



OHIO CASINO CONTROL COMMISSION

HB 29-As Passed by Senate: Page Numbers, Line Numbers, and R.C. Citations	Recommended Change (Addition, Edit, or Deletion) and Suggested Language	Reasoning
<p>Page 83, Lines 2396-2408</p> <p>R.C. 2915.081(F)(1)</p> <p>*Not submitted previously*</p>	<p>Deletion: (F)(1) No distributor shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or install, maintain, update, or repair an electronic instant bingo system, without first obtaining an electronic instant bingo distributor endorsement to the person's distributor license issued under this section. An applicant for a distributor license under this section may apply simultaneously for an electronic instant bingo distributor endorsement to that license. Any individual who installs, maintains, updates, or repairs an electronic instant bingo system also shall hold an appropriate and valid occupational license issued by the Ohio casino control commission under Chapter 3772. of the Revised Code.</p>	<p>Electronic instant bingo systems must have a central server that is accessible to the Attorney General and that allows the Attorney General to access, monitor, and deactivate any aspect of an electronic instant bingo system. R.C. 2915.15(B). As such, any system that is tampered with can immediately be spotted and deactivated by the Attorney General, minimizing any need for the Commission to license individuals working on electronic instant bingo systems. However, assuming the General Assembly does want these individuals licensed, the appropriate licensing authority would be the Attorney General, as the regulator of charitable gaming and as the entity licensing or authorizing all other aspects of electronic instant bingo.</p>
<p>Provision not currently in bill, but would be inserted on Page 125, After Line 3638</p> <p>R.C. 2935.01(B)</p> <p>*Not submitted previously*</p>	<p>Addition: (B) "Peace officer" includes . . . a gaming agent, as defined in section 3772.01 of the Revised Code . . .</p> <p>(Due to the length of this definition, the Commission has not fully reproduced the language here. However, the language is available in an attachment to this document).</p>	<p>Commission gaming agents are already law enforcement officers (R.C. 3772.03(F)) and peace officers (R.C. 109.77(B)(1)(j) and R.C. 3772.01(K)). Moreover, gaming agents have investigatory and arrest authority on all casino property and outside of the casinos when enforcing the Casino Control Law and other gambling-related provisions. R.C. 3772.03(E) and (D). However, they to have been inadvertently left out of the definition of peace officer in R.C. 2935.01(B) during enactment of the enabling legislation. This means that when gaming agents are assaulted, they are subject to less protection than their fellow officers who the agents are often shoulder-to-shoulder with. This amendment seeks to rectify that. Please see the attached memo for more information.</p>

<p>Page 150, Lines 4342-4348</p> <p>R.C. 3772.03(D)(10)(d)</p>	<p>Edit: (d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator and the operators, sports gaming proprietors, <u>the state lottery commission,</u> and their agents and employees of the casino operator for purposes of enforcement and to other entities, upon request of the participant and agreement by the commission.</p>	<p>The Commission, in partnership with the State Lottery Commission, created a statewide voluntary exclusion program (or VEP) on March 1, 2019, which applies to both the casinos and racinos. The commissions did so through the adoption of administrative rules and contracts with participants that allowed the information to be shared between the commissions moving forward.</p>
<p>Provisions not currently in bill but would be inserted on Page 156, After Line 4533</p> <p>R.C. 3772.031(D) and R.C. 3772.04(A)(1)</p> <p>*Not submitted previously*</p>	<p>Addition: (D) A person who receives notice of intent to include the person on the exclusion list is entitled to an adjudication hearing under Chapter 119. of the Revised Code <u>if the person so requests</u>, except as provided in this section, in which the person may demonstrate why the person should not be included on the exclusion list. The person shall request such an adjudication hearing not later than thirty days after the person receives the notice by personal service or certified mail, or not later than thirty days after the last newspaper publication of the notice. <u>The commission may, but is not required to, conduct an adjudication hearing under Chapter 119. of the Revised Code if the person fails to request a hearing in accordance with this section. The commission may reopen an adjudication under this section at any time.</u> If the adjudication hearing, <u>order</u>, or any appeal <u>thereof</u> under Chapter 119. of the Revised Code results in an order that the person should not be included on the exclusion list, the commission shall publish a revised exclusion list that does not include the person. The commission also shall notify casino operators that the person has been removed from the exclusion list. A casino operator shall take all steps necessary to ensure its key employees and casino gaming employees are made aware that the person has been removed from the exclusion list.</p> <p>And</p>	<p>These two additions are meant to bring R.C. 3772.031 and R.C. 3772.04 into harmony with one another. These two sections detail how the Commission must conduct involuntary exclusion hearings as well as licensing adjudications. The Commission, later in this document is suggesting cross references be made to these sections, so that all hearings held under the Sports Gaming Control Law are subject to the same standards as the Casino Control Law. In so doing, the Commission noticed a couple discrepancies in the Casino Control Law itself, where involuntary exclusions, licensing adjudications, and monetary sanctions were not all subject to the same procedural standards. As such, this amendment seeks to remedy those discrepancies to create harmony in the Casino Control Law and, therefore, the Sports Gaming Control Law—should the Commission’s later amendments be accepted.</p>

	<p>Addition: (A)(1) If the commission concludes that a license required by this chapter should be limited, conditioned, restricted, suspended, revoked, denied, or not renewed <u>or that an applicant, licensee, or other person subject to the commission’s jurisdiction under this chapter should be fined or penalized</u>, the commission may, and if so requested by athe licensee, or applicant, <u>or person</u> shall, conduct a hearing in an adjudication under Chapter 119. of the Revised Code. After notice and opportunity for a hearing, the commission may limit, condition, restrict, suspend, revoke, deny, or not renew a license <u>or fine or penalize the licensee, applicant, or person</u> under rules adopted by the commission. The commission may reopen aan licensing adjudication <u>under this section</u> at any time.</p>	
<p>Page 161, After Line 4677</p> <p>R.C. 3775.01(A)</p> <p>And</p> <p>Page 166, After Line 4812</p> <p>R.C. 3775.01(U)</p> <p>*Not submitted previously*</p>	<p>Additions:</p> <p><u>(A) “Applicant” means any person who applies to the commission for a license under this chapter.</u></p> <p>And</p> <p><u>(U) “Sports gaming voluntary exclusion program” means a program provided by the commission that allows persons to voluntarily exclude themselves from sports gaming facilities and online sports pools under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission.</u></p>	<p>This is more of a technical amendment. “Applicant” is currently used throughout R.C. Chapter 3775 without being defined. The definition proposed here directly mirrors that term’s definition in R.C. 3772.01(A) of the Casino Control Law. As for “sports gaming voluntary exclusion program,” the Commission is suggesting an edit starting at R.C. 3775.02(B)(11) that would not automatically exclude the state’s current VEP participants from sports betting. As such, the term “sports betting voluntary exclusion” will need defined. This definition also directly mirrors its counterpart in R.C. 3772.01(AA). For more on that change, the reasoning behind it, and the support it has from problem gambling experts, please see that amendment proposed below.</p>
<p>Page 163, Lines 4724-4726</p> <p>R.C. 3775.01(J)</p> <p>*Not submitted previously*</p>	<p>Edit: (J) "Proposition bet" means a wager on <u>whether an identified instance or statistical achievement will occur, will be achieved, or will be surpassed a sporting event that is based in whole or in part on an outcome</u>, other than the <u>final score or outcome of the sporting event or parts of the sporting event, such as quarters, halves, periods, or innings.</u></p>	<p>The current definition of a proposition bet is too broad and would encapsulate bets such as mid-game or in-game scores. This is not the common understanding in the industry. As such, the Commission has suggested a more standardized definition to ensure that bets on mid-game or in-game scores are not considered propositions.</p>

