

(F) No licensee may conduct or participate in conducting more than ten calendar days of skill-based amusement machine tournaments, including tournaments held at more than one location, in a calendar month, unless otherwise authorized, in writing, by the executive director of the commission or his or her designee.

(G) A person may not advertise a skill-based amusement machine tournament prior to submitting the notice described in paragraph (A) of this rule.

(H) A skill-based amusement machine operator that conducts or participates in conducting a national or international skill-based amusement machine tournament is not subject to the requirements under this rule.

(I) Unless otherwise provided under this rule, no licensee shall fail to comply with any of the provisions of this chapter when conducting or participating in conducting a skill-based amusement machine tournament.



**3772-50-27 Hearings.**

(A) If the commission concludes that administrative action should be taken against any applicant, licensee, certified independent skill-based amusement machine testing laboratory, or any other person subject to the requirements of this chapter, the commission shall provide notice of the proposed action in the manner prescribed under Chapter 119. of the Revised Code and chapter 3772-21 of the Administrative Code.

(B) Except as provided in paragraph (C) of this rule, all hearings and hearing procedures shall be conducted in the manner described in chapter 3772-21 of the Administrative Code.

(C) The provisions of rule 3772-21-04 of the Administrative Code shall not apply to this chapter.

**3772-50-28 Sanctions.**

(A) The commission may sanction any certified independent skill-based amusement machine testing laboratory, licensee, applicant, or other person subject to the requirements of this chapter for any of the following:

- (1) Violating or failing to meet any provision or requirement of Chapters 2915. and 3772. or any rules adopted thereunder;
- (2) Engaging in any misrepresentation or material omission;
- (3) Engaging in any fraudulent act;
- (4) Failing to cooperate with the commission;
- (5) Failing to comply with all terms and conditions of a settlement agreement or agreed order with the commission, and any subsequent amendments or modifications thereto;
- (6) Failing to comply with the terms and conditions of a commission order or resolution, and any subsequent amendments or modifications; or
- (7) Engaging in any conduct that undermines the integrity of skill-based amusement machine gaming or the public's confidence in skill-based amusement machine gaming.

(B) The commission shall have the authority to impose any sanction set forth in Chapters 2915. and 3772. of the Revised Code and any rules adopted thereunder, including any of the following:

- (1) Denial, non-renewal, revocation, suspension, conditioning, or restriction of a license;
- (2) Revocation, suspension, or restriction of the conduct or participation in the conduct of skill-based amusement machine gaming in this state;
- (3) A monetary fine;
- (4) A monetary civil penalty;
- (5) The forfeiture of a skill-based amusement machine; or
- (6) Any other sanction imposed upon or agreed to by a certified independent skill-based amusement machine testing laboratory, licensee, applicant, or any other person.

(C) Without in any manner limiting the authority of the commission to impose the level and type of sanction it may consider appropriate, the commission may take into consideration:

- (1) The risk to the public and the integrity of skill-based amusement machine gaming in this state by the conduct of the certified independent skill-based amusement machine testing laboratory, licensee, applicant, or other person;
- (2) Any criteria or factor listed in Chapters 2915. or 3772. of the Revised Code and any rules adopted thereunder; or
- (3) Any other factors the commission may consider relevant.

(D) Any skill-based amusement machine key employee licensee whose employment has been terminated is subject to revocation of his or her license for any act or failure to act that occurred while employed by a skill-based amusement machine vendor, operator, or location.

(E) If the alleged violation is the result of or results in the unlawful obtainment or retention of any money or property, the commission may, in addition to any other penalty or fine levied under Chapters 2915. and 3772. of the Revised Code or any rules adopted thereunder, impose a civil penalty or fine in an amount equal to the money or value of the property that was unlawfully obtained or retained.

(F) The commission shall not be precluded from finding multiple violations within a day, if each violation is the result of separate and distinct acts.

(G) The commission may hold applicants, licensees, or other persons jointly and severally liable for violations of Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder.