

Rule 3775-1-09 | Sports gaming involuntary exclusion list.

- (A) The "sports gaming involuntary exclusion list" consists of the names and other identifying or descriptive information of those individuals who meet the criteria under Chapter 3772. of the Revised Code and this rule and have been placed on the list in accordance with sections 3772.031, 3772.04, or 3775.13 of the Revised Code. This rule does not govern the Ohio VEP, as described in chapter 3772-12 of the Administrative Code, or any exclusion required by division (F) of section 3775.13 of the Revised Code.
- (B) An individual on the sports gaming involuntary exclusion list is prohibited from entering a sports gaming facility or the grounds of a sports gaming facility or from participating in the play or operation of sports gaming in this state.
- (C) Each sports gaming proprietor must employ commercially reasonable methods to:
 - (1) Exclude any individual on the sports gaming involuntary exclusion list from entering their Ohio sports gaming facility; and
 - (2) Prevent such individual from engaging in sports gaming conducted by the sports gaming proprietor in Ohio.
- (D) Each sports gaming proprietor must notify the commission, on a monthly basis, if an individual on the involuntary exclusion list has entered the sports gaming facility or has engaged in sports gaming conducted by the sports gaming proprietor in Ohio.
- (E) This rule does not preclude a sports gaming proprietor from ejecting any individual from its sports gaming facility or from otherwise prohibiting an individual from engaging in sports gaming offered by the sports gaming proprietor for any lawful reason. The sports gaming proprietor may request that the commission place an ejected individual on the sports gaming involuntary exclusion list, but the decision to initiate an involuntary exclusion proceeding or to place an individual on the sports gaming involuntary exclusion list rests solely with the commission.
- (F) As required by division (B)(2) of section 3775.13 of the Revised Code, a sports gaming proprietor must notify the commission if the sports gaming proprietor excludes an individual because the sports gaming proprietor determines that the individual engaged or attempted to engage in any sports gaming related activity that is prohibited under chapter 3775. of the Revised Code and the rules adopted thereunder. This report can be combined with any report the sports gaming proprietor files under paragraph (D) of this rule.

Rule 3775-4-04 | Type C sports gaming proprietor licensure.

- (A) An applicant for an initial or renewal type C sports gaming proprietor license must complete and submit the appropriate form(s) required by the commission and pay a nonrefundable application fee of fifteen thousand dollars and all fees necessary to cover the cost of any required criminal-records checks.
- (B) An applicant for an initial or renewal type C sports gaming proprietor license must establish, by clear and convincing evidence, the applicant's suitability for licensure.
- (C) In determining whether to grant, maintain, or renew a type C sports gaming proprietor license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of 3775.03 and divisions (B) and (C) of section 3775.041 of the Revised Code:
 - (1) Whether the type C sports gaming proprietor and any person that controls it possesses good character, honesty, and integrity;
 - (2) Whether the type C sports gaming proprietor and any person that controls it possesses financial stability, integrity, and responsibility;
 - (3) The extent to which the type C sports gaming proprietor and any person that controls it have cooperated with the commission in connection with the background investigation;
 - (4) The extent to which the type C sports gaming proprietor and any person that controls it have provided accurate and complete information as required by the commission;
 - (5) The suitability of any material person, as determined by the executive director;
 - (6) The reputation and business experience of the type C sports gaming proprietor;
 - (7) Whether the type C sports gaming proprietor has entered or will enter into agreements to offer sports gaming at type C sports gaming host facilities, subject to regulatory approvals;
 - (8) Whether the type C sports gaming proprietor has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission;
 - (9) The prospective total revenue to be collected by the state for the conducting of sports gaming;
 - (10) The prospective total taxable income to be earned by the type C sports gaming proprietor's employees in the state;
 - (11) The extent to which the type C sports gaming proprietor contributes to the economic development in the state; and

(12) The extent to which the type C sports gaming proprietor has complied with the requirements of Chapters 3770. and 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(D) A type C sports gaming proprietor license expires five years after the date of licensure.

(E) A type C sports gaming proprietor may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.

(F) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal type C sports gaming proprietor license must:

(1) Pay the nonrefundable license fees as outlined in division (E)(3) of section 3775.04 of the Revised Code;

(2) Post and maintain a surety bond of an amount necessary to cover all future license fees owed, payable to the state, which must be issued by a surety that is licensed to do business in this state, as required by division (E) of section 3775.04 of the Revised Code; and

(3) Enter into a valid contract with the state lottery commission to operate lottery sports gaming pursuant to Chapters 3770. and 3775. of the Revised Code. Failure to enter into or to maintain a contract with the state lottery commission may be cause for administrative action against the licensee.

