

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Casino Control Commission (“Commission”)

Regulation/Package Title: Ohio VEP (Responsibilities of casino operators; Compulsive and problem gambling plan.)

Rule Number(s): 3772-12-04; 3772-12-06.

Date: June 25, 2018

Rule Type:

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

This package includes rules relating to the new Ohio Voluntary Exclusion Program (“Ohio VEP”): a joint undertaking by the Casino Control Commission and the Lottery Commission to create a streamlined program for individuals who wish to voluntarily exclude themselves from all casinos and video lottery terminal facilities in this state. The Ohio VEP will allow an individual to sign up at one location and immediately and easily exclude themselves from all eleven casino and video lottery terminal facilities. Many of the amendments are small housekeeping changes to clarify, streamline, or simplify rule language based on past experience and stakeholder comment.

- **3772-12-04 (amendment) – titled “Responsibilities of excluded facilities.”** This rule prescribes the minimum responsibilities of casino operators to ensure compliance with the

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

VEP. The amendments provide slight changes to the responsibilities of excluded facilities under the jurisdiction of the Commission pursuant to the creation of the Ohio VEP. The first amendment reflects a change in how the Commission provides the list of individuals participating in the program to casino operators and requires that casino operators check and update their database with changes to the list within seven days. The next amendment clarifies the notification requirements for when an excluded person is found on the premises of a casino, requiring casino operators to immediately notify the applicable commission employee, and then follow up with additional information within seventy-two hours. This is already existing practice. Finally, the amended rule makes some streamlining changes, stripping out specifics and allowing each excluded facility to create its own problem gambling plan created under rule 3772-12-06, with which the casino operator must comply. The purpose of this rule is to ensure that casino operators help combat compulsive and problem gambling.

- **3772-12-06 (amendment) – titled “Compulsive and problem gambling plan.”** This rule details the procedures that must be included in each casino operator’s compulsive and problem gambling plan, including procedures regarding the implementation and enforcement of the voluntary exclusion program, the provision of responsible gambling materials to patrons, and the casino operator’s commitment to preventing underage gambling and gambling by persons who are impaired by drugs or alcohol. The amended rule moves some of these procedures from 3772-12-04 to 3772-12-06, creating one rule regarding internal procedures. Additionally, there are minor amendments that seek to combine, simplify, and streamline language. The purpose of this rule is to ensure that casino operators are aiding the Commission in productively combatting compulsive and problem gambling.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

R.C. 3772.01; 3772.03; 3772.18.

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

Not applicable.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

This question does not apply to these amendments because the federal government does not regulate casino gaming in this state. Rather, casino gaming is permitted pursuant to Article XV, Section 6(C) of the Ohio Constitution and is controlled by Ohio’s Casino Control Act (i.e., R.C. Chapter 3772).

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Article XV, Section 6(C) of the Ohio Constitution and/or R.C. Chapter 3772 require the Commission to ensure the integrity of casino gaming and to prescribe rules for how casino gaming should be conducted, with an emphasis on responsible gambling. To ensure the integrity of casino gaming, it is imperative to protect casino patrons and to ensure that all casinos are promoting responsible gambling and implementing the statutorily required voluntary exclusion program. These rules and the proposed amendments are designed to continue to effectuate this constitutional and statutory mandate.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Overall, the Commission will measure the success of these amended rules in terms of whether they help to ensure the integrity of casino gaming. This can be done in two ways: First, through evaluating whether the administrative cost of implementing and enforcing the proposed rules outweighs their public benefit. Second, through analyzing the regulated community's comments about requests for waivers or variances from these rules once they are implemented.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

Casino Operators

- Penn National Gaming, Inc. (Hollywood Casinos Columbus and Toledo)
- JACK Entertainment, LLC (JACK Cincinnati and Cleveland Casinos)

Stakeholders were provided an opportunity to comment on the amendments via e-mail on June 7, 2018. A copy of the email is attached as Attachment A. Comments were requested to be submitted by 4:00 PM on June 10, 2016 and were also accepted after the deadline. Additionally, stakeholders had the opportunity to comment during the Commission's public meeting on June 20, 2018.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The Commission received written comments from JACK Cleveland Casino and Penn National regarding the proposed changes. (Attachments B and C). The Commission incorporated some of these comments into the current draft, helping to streamline and reduce redundant language. The Commission also held a phone call with JACK Cleveland and an in-person meeting with the Hollywood casinos to have an open dialogue regarding their

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

comments and specifically to explain why two of the comments were not incorporated. This is discussed more fully in the response to Question 14(C) below.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

This question does not apply to these amendments because no scientific data was necessary to develop or measure their outcomes. Instead, the Commission staff reviewed how other jurisdictions approached responsible gambling, particularly voluntary exclusions. Further, Commission staff considered whether existing rules were the most efficient means by which to maintain the integrity of casino gaming and whether any waivers or variances had been requested and granted to the regulated community. In so doing, the Commission was able to use, as much as possible, rules the regulated community is accustomed to within the industry, with minor adaptations to remain in compliance with Ohio law.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Commission staff reviewed the rules adopted in other jurisdictions, including Kansas, Maryland, and New Jersey. Further, the Commission staff considered whether any waivers or variances to existing rules had been requested and granted. The rules and their amendments are modeled after the rules used in other jurisdictions with adaptations made for Ohio law.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

These amendments are not performance-based because they govern responsible gambling and specifically the Voluntary Exclusion Program. However, Ohio Adm. Code 3772-1-04 allows the casino operators and gaming-related vendors to seek waivers and variances from these rules, which the Commission will evaluate on a case-by-case basis and may grant, as long as it determines that doing so is in the public's best interest. Past performance of a casino may be considered in determining whether a waiver from any specific provisions of these rules could be granted.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

This question does not apply to the majority of these amendments because no other regulations, in these areas, currently exist with respect to casino gaming in this state, over which the Commission has sole authority. However, as this package amends existing administrative rules, several within the package bring clarity to requirements in R.C. Chapter 3772. and Ohio Adm. Code 3772 to avoid duplication or conflict.

13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The amendments in this package largely relate to responsible gambling and specifically voluntary exclusions. Many of these are handled by the Commission’s Manager of Problem Gambling Services and/or legal staff at Commission headquarters. Further, to ensure ongoing compliance with all amendments in this package, there are gaming agents and financial auditors observing, evaluating, and investigating casino operations on site. Any issues that arise at the facilities are funneled to the Commission’s central office in Columbus, Ohio, where the Manager of Problem Gambling Services and/or legal staff work with the Executive Director to coordinate a consistent response and conduct outreach to the regulated community.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

Those engaged in the industry of casino gaming in the State of Ohio, specifically casino operators, management companies, and holding companies.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

The nature and potential adverse impact from these amendments includes costs for employee time and payroll, as well as fines for noncompliance.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

- **3772-12-04 (amendment)**, titled “Responsibilities of casino operators.” This rule prescribes the minimum responsibilities of casino operators to ensure compliance with the VEP. The purpose of this rule is to ensure that casino facilities help combat compulsive and problem gambling. The amendments to this rule are fully described in question one, above.

The Commission does not anticipate a negative impact on business from the amendments to this rule. The rule implements several statutory requirements regarding responsible gambling and the Voluntary Exclusion Program found in R.C. 3772.01, 3772.03, and 3772.18. The amendments to the rule help streamline the Administrative Code and codify existing practices. The one change that evoked stakeholder comment to this rule was the articulation of the requirement that casino operators must update their system at least

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

once every seven days with changes to the enrollment status of individuals. Commission staff held a phone call with the concerned stakeholder, JACK Cleveland Casino, and after discussion, an additional change to the language was made, which appeared to alleviate JCL's concerns. Further, Commission staff assured JCL that its existing procedures were sufficient to meet this standard already.

- **3772-12-06 (amendment)**, titled “Compulsive and problem gambling plan.” This rule details the procedures that must be included in each casino operator’s compulsive and problem gambling plan. The amended rule moves some of these procedures from 3772-12-04 to 3772-12-06, creating one rule regarding internal procedures. The purpose of this rule is to ensure that casino operators are aiding the Commission in productively combatting compulsive and problem gambling.

The Commission anticipates a minimal adverse impact on business from this amendment that is justified by the importance of responsible casino gaming. This rule allows the Commission to carry out its duty under R.C. 3772.03(D)(10) to manage a problem gambling program in the State of Ohio. Further, many of the amendments to this rule streamline language and remove duplicative requirements of casino operators—some of which were removed as a result of stakeholder comment.

Some comments received from JCL and Hollywood Casinos Columbus and Toledo were not incorporated. The first was a comment asking the Commission to reduce the casino operators’ duties to only prevent an excluded person from participating in casino gaming, rather than from entering the facility. The Commission considered this request, but recognized that, by statute (R.C. 3772.03(D)(10)(a)), excluded persons agree to *refrain from entering a casino facility*, not just from participating in casino gaming. Moreover, every casino operator’s existing internal controls have some sort of procedure to prohibit these persons from even entering the facility, which is sufficient for compliance with this language. In subsequent meetings, all stakeholders understood why the Commission did not incorporate this change.

The stakeholders’ second comment was a suggestion to remove the requirement for an annual update by a casino operator to the Commission regarding the casino operator’s compulsive and problem gambling plan. The annual report is an existing requirement, to which the stakeholders have already complied. While this compilation may have a small business impact, it is justified in that it helps casino operators and Commission staff review the full year of compliance and allows casino operators and Commission staff to easily look back at trends from year to year. This information is helpful to the continuous development of effective and accessible responsible and problem gambling programs in Ohio. Given the importance of what the Commission is asking the casino operators to review through this compilation, any potential adverse impact is greatly outweighed by the public good. Additionally, in subsequent meetings with those stakeholders, both understood why the Commission did not accept the change.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Responsible gaming is of the utmost importance. Offering their product to those who can consume it responsibly is the only manner in which casino operators should function. To do so otherwise could have lasting harmful impacts on many individuals and would cause harm to a casino operator's reputation. Moreover, responsible gaming is already emphasized within the casino industry, so state regulations requiring these practices are not novel concepts. Given the Commission's mandate to ensure the integrity of casino gaming, responsible gaming is its top priority. The rules in this package are necessary to achieve this objective, are not new to the casino operators, and are justified by their positive impact to the community.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

Yes (indirectly), though it is unlikely this will be necessary since these proposed regulations only impact businesses in the casino industry, few of which likely constitute a small business. These amendments indirectly provide exemption or alternative means of compliance through Ohio Adm. Code 3772-1-04, which permits the Commission, upon written request, to grant waivers and variances from the rules adopted under R.C. Chapter 3772., including these rules, if doing so is in the best interest of the public and will maintain the integrity of casino gaming in the State of Ohio.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Though it is unlikely R.C. 119.14 will apply to these amendments because the rules only impact businesses in the casino industry, none of which likely constitute a small business, the Commission will adhere to the statutory requirements, if applicable.

To the extent R.C. 119.14 would apply to a violation of these amendments, the Commission will provide verbal and written notification to the small business in an attempt to correct the paperwork violation. Thereafter, the Commission would allow the small business a reasonable time to correct the violation. The Commission and its staff would also offer any additional assistance necessary to aid in remediation of the violation. No further action would be taken unless the small business fails to remedy the violation within the reasonable time allotted by the Commission.

18. What resources are available to assist small businesses with compliance of the regulation?

The Commission and its staff are dedicated to working with members of the regulated community and the public to effectively and efficiently regulate casino gaming in this state. As a result, the following resources are available:

- Commission's mailing address:
100 E. Broad Street, 20th Floor
Columbus, Ohio 43215
- Commission's toll free telephone number: (855) 800-0058
- Commission's fax number: (614) 485-1007
- Commission's website: <http://www.casinocontrol.ohio.gov/>
- Commission's email: info@casinocontrol.ohio.gov

Also, all members of the regulated community and public may, in accordance with rule 3772-2-04, request to address the Commission during a public meeting. Finally, all members of the regulated community may, pursuant to rule 3772-1-04, request waivers and variances from Commission regulations.

Cox, William

From: Blackford, Amanda
Sent: Thursday, June 07, 2018 12:14 PM
To: Lisa Powers; Robert Wamsley; Porter, Samuel; Lynne Mackin; Jessica McGrady (Jessica.McGrady@pngaming.com); Cynthia Hays
Cc: Oyster, Matt; Anthony, Rick; Schuler, Matt; Siba, Michelle; Cox, William; Sepnafski, Kaile; Tricarichi, Carla; Russo, Karen; Sliwinski, Michael
Subject: VEP Rules for Initial Approval as June 2018 Commission Meeting
Attachments: 3772-12 revised Clean.docx

Good Afternoon RCOs,

Attached, please find proposed amendments to the voluntary exclusion rules: Ohio Adm. Code 3772-12-01 through 12-07. All of these changes are intended to expand our current program to join with the Ohio Lottery's new VEP program. We do not anticipate these rules will change your current practices and procedures with regards to the handling of voluntarily excluded individuals on property. Please share them with your teams and **provide any comments to me, in writing, by 4:00 PM on Monday, June 10th**. We apologize for the quick turnaround needed on these rules, and thank you in advance for your cooperation. The Commission will consider these rules for initial approval, including changes made as a result of comments received from you, at the June 20 public meeting.

If you have questions, please do not hesitate to call me.

Thank you all,

Amanda



Amanda Blackford

Manager of Problem Gambling Services
Ohio Casino Control Commission
(614) 387-5693

Cox, William

From: Blackford, Amanda
Sent: Monday, June 11, 2018 9:39 AM
To: Cox, William
Subject: FW: VEP Rules for Initial Approval as June 2018 Commission Meeting
Attachments: 3772-12 revised Clean - comments 2.docx

Follow Up Flag: Follow up
Flag Status: Completed



Amanda Blackford

Manager of Problem Gambling Services
Ohio Casino Control Commission
(614) 387-5693

From: Ed Dick [mailto:EdDick@jackentertainment.com]
Sent: Friday, June 08, 2018 10:23 AM
To: Lisa Powers <LisaPowers@jackentertainment.com>; Blackford, Amanda <Amanda.Blackford@casinocontrol.ohio.gov>
Cc: Cynthia Hays <CynthiaHays@jackentertainment.com>; Robert Wamsley <RobertWamsley@jackentertainment.com>; Eric Skalski <EricSkalski@jackentertainment.com>; JCL-COMPLIANCE <JCL-COMPLIANCE@jackentertainment.com>
Subject: RE: VEP Rules for Initial Approval as June 2018 Commission Meeting

Good Morning Amanda,

Attached are the rule revisions with additional mark-ups and comments, one substantive comment in OAC 3772-12-04(B), and adjustments to rule references in OAC 3772-12-05(D)(3) and OAC 3772-12-07(D).

Thank you again for the opportunity to provide feedback. Please let us know if we can provide anything else.

Respectfully,

Ed

ED DICK

COMPLIANCE MANAGER

D: 216-297-4984

M: 216-401-6710

EdDick@jackentertainment.com



100 PUBLIC SQUARE, CLEVELAND, OH, 44113

WWW.JACKENTERTAINMENT.COM

MAIN: 216-297-4777

From: Lisa Powers
Sent: Thursday, June 07, 2018 5:32 PM

To: Amanda.Blackford@casinocontrol.ohio.gov
Cc: Cynthia Hays <CynthiaHays@jackentertainment.com>; Robert Wamsley <RobertWamsley@jackentertainment.com>; Eric Skalski <EricSkalski@jackentertainment.com>; JCL-COMPLIANCE <JCL-COMPLIANCE@jackentertainment.com>
Subject: RE: VEP Rules for Initial Approval as June 2018 Commission Meeting

Hi Amanda,

Thank you for the opportunity to provide feedback. Attached are the rule revisions with some mark-up and comments for consideration and additional support for a suggested revision.

Please let us know if you have any questions or require additional information.

Thank you,
Lisa

LISA POWERS
DIRECTOR OF COMPLIANCE
D: 216-297-4798
M: 513-667-4506
LISAPOWERS@JACKENTERTAINMENT.COM



100 PUBLIC SQUARE, CLEVELAND, OH, 44113
WWW.JACKENTERTAINMENT.COM
MAIN: 216-297-4777

From: Amanda.Blackford@casinocontrol.ohio.gov [<mailto:Amanda.Blackford@casinocontrol.ohio.gov>]
Sent: Thursday, June 07, 2018 12:14 PM
To: Lisa Powers <LisaPowers@jackentertainment.com>; Robert Wamsley <RobertWamsley@jackentertainment.com>; Porter, Samuel <Samuel.Porter@pngaming.com>; Lynne Mackin <lynne.Mackin@pngaming.com>; Jessica McGrady (Jessica.McGrady@pngaming.com) <Jessica.McGrady@pngaming.com>; Cynthia Hays <CynthiaHays@jackentertainment.com>
Cc: Matt.Oyster@casinocontrol.ohio.gov; Rick.Anthony@casinocontrol.ohio.gov; Matt.Schuler@casinocontrol.ohio.gov; Michelle.Siba@casinocontrol.ohio.gov; William.Cox@casinocontrol.ohio.gov; Kaile.Sepnafski@casinocontrol.ohio.gov; Carla.Tricarichi@lottery.ohio.gov; Karen.Russo@lottery.ohio.gov; Michael.Sliwinski@lottery.ohio.gov
Subject: VEP Rules for Initial Approval as June 2018 Commission Meeting

Good Afternoon RCOs,

Attached, please find proposed amendments to the voluntary exclusion rules: Ohio Adm. Code 3772-12-01 through 12-07. All of these changes are intended to expand our current program to join with the Ohio Lottery's new VEP program. We do not anticipate these rules will change your current practices and procedures with regards to the handling of voluntarily excluded individuals on property. Please share them with your teams and **provide any comments to me, in writing, by 4:00 PM on Monday, June 10th**. We apologize for the quick turnaround needed on these rules, and thank you in advance for your cooperation. The Commission will consider these rules for initial approval, including changes made as a result of comments received from you, at the June 20 public meeting.

If you have questions, please do not hesitate to call me.

Thank you all,

Amanda



Amanda Blackford

Manager of Problem Gambling Services
Ohio Casino Control Commission
(614) 387-5693

Click [here](#) to report this email as spam.

3772-12-01 Scope and purpose of the Ohio voluntary exclusion program.

(A) The purpose of this chapter is to help curtail compulsive and problem gambling in the state of Ohio by combining the voluntary exclusion program operated by the Commission, created pursuant to section 3772.03 of the Revised Code, with the voluntary exclusion program operated by the Ohio Lottery Commission, created pursuant to section 3770.03 of the Revised Code. As used in this chapter, the combined voluntary exclusion programs shall be referred to as the “Ohio voluntary exclusion program” or “Ohio VEP.” This chapter is to be read in tandem with chapter 3770:2-8 of the Administrative Code.

(B) 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 “excluded facilities.” Except as described in rule 3772-12-07 of the Administrative Code, no person shall be able to voluntarily exclude themselves from solely either the casino facilities or the video lottery terminal facilities.

(C) Nothing in this chapter shall 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.

3772-12-02 Application for Ohio voluntary exclusion.

(A) An application to participate in the Ohio VEP is available for completion at all Ohio casino facilities and video lottery terminal facilities. If an individual is unable to appear in person at any of these facilities to complete an application, the individual may contact staff from the Ohio lottery commission or the Ohio 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.

(C) As part of the request for voluntary exclusion, 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 3772-12-05(C).