<p>Page 168, Lines 4878-4881</p> <p>R.C. 3775.02(B)(11)</p> <p>And</p> <p>Page 179, Lines 5183-5187</p> <p>R.C. 3775.04(D)(1)(a)</p>	<p>Deletion of prevision: (11) Requirements concerning the size, furnishings, and equipment of a sports gaming facility and the minimum capital investment in a sports gaming facility that is necessary to ensure that it generates strong economic development;</p> <p>OR</p> <p>Edit: Delete this provision still, but then add the following to R.C. 3775.04(D)(1)(a):</p> <p><u>(a) If the application is for an initial type B sports gaming proprietor license, the application shall specify the intended location of the sports gaming facility or, at a minimum, the county in which the sports gaming facility is to be located if the license is granted, as well as the expected overall capital investment, including the size, furnishings, and equipment of the sports gaming facility.</u></p>	<p>Taking a one-size-fits-all, rule-mandated approach to the size, furnishings, equipment, and capital investments in sports gaming facilities throughout the state would likely prove difficult. For instance, some type-B facilities could be additions to existing structures and other could be totally new construction. Therefore, the Commission proposes that applicants for a Type-B license submit this information, with supporting documentation, to the Commission for review. With this information, the Commission will be able to evaluate economic impact against the specific statutory factors laid out later in the bill without needing to set one-size-fits-all minimums. Additionally, requiring the Commission to set this minimum in rule may delay licensure of type-B proprietors, as the rulemaking process generally takes several months from introduction to final adoption—meaning type B proprietors would not likely know what the minimum requirements were until early to mid 2022.</p>
<p>Page 168, after Line 4881</p> <p>After 3775.02(B)(11)</p> <p>And</p> <p>Pages 209-2010, Lines 6082-6088</p> <p>R.C. 3775.14(C)</p> <p>*Not submitted previously*</p>	<p>Addition and Edit:</p> <p>Addition: <u>(12) The establishment and implementation of a sports gaming voluntary exclusion program consistent with and subject to the confidentiality provisions provided under division (D)(10) of 3772.10 of the Revised Code. This program may allow individuals to refrain from entering or accessing a sports gaming facility and an online sports pool only or refrain from entering or accessing a casino facility, a video lottery terminal facility, and a sports gaming facility and an online sports pool, as determined by commission rule. A participant in any voluntary exclusion program overseen by the commission or the state lottery commission that exists on or before the effective date of this act shall not be prohibited from participating in the play or operation of sports gaming solely for that reason. However, a sports gaming proprietor may choose to exclude the participant as a result of the participation in a voluntary exclusion program</u></p>	<p>Experts in the problem gambling field recognize that an individual’s free will and autonomous decision making in addressing problem gambling is of monumental importance. Therefore, the Commission, in consultation with those experts, recommends that current participants in the agency’s voluntary exclusion program, as well as the joint voluntary exclusion program with the Ohio Lottery, not be automatically applied to sports gaming. Further, the Commission has found that flexibility in these programs is important and allowing the Commission to establish the program by rule creates that flexibility. For instance, since the casino gaming program is mostly implemented by rule, the Commission was able to partner with the Lottery in 2019 to create a statewide voluntary exclusion program where an individual could sign up for exclusion once and be immediately excluded from all casino or racino facilities without the need for any further action. Importantly, in so doing, no prior exclusions were automatically carried</p>

	<p><u>established under the laws of this state, any other state, or of the United States or for any other lawful reason.</u></p> <p>Edit: (C) No person who is on the voluntary exclusion list described in section 3772.01 of the Revised Code shall participate in the play or operation of sports gaming conducted by a sports gaming proprietor. A sports gaming proprietor shall employ commercially reasonable methods to prevent the person persons participating in the voluntary exclusion program established under this chapter from engaging in sports gaming conducted by the sports gaming proprietor. <u>Absent gross negligence, a sports gaming proprietor, management services provider, mobile management services provider, sports gaming supplier, sports gaming host, the state, and employees of those entities are entitled to immunity from any type of civil liability if a person participating in the sports betting voluntary exclusion program enters or accesses a sports gaming facility or an online sports pool.</u></p>	<p>forward to the facilities that were not covered before. Finally, the Commission, in its edits to R.C. 3775.14(C) added an immunity provision for both state and private entities related to the voluntary exclusion program. This language directly mirrors R.C. 3772.034 from the Casino Control Law.</p> <p>Please see the attached letter in support of the amendment from Derek Longmeier, Executive Director of the Problem Gambling Network of Ohio.</p>
<p>Page 172, Lines 4987-4993</p> <p>3775.02(H)</p> <p>*Not submitted previously*</p>	<p>Edit: (H) The commission, in an adjudication conducted under Chapter 119. of the Revised Code and in accordance and in a manner consistent with section 3772.04 of the Revised Code, may penalize, fine, limit, condition, restrict, suspend, revoke, deny, or refuse to renew any sports gaming license, licensee, applicant, or other person subject to the commission's jurisdiction under this chapter. The commission may take into account any relevant aggravating or mitigating factors without in any manner limiting the commission's authority to impose the level and type of discipline the commission considers appropriate. The executive director may issue an emergency order related to sports gaming in accordance and in a manner consistent with division (G) of section 3772.04 of the Revised Code.</p>	<p>R.C. 3772.04 contains several additional hearing procedures and guidance that the Commission has found helpful in ensuring the integrity of casino gaming. Therefore, the Commission recommends incorporating its provisions by reference here. In particular, the Commission notes that the ability to issue emergency suspensions, as provided for under the Casino Control Law, will be helpful in ensuring the integrity of sports betting and could be used to help enforce several mandatory requirements of the bill. This includes, for example, R.C. 3775.091(D)(1)'s mandate to revoke the sports gaming proprietor license of any proprietor that ceases to be a professional sports organization, casino operator, or video lottery sales agent if the license was issued or renewed because of the preference given to them under R.C. 3775.041(A).</p>
<p>Page 174, Lines 5054-5058</p>	<p>Edit: (A) Except as permitted under section 3770.23 of the Revised Code, noNo person shall operate, conduct, or assist</p>	<p>This is simply a technical amendment. R.C. 3770.23 had been created in the original version of the bill but has since</p>