(G) In the event the application fee paid by a type C sports gaming proprietor is insufficient to cover the actual costs of investigating the suitability of the applicant or the persons that control it, the commission may assess additional fees to cover the costs of the investigation that exceed the application fee paid under this chapter.

(H) Unless otherwise approved by the executive director, all fees must be submitted to the commission in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(I) If the executive director determines at any time that a type C sports gaming proprietor licensee has not actively offered sports gaming to patrons under the license for a continued period of one year or more, administrative action to revoke the applicable license will be taken against the licensee. Notice of the proposed action and an opportunity for hearing will be provided in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code. Such administrative action will not affect any other sports gaming proprietor licenses that are held by the licensee.

(J) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open

to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.

Rule 3775-4-07 | Type C sports gaming host licensure.

- (A) An applicant for an initial or renewal type C sports gaming host license must apply for licensure via the state of Ohio eLicense website at www.elicense.ohio.gov, comply with all instructions, and pay a non-refundable application fee of one thousand dollars. This application fee will be credited as payment of the type C gaming host's license fee, as prescribed by division (C) of section 3775.06 of the Revised Code.
- (B) In determining whether to grant, maintain, or renew a type C sports gaming host license, the commission will evaluate and consider the following factors:
 - (1) Whether the applicant has been issued a valid D-1, D-2, or D-5 liquor permit under Chapter 4303. of the Revised Code;
 - (2) Whether the applicant has been issued a valid lottery sales agent license under Chapter 3770. of the Revised Code;
 - (3) Whether the applicant has or will enter into an agreement with a type C sports gaming proprietor to offer sports gaming at its facility, subject to regulatory approval;
 - (4) Whether the state lottery commission recommends the applicant be issued the license; and
 - (5) Whether the applicant has complied with the requirements of Chapters 3770. and 3772. and 3775. of the Revised Code and the rules adopted thereunder.
- (C) A type C sports gaming host may offer sports gaming through a different type C sports gaming proprietor than the one identified in the applicant's initial license application during the period of the license, subject to the terms of any governing agreement with the type C sports gaming proprietor.
- (D) An applicant for a type C sports gaming host license is not required to undergo a criminal background check or suitability investigation to be issued the license.
- (E) The commission, at a meeting held under section 3772.02 of the Revised Code, will determine whether the applicant is eligible for the license and whether the applicant has complied with the requirements of Chapters 3770., 3772., and 3775. of the Revised Code and the rules adopted thereunder.
- (F) A type C sports gaming host license expires three years after the date of licensure.
- (G) A type C gaming host licensee may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred twenty days before the expiration of the license.
- (H) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to

public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.

Rule 3775-12-01 | Sports gaming voluntary exclusion program.

The sports gaming voluntary exclusion program, created pursuant to section 3775.02 of the Revised Code, is to be operated in the manner described in chapter 3772-12 of the Administrative Code.

Rule 3772-12-01 | ~~Scope and~~ Definitions, purpose, and scope of the Ohio voluntary exclusion program.

~~(A) The purpose~~ As used agency 3772 of this chapter is to help curtail compulsive ~~the~~ Administrative Code, the following words have the following meanings, unless the context clearly indicates otherwise:

~~(1)~~ “Excluded entity” means all casino facilities, as defined in section 3772.01 of the Revised Code; all video lottery terminal facilities, as authorized in section 3770.21 of the Revised Code; and ~~problem gambling in the state of all sports gaming conducted by sports gaming proprietors, as defined in section 3775.01 of the Revised Code and the rules adopted thereunder.~~

~~(2)~~ “Excluded facilities” means all casino facilities, as defined in section 3772.01 of the Revised Code; all video lottery terminal facilities, as authorized in section 3770.21 of the Revised Code; and all sports gaming facilities, as defined in section 3775.01 of the Revised Code.

~~(1)(3)~~ “Ohio ~~by combining the voluntary exclusion program operated by~~” or “Ohio VEP” means the combined voluntary exclusion program, consisting of the casino control commission voluntary exclusion program, created pursuant to section 3772.03 of the Revised Code, ~~with; the lottery commission voluntary exclusion program operated by the lottery commission, created pursuant to section 3770.03 of the Revised Code. As used in this chapter;~~ and the combined voluntary exclusion programs shall be referred to as the “Ohio sports gaming voluntary exclusion program” or “Ohio VEP.” This chapter is to be read in tandem with Chapter 3770:2-8, created pursuant to section 3775.02 of the Administrative Revised Code.

~~(4)~~ “Ohio VEP application” means a prescribed contract that an individual must complete and agree to in order to participate in the Ohio VEP.

~~(B)~~ The purpose of this chapter is to help curtail disordered and ~~problem gambling in the state of Ohio by creating the Ohio voluntary exclusion program.~~

~~(B)(C)~~ Participants in the Ohio VEP agree to exclude themselves from ~~all casino facilities and all video lottery terminal facilities in the state of Ohio, collectively known as “both excluded facilities.”~~ and excluded entities, as further enumerated in this chapter and the associated Ohio VEP application.

~~(C)(D)~~ Except as described in rule ~~3772-12-07~~ 3772-12-07 of the Administrative Code, no person ~~shall~~ will be able to voluntarily exclude themselves from ~~solely either the casino facilities only certain aspects or the video lottery terminal facilities~~ portions of the Ohio VEP.

~~(D)(E)~~ Nothing in this chapter ~~shall~~ will prohibit participants in the Ohio VEP from entering an excluded facility for the purpose of carrying out the duties of their employment. Any such

individual must submit notification of their employment in accordance with the procedure described on a prescribed form.

(F) The Ohio casino control commission or state lottery commission, in consultation with each other, may disclose anonymized information from the Ohio VEP and any legacy voluntary exclusion programs described in rule 3772-12-07 of the Administrative Code to one or more research entities selected by the commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the Ohio VEP.

(G) This chapter is to be read in tandem with Chapter 3770:2-8 of the Administrative Code.

Rule 3772-12-02 | ~~Application for Ohio voluntary exclusion.~~

~~An~~ VEP application to participate in the .

- (A) Ohio VEP ~~is~~ applications will be available for completion at all Ohio casino facilities ~~and~~ video lottery terminal facilities, and the online Ohio VEP portal. If an individual is unable to appear in person at any of these facilities to complete an application and unable to utilize the online portal, the individual may contact staff from the lottery commission or the casino control commission during regular business hours to make alternative arrangements to complete the application.
- (B) ~~All applications to join the Ohio VEP must be completed in the presence of either commission's staff on a prescribed form.~~ No application will be accepted if it was not completed in the presence of either commission's staff or through the online Ohio VEP portal.
- (C) As part of the ~~request for voluntary exclusion~~ Ohio VEP application, the individual must select the duration of their participation in the Ohio VEP. An individual may select any of the following time periods as a length of exclusion:
- (1) A minimum of one year;
 - (2) A minimum of five years; or
 - (3) Lifetime, subject to paragraph (D) of rule 3772-12-05 of the Administrative Code.
- (~~D~~) ~~After receipt of a completed and unaltered application for the Ohio voluntary exclusion program, either commission's staff shall ensure the individual is:~~
- ~~(1) Voluntarily applying for exclusion;~~
 - ~~(2) Fully informed of the consequences of participation in the Ohio VEP; and~~
 - ~~(3) Able to confirm the information provided in the application.~~
- (~~E~~)(~~D~~) If, ~~at any time while~~ an individual is completing an application to join the Ohio VEP, they ~~appear~~ the Ohio VEP application, in the presence of a casino control commission or lottery commission agent, appears to be doing so involuntarily or while impaired, their application ~~shall~~ will be rejected.
- (~~F~~)(~~E~~) After an individual's ~~request for voluntary exclusion~~ Ohio VEP application has been processed, delivery of written confirmation of their participation in the Ohio VEP will be attempted ~~in the manner they requested on their application.~~ Failure of delivery of the notification does not negate the individual's participation in the Ohio VEP.

Rule 3772-12-03 | Responsibilities of voluntarily excluded individuals.

- (A) Participants in the Ohio VEP agree to abide by all terms listed in the Ohio VEP application ~~for the Ohio voluntary exclusion program described in paragraph (B) of rule 3772-12-02 of the Administrative Code~~, including refraining from entering an excluded facility or ~~otherwise participating engaging in~~ or attempting to ~~participate engage~~ in any wagering activity gaming offered at any of those facilities by an excluded entity.
- (B) ~~Participants~~ Except as provided in the Ohio VEP paragraph (C) of this rule, participants who violate the terms of the Ohio VEP at a casino or sports gaming facility ~~shall~~, or on an online sports pool, agree to surrender to the casino control commission any money or thing of value the individual has converted or attempted to convert into a wagering instrument for deposit in the state problem gambling and addictions fund and any prize won, claimed, or attempted to be claimed.
- (1) Seized assets at a casino facility will be deposited into the state problem gambling and addictions fund.
 - (2) Seized assets at a video lottery terminal facility will be deposited to the state lottery commission for the sole use of problem gambling prevention and treatment.
 - (3) All other seized assets will be deposited into the problem sports gaming fund.
- (C) Participants in the Ohio VEP ~~shall~~ must agree to forfeit all points ~~or~~, complimentaries, or promotional credits earned by the individual on or before the date the individual completed their Ohio VEP application ~~for the Ohio voluntary exclusion program~~. However, if at the time the individual completed the Ohio VEP application, the individual has placed a wager that is not yet decided or is owed a cash amount from an excluded entity or facility, the individual still has the right to receive ~~that the~~ amount owed, including the amount due as a result of any pending wager winning, being voided, or otherwise being canceled from the entity or facility, even after placement on the voluntary exclusion program. No sports gaming wager that is currently pending at the time of a participant's enrollment in the Ohio VEP may be voided or cancelled by either party solely due to that participant's enrollment. To the extent that promotional credits, complimentaries, or points described above may be redeemed for cash under the entity's or facility's marketing program, the individual is entitled to receive that amount.
- (D) A voluntarily excluded individual who violates the terms of the Ohio VEP by entering any of the excluded facilities may face charges for criminal trespass.
- (E) The individual must remain a participant in the Ohio VEP for at least the minimum duration of their selected length of exclusion before they may request to be removed, subject to paragraph (D) rule ~~3772-12-05~~ 3772-12-05 of the Administrative Code.
- (F) An Ohio VEP participant may always request to increase their length of exclusion.