(D) After receipt of a completed and unaltered application for the Ohio voluntary exclusion, 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) If, at any time while an individual is completing an application to join the Ohio VEP, they appear to be doing so involuntarily or otherwise impaired, their application shall be rejected.

(F) After an individual's request for voluntary exclusion 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.

Commented [LP1]: Should this specify it would be the commission's staff of the applicable commission (the one that was present for the completion of the form)?

3772-12-03 Responsibilities of voluntarily excluded individuals.

(A) Participants in the Ohio VEP agree to abide by all terms listed in the 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 or attempting to participate in any wagering activity offered at any of those facilities.

(B) Participants in the Ohio VEP who violate the terms of the VEP at a casino facility shall 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 at the excluded facility for deposit in the state problem gambling and addictions fund.

Commented [LP2]: Should this say “casino” to align with establishing excluded facilities as both per 3772-12-01(B)?

(C) Participants in the Ohio VEP shall agree to forfeit all points or complimentary earned by the individual on or before the date the individual completed their application for the Ohio voluntary exclusion program. However, if at the time the individual completed the application, the individual is owed a cash amount from an excluded facility, the individual still has the right to receive that amount from the facility, even after placement on the voluntary exclusion program. To the extent that complimentary or points described above may be redeemed for cash under the 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.

Commented [LP3]: Should this refer to 3772-12-05(C) for the lifetime minimum duration in case this rule is read by itself?

(F) An Ohio VEP participant may always request to increase their length of exclusion.

3772-12-04 Responsibilities of excluded facilities.

(A) This section shall only apply to excluded facilities under the jurisdiction of the Ohio casino control commission. Each excluded facility shall maintain a system for indicating whether an individual is in the Ohio VEP and shall have approved procedures to update the system with changes in the enrollment status of those individuals at least once every ~~seven-fifteen~~ days.

(B) The excluded facility shall immediately notify the applicable commission employee if an Ohio VEP participant is found on the premises of the facility. Within seventy-two hours of the incident, the facility shall 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; and
- (4) the individual's gaming activity, if any.

(C) Each excluded facility shall comply with the compulsive and problem gambling plan established under rule 3772-12-06 of the Administrative Code.

(D) Nothing in this chapter shall prohibit an excluded 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 in the Ohio VEP.

Commented [LP4]: We suggest this revision to maintain the integrity and quality of the information and to ensure a reasonable standard for updating information is in place. Please see attachment for further explanation of the processing of VEP entries/removals.

Also, this revision will align with the rule below in OAC 3772-12-06 that requires procedures for prevention of mailing marketing materials within fifteen days, which is the same process as entering/removing VEPs in the system:
(3) 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

Commented [ED5]: Does "applicable commission" apply here due to paragraph (A) of the same section specifically referencing casino control commission facilities?

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 list 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;

(3) Once the program described in paragraph ~~(C)~~(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) Requested and completed an unaltered request for removal.

Commented [ED6]: Adjusted the paragraph reference from C to D.

Commented [ED7]: Adjusted to lower case

3772-12-06 Compulsive and problem gambling plan.

(A) Each casino operator shall provide to the commission a compulsive and problem gambling plan for commission approval. Each plan shall, 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:~~

~~(a1) Procedures preventing employees from permitting an individual in the Ohio VEP from entering the facility;~~

~~(b2) Procedures identifying and removing individuals in the Ohio VEP from the facility;~~

~~(c3) 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;~~

~~(d4) 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;~~

~~(e5) Procedures for ensuring the confidentiality of the identity and the information of the Ohio VEP participants; and~~

~~(f6) Any other procedure required by the applicable commission, executive director, or designee thereof.~~

~~(4b) The commitment of the casino operator to train appropriate employees;~~

~~(5e) The duties and responsibilities of the employees designated to implement or participate in the plan;~~

~~(6d) The responsibility of patrons with respect to responsible gambling;~~

~~(7e) Procedures for compliance with the Ohio VEP;~~

~~(8f) Procedures to identify patrons and employees with suspected or known compulsive and problem gambling behavior, including procedures specific to loyalty and other rewards and marketing programs;~~

~~(9g) Procedures for providing information to individuals regarding the Ohio VEP and community, public and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members, including for providing the information upon the request of a patron or employee;~~

Commented [LP8]: These appear to be duplicative for 3772-12-06-(A)(3).

Commented [LP9]: Recommend revising this to align with the current OAC 3772-12-04(B)(1) *Procedures to prevent employees from permitting an individual on the voluntary exclusion list from engaging in gambling activities at the casino facility*. Replacing “casino” in this instance with “excluded” for purposes of the new rule.

Commented [LP10]: This can probably be combined with 3772-12-06(A)(2)

Commented [LP11]: Is this already inherent in this section?

(10~~h~~) The provision of printed material to educate patrons and employees about compulsive and problem gambling and to inform them about the Ohio VEP and treatment services available to compulsive and problem gamblers and their families. The applicant shall provide examples of the materials to be used, including, brochures and other printed material and a description of how the material will be disseminated to commission staff;

Commented [LP12]: These rules could probably be combined.

