

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2012-54

ADMINISTRATIVE RULES – ADOPTION & FINAL FILE

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

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

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

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

- (A) Preventing practices detrimental to the public interest;
- (B) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;
- (C) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in R.C. 3772.20, and requiring gaming devices and equipment to meet the standards of the state of Ohio;
- (D) Tournament play in the casino facilities;
- (E) Establishing and implementing a Voluntary Exclusion Program that, among other things, requires a casino operator to make all reasonable attempts, as determined by the Commission, to cease all direct marketing efforts to a person participating in the Program;
- (F) Adopting standards regarding the marketing materials of licensed casino operators, including allowing the Commission to prohibit marketing materials that are contrary to the adopted standards;
- (G) Requiring that the records of any casino operator, management company, holding company, and gaming-related vendor be maintained in the manner prescribed by the Commission and made available for inspection upon demand by the Commission, subject to R.C. 3772.16;

- (H) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;
- (I) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in R.C. Chapter 5753;
- (J) Establishing means of assisting the Tax Commissioner in levying and collecting the gross casino revenue tax levied under R.C. 5753.02;
- (K) Establishing standards for decertifying contractors that violate statutes or rules of the state of Ohio or the United States;
- (L) Establishing standards for the repair of casino gaming equipment; and
- (M) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under R.C. Chapter 3772;

WHEREAS, on January 18 and February 1, 2012, the Commission approved for original filing the following proposed administrative rules (“Administrative Rules”):

- (A) A.C. Chapter 3772-4 Application for License (Casino Operator)
 - (1) 3772-4-10 Standards for contractors of casino operators.
 - (2) 3772-4-11 Computation of gross casino revenue; assisting the tax commissioner.
- (B) A.C. Chapter 3772-9 Gaming Supplies, Devices and Equipment
 - (1) 3772-9-08 Movement of electronic gaming equipment within a casino facility.
 - (2) 3772-9-09 Removal of electronic gaming equipment from the casino facility’s gaming floor.
 - (3) 3772-9-10 Electronic gaming equipment maintenance, repair or other servicing standards.
 - (4) 3772-9-11 Remote systems access.
- (C) A.C. 3772-10 Minimum Internal Control Standards
 - (1) 3772-10-08 Slot machine meter readings and related statistical reports.
 - (2) 3772-10-23 Credit.
 - (3) 3772-10-25 Unclaimed winnings.
- (D) A.C. 3772-11 Table Games
 - (1) 3772-11-01 Definitions.
 - (2) 3772-11-02 Table game internal controls.
 - (3) 3772-11-03 Approval of table games.

- (4) 3772-11-04 Prohibition on table game play by casino operator employees and gaming-related vendors.
- (5) 3772-11-05 Purchases from authorized gaming-related vendors.
- (6) 3772-11-06 Shipment of table games and table game mechanisms.
- (7) 3772-11-07 Receipt of gaming chips from manufacturer.
- (8) 3772-11-08 Compliance with law; prohibited activities.
- (9) 3772-11-09 Publication of rules and payoff schedules for all permitted games.
- (10) 3772-11-10 Waiver of requirements.
- (11) 3772-11-11 Chip specifications.
- (12) 3772-11-12 Submission of chips for review and approval.
- (13) 3772-11-13 Primary, secondary, and reserve sets of gaming chips.
- (14) 3772-11-14 Exchange of value chips or non-value chips.
- (15) 3772-11-15 Inventory of chips.
- (16) 3772-11-16 Destruction of chips.
- (17) 3772-11-17 Counterfeit chips.
- (18) 3772-11-18 Tournament chips and tournaments.
- (19) 3772-11-19 Handling chips.
- (20) 3772-11-20 Dice specifications.
- (21) 3772-11-21 Dice; receipt, storage, inspections, and removal from use.
- (22) 3772-11-22 Table game and poker cards; specifications.
- (23) 3772-11-23 Table game cards; receipt, storage, inspections, and removal from use.
- (24) 3772-11-24 Mandatory table game count procedure.
- (25) 3772-11-25 Handling of cash at gaming tables.
- (26) 3772-11-26 Table inventory.
- (27) 3772-11-27 Opening of gaming tables.
- (28) 3772-11-28 Closing of gaming tables.
- (29) 3772-11-29 Payout for progressive table games.
- (30) 3772-11-30 Procedures for manually filling chips from cage to tables; form procedures.
- (31) 3772-11-31 Procedures for automated filling of chips.
- (32) 3772-11-32 Procedures for recording manual table credits.
- (33) 3772-11-33 Automated table credits.
- (34) 3772-11-34 Table game layouts.
- (35) 3772-11-35 Required personnel for specific table games.
- (36) 3772-11-36 Instructional table games offered to public.
- (37) 3772-11-37 Minimum and maximum table game wagers.
- (38) 3772-11-38 Dealer and boxperson hand clearing.
- (39) 3772-11-39 Table games jackpot; employee pocketbooks.
- (40) 3772-11-40 Poker room; general.
- (41) 3772-11-41 Poker room; supervision.
- (42) 3772-11-42 Poker room; banks and transactions.
- (43) 3772-11-43 Procedures for monitoring and reviewing game operations.

(E) A.C. Chapter 3772-13 Advertising

- (1) 3772-13-01 Definitions.
- (2) 3772-13-02 Advertising; promotion of responsible gaming.
- (3) 3772-13-03 Promotional activities.

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

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

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

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

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

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

WHEREAS, on February 27 and March 2, 2012, the Commission’s staff electronically filed the Administrative Rules and the public hearing notices with SoS, LSC, and JCARR;

WHEREAS, on March 29 and April 2, 2012, the Commission held public hearings on the Administrative Rules;

WHEREAS, on April 16, 2012, JCARR held a public hearing on the Administrative Rules;

WHEREAS, on May 2 and 6, 2012, JCARR’s jurisdiction over the Administrative Rules ended, providing the Commission with the authority to adopt them;

WHEREAS, the Commission considered the matter at its public meeting on May 9, 2012;

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

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

Adopted: May 9, 2012