Rule 3772-12-04 | Responsibilities of excluded entities or facilities.

~~(A)~~ This rule ~~shall only apply~~applies to excluded entities or facilities under the jurisdiction of the in their capacity as either a casino control commission or sports gaming facility or in their capacity as an online sports pool.

~~(A)~~(B) Each excluded entity or facility shallmust maintain a system for indicating whether an individual is in the Ohio VEP and ~~shall~~must have approved procedures to update the system with changes in the enrollment status of those individuals at least once every seven days.

~~(C)~~ ~~The excluded facility shall~~Casino operators must immediately notify commission staff if an Ohio VEP participant is found on the premises ~~of the facility.~~

~~(B)~~(D) Within seventy-two hours of ~~the incident, the facility shall~~an Ohio VEP participant being found on premises or engaging in sports gaming through an online sports pool, an excluded entity or facility must provide to the ~~applicable~~ commission, in writing, the following:

(1) The individual's name;

(2) The individual's date of birth;

(3) The circumstances of ~~discovery of the individual's presence at the facility~~the individual's violation or attempted violation of the Ohio VEP; and

(4) The individual's gaming activity, if any.

~~(E)~~ ~~Each excluded facility shall comply with the compulsive~~Nothing in this rule requires an excluded entity or facility to notify the Commission of an individual found on premises who was on property solely for purposes of:

(1) Seeking removal from the Ohio VEP; or

(2) Claiming payments owed to the participant.

~~(F)~~ Each excluded entity or facility must provide to the commission a quarterly report of the number of participants in the Ohio VEP who were denied entry or sign-in to a casino facility, sports gaming facility, or online sports pool.

~~(C)~~(G) Each excluded entity or facility must comply with the disordered and problem gambling plan established under rule 3772-12-06 of the Administrative Code.

~~(H)~~ Nothing in this chapter ~~shall prohibit~~prohibits an excluded entity or facility, or its employees and agents, from seeking payment of a debt from an Ohio VEP participant, if the debt was accrued prior to ~~their placement~~a participant's enrollment in the Ohio VEP.

(I) No sports gaming wager that is currently pending at the time of a participant's enrollment in the Ohio VEP may be voided or cancelled by either party solely due to that participant's enrollment.

~~(D)~~(J) A casino facility must apply the requirements of this rule to individuals participating in a voluntary exclusion program pursuant to rule 3772-12-07 of the Administrative Code.

Rule 3772-12-05 | Removal from the Ohio voluntary exclusion program.

(A) A participant in the Ohio VEP is not automatically removed from the program at the end of the applicable exclusion period.

(B) Upon reaching the selected minimum length of voluntary exclusion, an individual may request removal from the Ohio VEP.

(C) An individual may be removed from the one-year or five-year exclusion by requesting and completing an unaltered application for removal.

(D) An individual may be removed from the lifetime exclusion; if the individual has:

(1) Remained in the Ohio VEP for at least five years;

(2) Completed the Ohio VEP education program on problem gambling awareness; and

~~(3) Once the program described in paragraph (D)(2) of this rule is completed, undergo a problem gambling assessment with a medical or clinical professional qualified to treat gambling disorder. Such professional must have received problem gambling-specific training, undergone voluntary exclusion training offered by the state of Ohio at least once in the last twenty-four months, and include problem gambling in the scope of the professional's practice; and~~

~~(4)~~(3) Requested and completed an unaltered application for removal.

Rule 3772-12-06 | ~~Compulsive~~Disordered and problem gambling plan.