(11~~i~~) Advertising and other marketing and outreach to educate the general public about the Ohio VEP and compulsive and problem gambling;

(12~~j~~) 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 to verify that each employee has completed the training required by the plan;

Commented [LP13]: This can probably be combined with: The commitment of the casino operator to train appropriate employees.

(13~~k~~) Procedures to prevent underage gambling;

(14~~l~~) Procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling; and

(15~~m~~) The plan for posting signs within the casino facility, containing information on gambling treatment and on the Ohio VEP, including examples of the language and graphics to be used on the signs;

(16~~n~~) A list of community, public, and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members; and

Commented [LP14]: This could also be combined with paragraphs 9 and 10 (mark-up numbers).

(17~~o~~) Any other information, documents, and policies and procedures that the commission requires.

(B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under this rule, including any information that the casino operator has received related to bankruptcy, divorce, crime, and attempted suicide related to gambling at a casino facility.

Commented [LP15]: The annual report provided in Q1 is a restatement of the prior year's quarterly reports for Q1-Q4. Is there other information that should be included in one and not the others, or is this a redundancy that could be considered for removal?

3772-12-07 Voluntary exclusions prior to January 1, 2019.

(A) This rule applies only to those individuals who submitted their application to join the commission's voluntary exclusion program prior to January 1, 2019, and have not yet sought removal from the program.

Commented [LP16]: Should it elaborate which commission here?

(B) These individuals may continue their participation and voluntary exclusion from the four casino facilities in the state of Ohio. The application for voluntary exclusion signed by the individual at the time of enrollment shall govern participation.

(C) These individuals may submit an application to join the Ohio VEP, 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 properties.

Commented [LP17]: Facilities?

(D) Notwithstanding any rules to the contrary or the terms of the application to join the voluntary exclusion program prior to January 1, 2019, 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 of the Administrative Code.

Commented [ED18]: Adjusted the paragraph reference from C to D.

We suggest this revision to maintain the integrity and quality of the information and to ensure a reasonable standard for updating information is in place.

Our current procedures are in accordance with OAC 3772-12-04(B) to ensure we update CMP (player tracking system) with entries/removals in a reasonable timeframe. As outlined in our Responsible Gaming plan, the JACK properties are responsible for entering/removing VEPs in CMP on a weekly basis. Procedurally, we pull the list from the website weekly for the entries/removals, which mirrors the process when the information was sent to the properties by the OCCC weekly. The entries/removals are completed within 1-3 days (depending on the number of individuals on the list and holidays/time off), notwithstanding inaccuracies from prior CMP entries, the VEP list, and human error identified in the monthly audit.

The inaccuracies referred to above affect the processing time for entries for the following reasons: we find existing accounts in CMP with conflicting information, no account in CMP (which will be increasingly likely with Ohio lottery sign-ups who have never visited the casinos), or duplicate accounts. To ensure the accuracy of this information, we have implemented additional internal procedures. If we have a similar account with a different DOB, DL, etc., we email Amanda directly to confirm the information to avoid banning/reinstating a different individual or otherwise accidentally creating a duplicate account (if we instead just assumed they were different individuals). In addition, if we cannot locate an account, we have another layer in place, using a different Compliance team member to complete a search for those accounts first so we do not errantly create a duplicate account. Once confirmed that someone else could not locate an account, then we will create a CMP account and apply the ban (in theory, a reinstatement would always be in CMP). For duplicate accounts that we find, Compliance contacts Database Marketing to combine the guest accounts. Each of the steps outlined here have an associated processing time and, while completed as expeditiously as reasonable, may not be finalized and confirmed within a seven-day timeframe.

When establishing these procedures, we referred to the fifteen day timeframe required by OAC3772-12-04(B)(3) *Procedures to prevent an individual on the voluntary exclusion list from receiving any advertisement, promotion, or other direct marketing mailing fifteen days after receiving notice from the commission that the individual has been placed on the voluntary exclusion list.* The notice is interpreted as when we pull the list from the website, and the entries/removals are completed well within that timeframe. From a guest perspective, the timeframe is 1-10 days before an individual is reflected correctly in CMP (1 day in instances where they happened to sign up on the day we pulled the list and, at the latest, 10 days if they were enrolled right after the list was generated).

Lastly, we recognize entries/removals are subject to human error and we have acknowledged as much by putting in place a monthly audit of the VEP entries/removals, as included in JACK's Responsible Gaming plan. If an individual is missed, we correct them immediately when identified on the monthly audit and then send Amanda an email acknowledging we have no remaining discrepancies for that month. We would not want to be found in violation of the rule because we do not complete this secondary audit until the end of the month. This in particular is why we suggest we "shall have approved procedures to update the system" because individuals found in our monthly audits would not be considered self-inflicted audit findings.

Respectfully, fifteen days is suggested in place of seven days to capture the sheer volume of steps and processing time we take for each entry/removal to ensure the utmost accuracy and integrity of the data.