R.C. 3775.03(A)	<u>in operating or conducting sports gaming in this state without first obtaining an appropriate sports gaming license from the Ohio casino control commission.</u>	been removed. As such, this stray cross-reference should be removed.
Page 174, Lines 5059-5065 R.C. 3775.03(B) And Page 193-194, Lines 5620-5625 R.C. 3775.07(B)(1) And Page 196, Lines 5696-5702 R.C. 3775.09(A) and (B)	Edit: <u>(B) Each person applying for an initial or renewed sports gaming license issued under this chapter, except for type C sports gaming hosts, and each individual who has control of those applicants as described in division (C) of this section, shall submit two complete sets of fingerprints to the commission for the purpose of conducting a criminal records check, including obtaining any available information from the federal bureau of investigation</u> And <u>(B)(1) An applicant for an initial or renewed type C sports gaming host license shall apply for the license on a form prescribed by the commission and shall pay the fee required under division (C)(3) of section 109.572 of the Revised Code, along with a nonrefundable application fee in an amount prescribed by the commission by rule.</u> And <u>(A) An applicant for a sports gaming license, except for a type C sports gaming host, shall establish the applicant's suitability for the license by clear and convincing evidence.</u> <u>(B) The Ohio casino control commission shall not grant a sports gaming license to an applicant, except for a type C sports gaming host, if evidence satisfactory to the commission exists that the applicant has done any of the following:</u>	The current structure of the bill ensures that type C sports gaming hosts are not actually engaged in the business sports gaming themselves, but are simply hosts for type C sports gaming proprietors. In fact, the legislation ensures that hosts will not be involved in any financial transactions related to sports gaming. Pages 207-208, Lines 6024-6026; R.C. 3775.13(B)(4). Therefore, removing criminal background checks and suitability investigations from these businesses is consistent with this intent, especially given the bill's other strong protections in ensuring that type C proprietors are the only entities truly conducting sports gaming, while the hosts merely assist by allowing terminal placement. Moreover, these entities are already required to obtain and maintain a class D liquor permit, meaning the Department of Commerce's Division of Liquor Control would have already conducted licensing reviews and authorized them to operate the establishments, subject to the jurisdiction of the Division of Liquor Control, the Department of Public Safety's Ohio Investigative Unit, and the Liquor Control Commission. That being said, the hosts should still hold a license and be held to the Commission's general regulation to ensure that they maintain their liquor licenses, are only operating in approved locations using approved type C proprietors and equipment, and do not run afoul of other provisions of the bill.
Page 177, Lines 5136-5139 R.C. 3775.04(A)(3)(b)	Edit: <u>(b) The type A sports gaming proprietor shall maintain at least one operational place of business in this state that regularly maintains employees and shall ensure that at this or another place of business there is, including a secure facility</u>	This provision is designed to ensure that a type A sports gaming proprietor has an actual place of business with employees in the state, not just a small space (or rented part of a space) with a secured server. Because this language, as

	<p><u>to house the servers responsible for accepting wagers through the sports gaming proprietor's online sports pools.</u></p>	<p>it currently exists, may be capable of being read to require limited economic activity on the part of type A proprietors, additional language is suggested to ensure clarity of purpose. Of course, this overall policy decision is something the Commission defers to the General Assembly on.</p>
<p>Pages 181-183, Lines 5266-5300</p> <p>R.C. 3775.041(B)</p>	<p>Edit: <u>(B) In issuing initial and renewed type A, type B, and type C sports gaming proprietor licenses, except for type C sports gaming hosts, the commission shall consider all of the following factors, in addition to all other requirements for licensure specified under this chapter and in the rules of the commission:</u></p> <p><u>(1) The reputation, experience, and financial integrity of the applicant and any person that controls the applicant, as determined under division (C) of section 3775.03 of the Revised Code;</u></p> <p><u>(2) The total amount of taxable income the applicant pays, or will pay, to its employees in this state;</u></p> <p><u>(3) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond;</u></p> <p><u>(43) The past and present compliance of the applicant and its affiliates or affiliated companies with gambling-related licensing requirements in this state or any other jurisdiction, including whether the applicant has a history of noncompliance with those requirements;</u></p> <p><u>(54) Whether the applicant has been charged with, indicted for, or convicted of any felony or misdemeanor criminal offense under the laws of any jurisdiction, not including any traffic violation;</u></p>	<p>The standards listed in this provision should apply to all applicants for sports gaming licenses, except for type C sports gaming hosts, not just the proprietors. These factors (except for factor (2), which is struck here, but is reinserted to apply only to type A or type B sports gaming proprietors in a later suggested amendment) largely echo the casino gaming suitability factors, which apply to all applicants for casino gaming licenses. The same should be true here. Management services providers, mobile management service providers, and suppliers, in particular, control major aspects of sports gaming (and in the case of management services providers and mobile management services providers actually stand in the shoes of type A and type B proprietors) and should be held to these statutory standards.</p>