(A) Each ~~excluded entity and facility, who is a casino operator shall~~ or sports gaming facility or an online sports pool, must provide to the casino control commission a ~~compulsive~~disordered and problem gambling plan for approval. Each plan ~~shall~~must, at minimum, include the following:

- (1) The goals of the plan and procedures and timetables to implement the plan;
- (2) The identification of the position responsible for the implementation and maintenance of the plan;
- (3) Policies and procedures, including the following:
 - (a) Procedures for compliance with the Ohio VEP including, at a minimum:
 - (i) Procedures preventing ~~employees from permitting~~ an individual in the Ohio VEP from entering ~~the an excluded facility~~ or engaging in or attempting to engage in gaming offered by an excluded entity;
 - (ii) Procedures identifying and removing individuals in the Ohio VEP from ~~the an~~ excluded facility;
 - (iii) Procedures for preventing dissemination of any advertisement, promotion, or other direct marketing mailing fifteen days after the individual has been placed in the Ohio VEP;
 - (iv) Procedures for preventing an Ohio VEP participant from having access to credit or from receiving complimentary services, check-cashing services, ~~junket participation~~, and other benefits;
 - (v) Procedures for ensuring the confidentiality of the identity and the information of the Ohio VEP participants; and
 - (vi) Any other procedure required by the ~~commission, executive director, or designee thereof~~.
 - (b) The duties and responsibilities of the employees designated to implement or participate in the plan;
 - (c) The responsibility of patrons with respect to ~~responsible~~safer gambling practices;
 - (d) Procedures to identify patrons and employees with suspected or known ~~compulsive~~disordered and problem gambling behavior, including procedures specific to loyalty and other rewards and marketing programs;

- (e) Procedures for providing information to individuals regarding the Ohio VEP and community, public and private treatment services, ~~gamblers anonymous programs~~ peer support groups, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor ~~compulsive and~~ individuals with a gambling problem ~~gamblers or gambling disorder~~ and to counsel family members, including for providing the information upon the request of a patron or employee;
 - (f) The provision of ~~printed~~ written material to educate patrons and employees about ~~compulsive~~ disordered and problem gambling and to inform them about the Ohio VEP and treatment services available to ~~compulsive and~~ individuals with a gambling problem ~~gamblers or gambling disorder~~ and their families. The ~~casino operator~~ shall excluded entity or facility must provide ~~casino control~~ commission staff examples of the materials to be used, ~~including, brochures and other printed material~~ and a description of how the material will be disseminated;
 - (g) Advertising and other marketing and outreach to educate the general public about ~~the Ohio VEP and compulsive~~ disordered and problem gambling;
 - (h) An employee training program, including training materials to be utilized and a plan for periodic reinforcement training and a certification process established by the ~~applicant~~ excluded entity or facility to verify that each employee has completed the training required by the plan;
 - (i) Procedures to prevent underage gambling;
 - (j) Procedures for excluded facilities to prevent patrons impaired by drugs or alcohol, or both, from gambling; and
 - (k) The plan for posting signs within ~~the casino an~~ excluded facility, containing information on gambling treatment and on the Ohio VEP, including examples of the language and graphics to be used on the signs;
- (4) A list of ~~community, public, and private~~ treatment services, ~~gamblers anonymous programs~~ peer recovery support groups, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor ~~compulsive and~~ individuals with a gambling problem ~~gamblers or gambling disorder~~ and to counsel family members; and
- (5) Any other information, documents, and policies and procedures that the casino control commission requires.
- (B) Each ~~casino operator shall~~ excluded entity or facility must submit quarterly updates and an annual report to the casino control commission of its adherence to the plans and goals submitted under this rule, ~~including. This report must include~~ any information that the ~~casino operator~~ excluded entity or facility has received related to bankruptcy, divorce, crime, and attempted or died by suicide related to gambling offered by an excluded entity or at a ~~casino an~~ excluded facility, including:

(1) The name and date of birth of any individual;

(2) How the entity or facility came to know of the incident; and

(3) A brief description of the incident.

(C) A casino facility must apply the requirements of this rule to individuals participating in a voluntary exclusion program pursuant to rule 3772-12-07 of the Administrative Code.

Rule 3772-12-07 | ~~Voluntary~~Prior voluntary exclusions ~~prior to the effective date of this rule.~~

(A) This rule applies only to those individuals who submitted their application to join the casino control commission's voluntary exclusion program prior to March 1, 2019, and those individuals who submitted their application to join the Ohio VEP prior to the effective date of this rule and have not yet sought removal from the applicable program.

~~(B) These~~The individuals who submitted their application to join the casino control commission's voluntary exclusion program prior to March 1, 2019, may continue their participation and voluntary exclusion from only the four casino facilities in the state of Ohio.