Cox, William

From: Blackford, Amanda
Sent: Wednesday, June 13, 2018 10:16 AM
To: Cox, William
Subject: FW: VEP Rules for Initial Approval as June 2018 Commission Meeting
Attachments: 3772-12 revised_RG.docx



Amanda Blackford

Manager of Problem Gambling Services
Ohio Casino Control Commission
(614) 387-5693

From: Porter, Samuel [mailto:Samuel.Porter@pngaming.com]
Sent: Wednesday, June 13, 2018 10:14 AM
To: Blackford, Amanda <Amanda.Blackford@casinocontrol.ohio.gov>
Subject: RE: VEP Rules for Initial Approval as June 2018 Commission Meeting

Amanda,

Attached please find Penn's comments for the rule review.

Thanks,
Sam

From: Amanda.Blackford@casinocontrol.ohio.gov <Amanda.Blackford@casinocontrol.ohio.gov>
Sent: Thursday, June 7, 2018 12:14 PM
To: Lisa Powers <lispowers@jackentertainment.com>; Robert Wamsley <RobertWamsley@jackentertainment.com>; Porter, Samuel <Samuel.Porter@pngaming.com>; Mackin, Lynne <Lynne.Mackin@pngaming.com>; McGrady, Jessica <Jessica.McGrady@pngaming.com>; Cynthia Hays <CynthiaHays@jackentertainment.com>
Cc: Matt Oyster <Matt.Oyster@casinocontrol.ohio.gov>; Rick.Anthony@casinocontrol.ohio.gov; Matt.Schuler@casinocontrol.ohio.gov; Michelle.Siba@casinocontrol.ohio.gov; William.Cox@casinocontrol.ohio.gov; Kaile.Sepnafski@casinocontrol.ohio.gov; Carla.Tricarichi@lottery.ohio.gov; Karen.Russo@lottery.ohio.gov; Michael.Sliwinski@lottery.ohio.gov
Subject: VEP Rules for Initial Approval as June 2018 Commission Meeting

Good Afternoon RCOs,

Attached, please find proposed amendments to the voluntary exclusion rules: Ohio Adm. Code 3772-12-01 through 12-07. All of these changes are intended to expand our current program to join with the Ohio Lottery's new VEP program. We do not anticipate these rules will change your current practices and procedures with regards to the handling of voluntarily excluded individuals on property. Please share them with your teams and **provide any comments to me, in writing, by 4:00 PM on Monday, June 10th**. We apologize for the quick turnaround needed on these rules, and thank you in advance for your cooperation. The Commission will consider these rules for initial approval, including changes made as a result of comments received from you, at the June 20 public meeting.

If you have questions, please do not hesitate to call me.

Thank you all,

Amanda



Amanda Blackford

Manager of Problem Gambling Services
Ohio Casino Control Commission
(614) 387-5693

3772-12-01 Scope and purpose of the Ohio voluntary exclusion program.

(A) The purpose of this chapter is to help curtail compulsive and problem gambling in the state of Ohio by combining the voluntary exclusion program operated by the Commission, created pursuant to section 3772.03 of the Revised Code, with the voluntary exclusion program operated by the Ohio Lottery Commission, created pursuant to section 3770.03 of the Revised Code. As used in this chapter, the combined voluntary exclusion programs shall be referred to as the “Ohio voluntary exclusion program” or “Ohio VEP.” This chapter is to be read in tandem with chapter 3770:2-8 of the Administrative Code.

(B) 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 “excluded facilities.” Except as described in rule 3772-12-07 of the Administrative Code, no person shall be able to voluntarily exclude themselves from solely either the casino facilities or the video lottery terminal facilities.

(C) Nothing in this chapter shall 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.

3772-12-02 Application for Ohio voluntary exclusion.

(A) An application to participate in the Ohio VEP is available for completion at all Ohio casino facilities and video lottery terminal facilities. If an individual is unable to appear in person at any of these facilities to complete an application, the individual may contact staff from the Ohio lottery commission or the Ohio 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.

(C) As part of the request for voluntary exclusion, 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 3772-12-05(C).

(D) After receipt of a completed and unaltered application for the Ohio voluntary exclusion, 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) If, at any time while an individual is completing an application to join the Ohio VEP, they appear to be doing so involuntarily or otherwise impaired, their application shall be rejected.

F) After an individual's request for voluntary exclusion 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.

3772-12-03 Responsibilities of voluntarily excluded individuals.

(A) Participants in the Ohio VEP agree to abide by all terms listed in the 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 or attempting to participate in any wagering activity offered at any of those facilities.

(B) Participants in the Ohio VEP who violate the terms of the VEP at a casino facility shall 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 at the excluded facility for deposit in the state problem gambling and addictions fund.

Commented [PS1]: Does the re-write of Chapter 12 pertain to both the casinos and racinos throughout? If so, you might want to review for consistency the use of casino without mentioning the racino.

Does lottery have a similar provision?