	<p><u>(65) Whether the applicant 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 work out the payment of any debt;</u></p> <p><u>(76) Whether the applicant 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;</u></p> <p><u>(87) Whether the applicant is or has been a defendant in litigation involving its business practices;</u></p> <p><u>(98) Whether awarding a license would undermine the public's confidence in the sports gaming industry in this state.</u></p>	
<p>Page 183, Lines 5301-5315</p> <p>R.C. 3775.041(C)</p>	<p>Edit: <u>(C) In the case of an applicant for a type A sports gaming proprietor license, the Ohio casino control commission also shall consider all of the following:</u></p> <p><u>(1) The nature of the applicant's current or intended physical presence in this state, including any expenditures for physical infrastructure;</u></p> <p><u>(2) The length of time, if any, for which the applicant has been doing any kind of business in this state;</u></p> <p><u>(3) Whether the The total amount of taxable income the applicant pays, or will pay, to its employees in this state each year has been, or will be, at least ten million dollars;</u></p> <p><u>(4) The applicant's current or intended local and statewide economic involvement in this state;</u></p> <p><u>(5) The applicant's other current or intended contributions to this state, including promoting tourism.</u></p>	<p>The economic development factors listed currently for only type A sports gaming proprietors should also be applied to type B and type C proprietors, so that the Commission has additional factors to delineate applicants by and to ensure that the General Assembly's clear goal in ensuring economic development for these license types is met. A recent amendment was made to ensure that type B proprietors were not judged against a \$10 million standard for the total taxable income paid to employees, so proposed edits to (C)(3) are included to ensure that amendment is still respected while allowing the agency to have access to financial information that will assist in evaluating an applicant's overall suitability.</p>

<p>Page 183, Lines 5316-5320</p> <p>R.C. 3775.041(D)</p>	<p>Deletion of provision: (D) In the case of a type B sports gaming proprietor license, the Ohio casino control commission also shall consider whether the current or proposed locations of sports gaming facilities are distributed equitably among all regions of the state.</p>	<p>The recommendation is to remove this provision in its entirety because it is at conflict with other provisions of the bill, including the county population limitations and the preferences for professional sports organizations, making it difficult to enforce uniformly and potentially subjecting the State to litigation.</p>
<p>Page 184-185, Lines 5343-5355</p> <p>R.C. 3775.05(A)(2)(a)</p> <p>And</p> <p>Page 188, Lines 5451-5462</p> <p>R.C. 3775.051(A)(2)(a)</p> <p>*Not submitted previously*</p>	<p>Edit: (2)(a) The<u>If a professional sports organization is the holder of a type A sports gaming proprietor license that and is a member of a league, association, or organization that prevents the holder from being subject to the regulatory control of the Ohio casino control commission or from otherwise operating under the license, the professional sports organization</u> may contractually appoint a designee operator that is considered the mobile management services provider for all aspects of commission oversight and operating under the license. The sports gaming proprietor shall not have control over the mobile management services provider, and the mobile management services provider shall not have control over the sports gaming proprietor, as determined by the commission under division (C) of section 3775.03 of the Revised Code.</p> <p>And</p> <p>(2)(a) The<u>If a professional sports organization is the</u> holder of a type B sports gaming proprietor license that and is a member of a league, association, or organization that prevents the holder from being subject to the regulatory control of the Ohio casino control commission or from otherwise operating under the license, <u>the professional sports organization</u> may contractually appoint a designee operator that is considered the management services provider for all aspects of commission oversight and operating under the license. The sports gaming proprietor shall not have control over the management services provider, and the management services provider shall not have control over the sports</p>	<p>These provisions allowing organizations to avoid being subject to the commission’s regulatory control should be narrowly tailored and predicated on the license holder being a “professional sports organization,” as defined in R.C. 3775.01(H). The Commission believes the proposed edit aligns with the intent of this provision and helps avoid arguments from any “holder” of these license types that they are a member of some organization that prevents them from being subject to the Commission’s jurisdiction.</p>