~~(C) The~~ individuals who submitted their application to join the Ohio VEP prior to the effective date of this rule may continue their participation and voluntary exclusion from only the four casino facilities and seven video lottery terminal facilities in the state of Ohio.

~~(B)(D)~~ The application for voluntary exclusion signed by the individual at the time of enrollment shall govern~~governs their~~ participation.

~~(C)(E)~~ These individuals may submit an Ohio VEP application ~~to join the Ohio VEP,~~ pursuant to rule ~~3772-12-02~~3772-12-02 of the Administrative Code. The individual's selected length of exclusion on this application will supersede their previously selected length of exclusion and will expand to all excluded ~~properties~~entities and facilities.

~~(D)(F)~~ Notwithstanding any rules to the contrary, or the terms of the applicable application to join the voluntary exclusion program ~~prior to the effective date of this rule,~~ those individuals who selected the lifetime exclusion are permitted to seek removal from the voluntary exclusion program if they comply with ~~all of~~ the requirements set forth in paragraph (D) of rule ~~3772-12-05~~3772-12-05 of the Administrative Code.

Rule 3772-12-01 | Definitions, purpose, and scope of the Ohio voluntary exclusion program.

- (A) As used agency 3772 of the Administrative Code, the following words have the following meanings, unless the context clearly indicates otherwise:
- (1) “Excluded entity” means all casino facilities, as defined in section 3772.01 of the Revised Code; all video lottery terminal facilities, as authorized in section 3770.21 of the Revised Code; and all sports gaming conducted by sports gaming proprietors, as defined in section 3775.01 of the Revised Code and the rules adopted thereunder.
 - (2) “Excluded facilities” means all casino facilities, as defined in section 3772.01 of the Revised Code; all video lottery terminal facilities, as authorized in section 3770.21 of the Revised Code; and all sports gaming facilities, as defined in section 3775.01 of the Revised Code.
 - (3) “Ohio voluntary exclusion program” or “Ohio VEP” means the combined voluntary exclusion program, consisting of the casino control commission voluntary exclusion program, created pursuant to section 3772.03 of the Revised Code; the lottery commission voluntary exclusion program, created pursuant to section 3770.03 of the Revised Code; and the sports gaming voluntary exclusion program, created pursuant to section 3775.02 of the Revised Code.
 - (4) “Ohio VEP application” means a prescribed contract that an individual must complete and agree to in order to participate in the Ohio VEP.
- (B) The purpose of this chapter is to help curtail disordered and problem gambling in the state of Ohio by creating the Ohio voluntary exclusion program.
- (C) Participants in the Ohio VEP agree to exclude themselves from both excluded facilities and excluded entities, as further enumerated in this chapter and the associated Ohio VEP application.
- (D) Except as described in rule [3772-12-07](#) of the Administrative Code, no person will be able to voluntarily exclude themselves from only certain aspects or portions of the Ohio VEP.
- (E) Nothing in this chapter will prohibit participants in the Ohio VEP from entering an excluded facility for the purpose of carrying out the duties of their employment. Any such individual must submit notification of their employment in accordance with the procedure described on a prescribed form.
- (F) The Ohio casino control commission or state lottery commission, in consultation with each other, may disclose anonymized information from the Ohio VEP and any legacy voluntary exclusion programs described in rule 3772-12-07 of the Administrative Code to one or more research entities selected by the commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the Ohio VEP.

(G) This chapter is to be read in tandem with Chapter 3770:2-8 of the Administrative Code.

Rule 3772-12-02 | Ohio VEP application.

- (A) Ohio VEP applications will be available for completion at all Ohio casino facilities, video lottery terminal facilities, and the online Ohio VEP portal. If an individual is unable to appear in person at any of these facilities to complete an application and unable to utilize the online portal, the individual may contact staff from the lottery commission or the casino control commission during regular business hours to make alternative arrangements to complete the application.
- (B) No application will be accepted if it was not completed in the presence of either commission's staff or through the online Ohio VEP portal.
- (C) As part of the Ohio VEP application, the individual must select the duration of their participation in the Ohio VEP. An individual may select any of the following time periods as a length of exclusion:
 - (1) A minimum of one year;
 - (2) A minimum of five years; or
 - (3) Lifetime, subject to paragraph (D) of rule [3772-12-05](#) of the Administrative Code.
- (D) If an individual completing the Ohio VEP application, in the presence of a casino control commission or lottery commission agent, appears to be doing so involuntarily or while impaired, their application will be rejected.
- (E) After an individual's Ohio VEP application has been processed, delivery of written confirmation of their participation in the Ohio VEP will be attempted. Failure of delivery of the notification does not negate the individual's participation in the Ohio VEP.

Rule 3772-12-03 | Responsibilities of voluntarily excluded individuals.