(C) Participants in the Ohio VEP shall agree to forfeit all points or complimentary earned by the individual on or before the date the individual completed their application for the Ohio voluntary exclusion program. However, if at the time the individual completed the application, the individual is owed a cash amount from an excluded facility, the individual still has the right to receive that amount from the facility, even after placement on the voluntary exclusion program. To the extent that complimentary or points described above may be redeemed for cash under the facility's marketing program, the individual is entitled to receive that amount.

Commented [PS2]: Applies to both casinos and racinos.

(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.

Commented [PS3]: Applies to both casinos and racinos.

(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.

(F) An Ohio VEP participant may always request to increase their length of exclusion.

3772-12-04 Responsibilities of excluded facilities.

(A) This section shall only apply to excluded facilities under the jurisdiction of the Ohio casino control commission. Each excluded facility shall maintain a system for indicating whether an individual is in the Ohio VEP and shall update the system with changes in the enrollment status of those individuals at least once every seven days.

(B) The excluded facility shall immediately notify the applicable commission employee if an Ohio VEP participant is found on the premises of the facility. Within seventy-two hours of the incident, the facility shall provide to the applicable commission, in writing, the following:

Formatted: Not Highlight

- (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; and
- (4) the individual's gaming activity, if any.

(C) Each excluded facility shall comply with the compulsive and problem gambling plan established under rule 3772-12-06 of the Administrative Code.

(D) Nothing in this chapter shall prohibit an excluded 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 in the Ohio VEP.

DRAFT

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 list 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;
- (3) Once the program described in paragraph ~~(E)~~(2) of this rule is completed, undergo a problem gambling assessment with ~~A~~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) Requested and completed an unaltered request for removal.

3772-12-06 Compulsive and problem gambling plan.

(A) Each casino operator shall provide to the commission a compulsive and problem gambling plan for commission approval. Each plan shall, at minimum, include the following:

Commented [PS4]: Does this provision only apply to casinos or is meant to cover casinos and racinos?

- (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:
 - (1) Procedures preventing employees from permitting an individual in the Ohio VEP from entering the facility;
 - (2) Procedures identifying and removing individuals in the Ohio VEP from the facility;
 - (3) 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;
 - (4) 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;
 - (5) Procedures for ensuring the confidentiality of the identity and the information of the Ohio VEP participants; and
 - (6) Any other procedure required by the applicable commission, executive director, or designee thereof.
 - (b) The commitment of the casino operator to train appropriate employees;
 - (c) The duties and responsibilities of the employees designated to implement or participate in the plan;
 - (d) The responsibility of patrons with respect to responsible gambling;
 - (e) Procedures for compliance with the Ohio VEP;
 - (f) Procedures to identify patrons and employees with suspected or known compulsive and problem gambling behavior, including procedures specific to loyalty and other rewards and marketing programs;
 - (g) Procedures for providing information to individuals regarding the Ohio VEP and community, public and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members, including for providing the information upon the request of a patron or employee;

Commented [PS5]: We would request this language revert back to the original OAC language. VEPs are identified when ID is presented, a player's card is used or from an employee's recall. The casinos do not require all patrons to show ID before entering the casino.

(h) The provision of printed material to educate patrons and employees about compulsive and problem gambling and to inform them about the Ohio VEP and treatment services available to compulsive and problem gamblers and their families. The applicant shall provide examples of the materials to be used, including, brochures and other printed material and a description of how the material will be disseminated to commission staff;

Commented [PS6]: I'm not sure I understand what it means when it says "the provision of printed material".

Commented [PS7]: Who is the applicant? I assume you mean the casino operator? Or the casino and the racino?

(i) Advertising and other marketing and outreach to educate the general public about the Ohio VEP and compulsive and problem gambling;

(j) 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 to verify that each employee has completed the training required by the plan;

(k) Procedures to prevent underage gambling;

(l) Procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling; and

(m) The plan for posting signs within the casino 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, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members; and

(5) Any other information, documents, and policies and procedures that the commission requires.

(B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under this rule, including any information that the casino operator has received related to bankruptcy, divorce, crime, and attempted suicide related to gambling at a casino facility.

Commented [PS8]: Same comment above- is this provision meant for racinos and casinos.

Commented [PS9]: Amanda, I'm not sure if this information is all that useful to you and the Commission. It's my understanding the report compiles the quarterly reports. If that's all it is I would recommend deleting the requirement for an annual report since you have all of the information already.

3772-12-07 Voluntary exclusions prior to January 1, 2019.

(A) This rule applies only to those individuals who submitted their application to join the commission's voluntary exclusion program prior to January 1, 2019, and have not yet sought removal from the program.

(B) These individuals may continue their participation and voluntary exclusion from the four casino facilities in the state of Ohio. The application for voluntary exclusion signed by the individual at the time of enrollment shall govern participation.

(C) These individuals may submit an application to join the Ohio VEP, 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 properties.

(D) Notwithstanding any rules to the contrary or the terms of the application to join the voluntary exclusion program prior to January 1, 2019, 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 (C) of rule 3772-12-05 of the Administrative Code.