	<p><u>gaming proprietor, as determined by the commission under division (C) of section 3775.03 of the Revised Code.</u></p>	
<p>Page 193, after Line 5619 After R.C. 3775.07(A)(2)</p>	<p>Addition: <u>(3) Notwithstanding any provision of this chapter to the contrary, a type C sports gaming host shall not be required to undergo a criminal background check or licensure suitability investigation as part of their licensure. Type C sports gaming hosts shall still undergo license investigations to determine their eligibility to obtain or maintain a license and to ensure their compliance with the other provisions of this chapter and rules adopted by the commission.</u></p>	<p>The current structure of the bill ensures that type C sports gaming hosts are not actually engaged in the business of sports gaming themselves, but are simply hosts for type C sports gaming proprietors. In fact, the legislation ensures that hosts will not be involved in any financial transactions related to sports gaming. Pages 207-208, Lines 6024-6026; R.C. 3775.13(B)(4). Therefore, removing criminal background checks and suitability investigations from these businesses is consistent with this intent, especially given the bills other strong protections in ensuring that type C proprietors are the only entities truly conducting sports gaming, while the hosts merely assist by allowing terminal placement. Moreover, these entities are already required to obtain and maintain a class D liquor permit, meaning the Department of Commerce’s Division of Liquor Control would have already conducted licensing reviews and authorized them to operate the establishments, subject to the jurisdiction of the Division of Liquor Control, the Department of Public Safety’s Ohio Investigative Unit, and the Liquor Control Commission. That being said, the hosts should still hold a license and be held to the Commission’s general regulation to ensure that they maintain their liquor licenses, are only operating in approved locations using approved type C proprietors and equipment, and do not run afoul of other provisions of the bill.</p>
<p>Page 200, After Line 5814 R.C. 3775.10(A)(15) *Not submitted previously*</p>	<p>Addition: <u>(16) Submit to the commission, at least once each license period, an audit of the sports gaming proprietor's information technology systems and security protocols prepared by a qualified, independent, and capable third party, as determined and in a manner approved by the commission.</u></p>	<p>In an age where data systems and security have become ubiquitous and of paramount importance, respectively, it is imperative to specifically require audits of information technology systems and security. This is especially true since proprietors and management services providers will be collecting a large amount of sensitive personal information and holding potentially large sums of electronic funds for Ohioans. Additionally, while the Commission believes it would have the innate authority to adopt rules on</p>

		<p>this subject, an explicit grant of authority here would be helpful, given the critical nature of these systems and the security of them.</p>
<p>Pages 208-209, Lines 6049-6062</p> <p>R.C. 3775.14(A)</p> <p>*Not submitted previously*</p>	<p>Edit: <u>(A) The Ohio casino control commission may exclude any individual from entering or accessing a sports gaming facility, or the grounds of a sports gaming facility, or an online sports pool, or from participating in the play or operation of sports gaming conducted by a sports gaming proprietor. The commission shall do so in a manner consistent with the purpose, standards, and authority established under section 3772.031 of the Revised Code and the emergency order procedures in section 3772.04 of the Revised Code. The commission shall keep a list of all excluded individuals and shall make that list available to each sports gaming proprietor. No individual who is on the Ohio casino control commission's exclusion list shall enter a sports gaming facility or the grounds of a sports gaming facility or participate in the play or operation of sports gaming conducted by a sports gaming proprietor. A sports gaming proprietor shall employ commercially reasonable methods to prevent an individual who is on the commission's exclusion list from engaging in sports gaming conducted by the sports gaming proprietor.</u></p>	<p>A governmental entity involuntarily excluding an individual from a private market is a serious and severe action. As such, the Commission supports adding some of the Casino Control Law's important guardrails and procedures to this provision. Specifically, the Commission requests adding references to R.C. 3772.031's existing involuntary exclusion purpose, standards, and authority as well as R.C. 3772.04's emergency order procedures. These additions will provide the Commission, stakeholders, and members of the general public with greater certainty about when an involuntary exclusion is appropriate and subject involuntary exclusions to strict and important due process standards.</p>
<p>Pages 212-213, Lines 6170-6172</p> <p>R.C. 3775.15(A)(1)(l)</p> <p>*Not submitted previously*</p>	<p><u>(l) Any other information that the commission receives from another jurisdiction relating to an applicanta person who holds, held, or has applied for a license under this chapter.</u></p>	<p>This is a technical amendment. The term "person" instead of "applicant" should be used here, as the provision applies to those persons applying for a license, as well as to those who currently hold or who have held a license.</p>
<p>Page 284, Lines 8230-8234</p> <p>Section 3</p>	<p>Edit: <u>The Ohio Casino Control Commission shall begin to accept applications for sports gaming proprietor licenses under Chapter 3775. of the Revised Code, as enacted by this act, within six months of the effective date of this act on January 1, 2022, and shall begin to issue those licenses within on April 1, 2022 ten months of the effective date of this Act.</u></p>	<p>The dates in this section were proposed when the bill was being contemplated for a June 30, 2021 passage. As such, the Commission is suggesting the specific dates in this section be replaced with a timetable that is in line with the timing previously contemplated. While the Commission believes this is an aggressive timetable given the ninety-day</p>