- (A) Participants in the Ohio VEP agree to abide by all terms listed in the Ohio VEP application, including refraining from entering an excluded facility or engaging in or attempting to engage in gaming offered by an excluded entity.
- (B) Except as provided in paragraph (C) of this rule, participants who violate the terms of the Ohio VEP at a casino or sports gaming facility, or on an online sports pool, agree to surrender to the casino control commission any money or thing of value the individual has converted or attempted to convert into a wagering instrument and any prize won, claimed, or attempted to be claimed.
 - (1) Seized assets at a casino facility will be deposited into the state problem gambling and addictions fund.
 - (2) Seized assets at a video lottery terminal facility will be deposited to the state lottery commission for the sole use of problem gambling prevention and treatment.
 - (3) All other seized assets will be deposited into the problem sports gaming fund.
- (C) Participants in the Ohio VEP must agree to forfeit all points, complimentary, or promotional credits earned by the individual on or before the date the individual completed their Ohio VEP application. However, if at the time the individual completed the Ohio VEP application, the individual has placed a wager that is not yet decided or is owed a cash amount from an excluded entity or facility, the individual still has the right to receive the amount owed, including the amount due as a result of any pending wager winning, being voided, or otherwise being canceled from the entity or facility, even after placement on the voluntary exclusion program. No sports gaming wager that is currently pending at the time of a participant's enrollment in the Ohio VEP may be voided or cancelled by either party solely due to that participant's enrollment. To the extent that promotional credits, complimentary, or points described above may be redeemed for cash under the entity's or facility's marketing program, the individual is entitled to receive that amount.
- (D) A voluntarily excluded individual who violates the terms of the Ohio VEP by entering any of the excluded facilities may face charges for criminal trespass.
- (E) The individual must remain a participant in the Ohio VEP for at least the minimum duration of their selected length of exclusion before they may request to be removed, subject to paragraph (D) rule [3772-12-05](#) of the Administrative Code.
- (F) An Ohio VEP participant may always request to increase their length of exclusion.

Rule 3772-12-04 | Responsibilities of excluded entities or facilities.

- (A) This rule only applies to excluded entities or facilities in their capacity as either a casino or sports gaming facility or in their capacity as an online sports pool.
- (B) Each excluded entity or facility must maintain a system for indicating whether an individual is in the Ohio VEP and must have approved procedures to update the system with changes in the enrollment status of those individuals at least once every seven days.
- (C) Casino operators must immediately notify commission staff if an Ohio VEP participant is found on the premises.
- (D) Within seventy-two hours of an Ohio VEP being found on premises or engaging in sports gaming through an online sports pool, an excluded entity or facility must provide to the commission, in writing, the following:
 - (1) The individual's name;
 - (2) The individual's date of birth;
 - (3) The circumstances of the individual's violation or attempted violation of the Ohio VEP; and
 - (4) The individual's gaming activity, if any.
- (E) Nothing in this rule requires an excluded entity or facility to notify the Commission of an individual found on premises who was on property solely for purposes of:
 - (1) Seeking removal from the Ohio VEP; or
 - (2) Claiming payments owed to the participant.
- (F) Each excluded entity or facility must provide to the commission a quarterly report of the number of participants in the Ohio VEP who were denied entry or sign-in to a casino facility, sports gaming facility, or online sports pool.
- (G) Each excluded entity or facility must comply with the disordered and problem gambling plan established under rule [3772-12-06](#) of the Administrative Code.
- (H) Nothing in this chapter prohibits an excluded entity or facility, or its employees and agents, from seeking payment of a debt from an Ohio VEP participant, if the debt was accrued prior to a participant's enrollment in the Ohio VEP.
- (I) No sports gaming wager that is currently pending at the time of a participant's enrollment in the Ohio VEP may be voided or cancelled by either party solely due to that participant's enrollment.

(J) A casino facility must apply the requirements of this rule to individuals participating in a voluntary exclusion program pursuant to rule 3772-12-07 of the Administrative Code.

Rule 3772-12-05 | Removal from the Ohio voluntary exclusion program.

- (A) A participant in the Ohio VEP is not automatically removed from the program at the end of the applicable exclusion period.
- (B) Upon reaching the selected minimum length of voluntary exclusion, an individual may request removal from the Ohio VEP.
- (C) An individual may be removed from the one-year or five-year exclusion by requesting and completing an unaltered application for removal.
- (D) An individual may be removed from the lifetime exclusion if the individual has:
 - (1) Remained in the Ohio VEP for at least five years;
 - (2) Completed the Ohio VEP education program on problem gambling awareness; and
 - (3) Requested and completed an unaltered application for removal.

Rule 3772-12-06 | Disordered and problem gambling plan.

(A) Each excluded entity and facility, who is a casino or sports gaming facility or an online sports pool, must provide to the casino control commission a disordered and problem gambling plan for approval. Each plan must, at minimum, include the following:

- (1) The goals of the plan and procedures and timetables to implement the plan;
- (2) The identification of the position responsible for the implementation and maintenance of the plan;
- (3) Policies and procedures, including the following:
 - (a) Procedures for compliance with the Ohio VEP including, at a minimum:
 - (i) Procedures preventing an individual in the Ohio VEP from entering an excluded facility or engaging in or attempting to engage in gaming offered by an excluded entity;
 - (ii) Procedures identifying and removing individuals in the Ohio VEP from an excluded facility;
 - (iii) Procedures for preventing dissemination of any advertisement, promotion, or other direct marketing mailing fifteen days after the individual has been placed in the Ohio VEP;
 - (iv) Procedures for preventing an Ohio VEP participant from having access to credit or from receiving complimentary services, check-cashing services, and other benefits;
 - (v) Procedures for ensuring the confidentiality of the identity and the information of the Ohio VEP participants; and
 - (vi) Any other procedure required by the executive director.
 - (b) The duties and responsibilities of the employees designated to implement or participate in the plan;
 - (c) The responsibility of patrons with respect to safer gambling practices;
 - (d) Procedures to identify patrons and employees with suspected or known disordered and problem gambling behavior, including procedures specific to loyalty and other rewards and marketing programs;
 - (e) Procedures for providing information to individuals regarding the Ohio VEP and community, public and private treatment services, peer support groups, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor

individuals with a gambling problem or gambling disorder and to counsel family members, including for providing the information upon the request of a patron or employee;

- (f) The provision of written material to educate patrons and employees about disordered and problem gambling and to inform them about the Ohio VEP and treatment services available to individuals with a gambling problem or gambling disorder and their families. The excluded entity or facility must provide commission examples of the materials to be used, and a description of how the material will be disseminated;
 - (g) Advertising and other marketing and outreach to educate the general public about disordered and problem gambling;
 - (h) An employee training program, including training materials to be utilized and a plan for periodic reinforcement training and a certification process established by the excluded entity or facility to verify that each employee has completed the training required by the plan;
 - (i) Procedures to prevent underage gambling;
 - (j) Procedures for excluded facilities to prevent patrons impaired by drugs or alcohol, or both, from gambling; and
 - (k) The plan for posting signs within an excluded facility, containing information on gambling treatment and on the Ohio VEP, including examples of the language and graphics to be used on the signs;
- (4) A list of public and private treatment services, peer recovery support groups, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor individuals with a gambling problem or gambling disorder and to counsel family members; and
- (5) Any other information, documents, and policies and procedures that the casino control commission requires.
- (B) Each excluded entity or facility must submit quarterly updates and an annual report to the casino control commission of its adherence to the plans and goals submitted under this rule. This report must include any information that the excluded entity or facility has received related to bankruptcy, divorce, crime, and attempted or died by suicide related to gambling offered by an excluded entity or at an excluded facility, including:
- (1) The name and date of birth of any individual;
 - (2) How the entity or facility came to know of the incident; and
 - (3) A brief description of the incident.

(C) A casino facility must apply the requirements of this rule to individuals participating in a voluntary exclusion program pursuant to rule 3772-12-07 of the Administrative Code.

Rule 3772-12-07 | Prior voluntary exclusions.

- (A) This rule applies only to those individuals who submitted their application to join the casino control commission's voluntary exclusion program prior to March 1, 2019, and those individuals who submitted their application to join the Ohio VEP prior to the effective date of this rule and have not yet sought removal from the applicable program.
- (B) The individuals who submitted their application to join the casino control commission's voluntary exclusion program prior to March 1, 2019, may continue their participation and voluntary exclusion from only the four casino facilities in the state of Ohio.
- (C) The individuals who submitted their application to join the Ohio VEP prior to the effective date of this rule may continue their participation and voluntary exclusion from only the four casino facilities and seven video lottery terminal facilities in the state of Ohio.
- (D) The application for voluntary exclusion signed by the individual at the time of enrollment governs their participation.
- (E) These individuals may submit an Ohio VEP application, pursuant to rule 3772-12-02 of the Administrative Code. The individual's selected length of exclusion on this application will supersede their previously selected length of exclusion and will expand to all excluded entities and facilities.
- (F) Notwithstanding any rules to the contrary, or the terms of the applicable application to join the voluntary exclusion program, those individuals who selected the lifetime exclusion are permitted to seek removal from the voluntary exclusion program if they comply with the requirements set forth in paragraph (D) of rule 3772-12-05 of the Administrative Code.