<p>*Not submitted previously*</p>		<p>window for the bill to become effective and the requirements of the rulemaking process, which often takes at least six months, the Commission believes the amended timetable is possible.</p>
<p>Page 287, Lines 8329-8335</p> <p>Section 7</p> <p>*Not submitted previously*</p>	<p>No edit recommended, but please see the reasoning column for some concerns the Commission has regarding proposals it has seen concerning mini esports-specific sportsbooks.</p> <p>(A) As used in this section, "esports event" means an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams.</p> <p>(B) It is the intent of the General Assembly to introduce comprehensive legislation governing wagering on esports events under Chapter 3775. of the Revised Code, as enacted by this act.</p>	<p>To the extent any proposal regarding legalizing mini esports-only sportsbooks is being considered, the Commission is concerned with the current proposal from the Esports Entertainment Group (EEG). In that proposal, EEG proposed putting these mini sportsbooks in LAN facilities throughout the state and purported that these facilities were and could be used for casual video game play, competitive tournaments, high school leagues, large group parties, and esports summer camps, as well as STEM programs, after-school programs, and on-site computer labs during school hours. The Commission believes blending gambling and youth learning or afterschool activities under one roof presents significant regulatory and policy concerns and, as such, is opposed to such a proposal. For more information on combating youth gambling, please see the Change the Game Campaign, a creation of Ohio for Responsible Gambling (a coalition of the Commission, the Lottery, and Mental Health and Addiction Services).</p>



August 11, 2021

Mr. Matthew Schuler
Executive Director
Ohio Casino Control Commission
100 E. Broad St., 20th Fl
Columbus, OH 43215

I'm writing to express support for the proposed amendment to HB29 regarding the statewide voluntary exclusion program. Ohio has long been the national leader regarding gambling support – after all, the world of gambling treatment began here.

While voluntary exclusion programs are commonplace in the legalized gambling environment, many states view it as simply a box to check and don't understand the importance of a robust program. Ohio is different! From the beginning, Ohio's voluntary exclusion program offered options to best meet the needs of Ohioans by having varying years of self-exclusion and allowing patrons to self-exclude both on and off-property. Over time the program has only improved by combining the casino and racino programs and by providing treatment resources.

As we look at further expanding legalized gambling in Ohio through sports wagering, we anticipate there will be a need to further modernize the statewide voluntary exclusion program and are confident that the provisions included in the proposed amendment will meet the needs of Ohioans today and in the future.

We value the partnership with the Ohio Casino Control Commission and look forward to continuing our work to mitigate the harm that results from expanded gambling.

Sincerely,

Derek Longmeier, MBA, OCPC, ICPS
Executive Director
Problem Gambling Network of Ohio
355 E. Campus View Blvd., Suite 285
Columbus, OH 43235

OHIO CASINO CONTROL COMMISSION



Mike DeWine
Governor

June E. Taylor
Chair

To: Leaders and Members of the General Assembly
From: Matthew T. Schuler, Executive Director
Date: August 13, 2021
Re: Request to Amend R.C. 2935.01(B)
Encl: Proposed Amendment to R.C. 2935.01(B)

The Ohio Casino Control Commission (“Commission”) is providing this attachment in support of its amendment request to R.C. 2935.01(B). As you know, the Commission is constitutionally charged with ensuring the integrity of casino gaming through licensing, regulatory compliance, and enforcement of the law. By statute, the Commission is a law-enforcement agency, and its gaming agents are law-enforcement officers. R.C. 3772.03(F). Further, gaming agents are peace officers certified by the Ohio Peace Officer Training Academy. R.C. 109.77(B)(1)(j) and R.C. 3772.01(K). Gaming agents have investigatory and arrest authority on all casino property as well as outside of the casino when enforcing the Casino Control Law and other gambling-related provisions. R.C. 3772.03(E) and (D). They are headquartered at Commission offices located at the four casinos and staff a 24/7 operation.

In fulfilling their duties, gaming agents routinely conduct investigations or respond to calls for service that result in physical harm or an imminent threat of physical harm to them. Local law-enforcement officers are often also present for these matters. Because of what appears to be a technical oversight when the enabling legislation for the Casino Control Law was enacted, however, an assault on the local law-enforcement officer could be charged as a felony and the same assault on the gaming agent could only be charged as a misdemeanor. This is due to the definition of *peace officer* in a separate Revised Code provision, R.C. 2935.01(B), which does not presently include gaming agents.

The Commission has already experienced firsthand the adverse effects of gaming agents not being included in the definition. One example is a 2017 case involving an individual who was located on casino property after having been issued a 24-hour ban by the casino. The individual became disorderly while being escorted out of the casino by security personnel. In response to a call for service, two gaming agents approached the individual who fled the scene. A nearby Cincinnati police officer was able to apprehend the fleeing individual who continued acting erratically and began resisting arrest. Recognizing this, the agents came to the officer’s aid, which ultimately led to the individual assaulting the agents (one was hit in the face below the eye and the other was hit in the head). The individual was later charged with two counts F-4 assault on peace officer, one count M-2 resisting arrest, one count M-4 criminal trespass, and one count M-4 disorderly conduct in Hamilton County, Ohio. The individual ended up pleading guilty to resisting arrest and criminal trespass and no contest to two counts of M-1 assault.

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The reduction from F-4 assault on peace officer to M-1 assault was not the result of ordinary plea negotiations. Instead, the Hamilton County Prosecutor's Office informed the Commission that gaming agents were omitted from the R.C. 2935.01(B) peace-officer definition, which is what the assault statute (R.C. 2903.13) uses for purposes of felonious assault on a peace officer. Thus, despite already being defined as peace officers by R.C. 3772.01(K) and required to have a peace-officer certification pursuant to R.C. 109.77(B)(1)(j), assaults on gaming agents can only be charged as misdemeanors. Meanwhile, those same assaults on local law enforcement, the House and Senate sergeants at arms, and fellow members of the State of Ohio Unit 2 Association (formerly known as the Fraternal Order of Police, Ohio Labor Council), such as liquor and tax enforcement agents, are deemed felonious. The simple difference being their inclusion and the gaming agent's omission from a single definition, the one found in R.C. 2935.01(B).

Earlier this year, a similar situation occurred just outside of the Cincinnati casino. A banned individual was located in the facility's parking garage and asked to leave by a property security guard. The individual began acting in an erratic and threatening manner and assaulted the guard. Two gaming agents, along with two special-duty officers, responded to the incident. In so doing, the individual punched one of the agents, leading to a struggle between the two during which the individual attempted to grab the agent by the throat. The individual was ultimately arrested without further incident and charged with several misdemeanors. A felonious-assault charge could not be pursued, though, since the harm was inflicted upon an agent and not one of the special-duty officers; a result unlikely intended by the General Assembly when enacting the Casino Control Law.

These are only two of several examples the Commission's gaming agents have faced over the years. Correcting this technical oversight through a minor amendment to R.C. 2935.01(B) would ensure that gaming agents are treated the same as their other law-enforcement colleagues. To be sure, the proposal itself has not been controversial and has experienced a high degree of support over the last two General Assemblies. For instance, this language was added, without objection, to Substitute House Bill 236 during the 133rd General Assembly while assigned to the Senate Judiciary Committee. That bill ultimately passed the Senate 22-9 on December 22, 2020, but unfortunately ran out of time for the House of Representatives to concur on the amended substitute version. Most recently, with support of the bill's sponsor, Senator Tim Schaffer, the same proposal was amended into Senate Bill 16 ("SB 16") while assigned to the Senate Judiciary Committee this General Assembly, which cleared the Senate by a vote of 33-0 on June 2, 2021. It is now assigned to the House Criminal Justice Committee, but has not yet had a hearing. So, while the Commission is continuing to push for passage of SB 16, the agency is looking to help its peace officers as soon as possible, and Amended House Bill 29 presents just such a possibility.

With this background, the Commission respectfully requests your consideration of the enclosed amendment. We look forward to answering any questions you may have and appreciate your time and consideration.

Amendment

Amend the definition of a peace officer in division (B) to include Commission gaming agents. The proposed language is underlined and in red below.

R.C. 2935.01

(B) "Peace officer" includes, except as provided in section 2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract pursuant to section 737.04 of the Revised Code; member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code; member of a police force employed by a regional transit authority under division (Y) of section 306.05 of the Revised Code; state university law enforcement officer appointed under section 3345.04 of the Revised Code; enforcement agent of the department of public safety designated under section 5502.14 of the Revised Code; employee of the department of taxation to whom investigation powers have been delegated under section 5743.45 of the Revised Code; employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest-fire investigator appointed pursuant to section 1503.09 of the Revised Code, a natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code; individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; veterans' home police officer appointed under section 5907.02 of the Revised Code; special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; police constable of any township; police officer of a township or joint police district; a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code; an assistant house of representatives sergeant at arms; the senate sergeant at arms; an assistant senate sergeant at arms; officer or employee of the bureau of criminal identification and investigation established pursuant to section 109.51 of the Revised Code who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the officer's or employee's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who is providing assistance upon request to a law enforcement officer or emergency assistance to a peace officer pursuant to section 109.54 or 109.541 of the Revised Code; a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code; a gaming agent, as defined in section 3772.01 of the Revised Code; and, for the purpose of arrests within those areas, for the purposes of Chapter 5503. of the Revised Code, and the filing of and service of process relating to those offenses witnessed or investigated by them, the superintendent and troopers of the state highway patrol.