



OHIO CASINO CONTROL COMMISSION

2021 Five-Year Rule Review

Ohio Adm.Code Chapters 3772-15 (Independent Testing
Laboratories) and 3772-20 (Security Services)

Rule 3772-15-01 | Independent testing laboratory certification.

- (A) An independent testing laboratory ~~may~~must request to be certified by the commission to scientifically test and technically evaluate ~~slot machines, mechanical, electromechanical or electronic table games, slot accounting systems and other~~ electronic gaming equipment to be used in casino gaming for compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.
- ~~(B) A~~Commission certification to scientifically test and technically evaluate ~~skill-based amusement machines and, equipment for compliance with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder, software, or other goods to be used in regulated industries other than casino gaming~~ does not grant authority to test or technically evaluate slot machines, mechanical, electromechanical~~electronic gaming equipment to be used in casino gaming.~~
- ~~(C) An independent testing laboratory requesting certification~~ or electronic table games, slot accounting systems and other electronic gaming equipment for compliance with Chapter 3772.~~renewal certification must pay a nonrefundable certification fee of five thousand dollars.~~
- ~~(B)(D)~~ The certification fee may be increased to the extent that the cost of the Revised Code and compliance investigation exceeds the rules adopted thereunder.~~certification fee set forth in paragraph (C) of this rule. The executive director must advise the independent testing laboratory in writing that an additional certification fee is required and the amount and purpose of the additional fee. The commission will not certify an independent testing laboratory until the entirety of the certification fee is paid.~~
- ~~(E) Unless otherwise approved by the executive director, all fees must be submitted by electronic funds transfer payable to the treasurer of the state of Ohio.~~
- ~~(F) An independent testing laboratory requesting certification or requesting renewal certification must undergo a compliance investigation. Results from a compliance investigation completed within the year prior to a renewal certification request may be applied to the renewal certification request at the executive director's discretion.~~
- ~~(G) Independent testing laboratory certification expires five years after the date of certification.~~
- ~~(H) A certified independent testing laboratory may request renewal of the certification by submitting an intent to renew not less than ninety days before the expiration of the certification.~~

~~Rule 3772-15-02 | Independent testing laboratory information, certification period, and certification renewal.~~

- ~~(A) An independent testing laboratory shall submit all information required by the commission and pay a certification fee as described in rule 3772-15-03 of the Administrative Code.~~
- ~~(B) An independent testing laboratory's certification expires three years after the date of certification.~~
- ~~(C) A certified independent testing laboratory may request renewal of the certification by completing and submitting, not less than ninety days before the expiration of the certification, the information required by the commission and paying a certification fee as described in rule 3772-15-03 of the Administrative Code.~~
- ~~(D) All certified independent testing laboratories shall undergo an investigation at least once every three years, as determined by the commission, to verify that each certified independent testing laboratory remains in compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.~~
- ~~(E) The independent testing laboratory requesting certification or requesting renewal certification shall provide all information, documents and materials at the independent testing laboratory's sole expense and cost and shall bear the cost of the investigation.~~
- ~~(F) The independent testing laboratory must clearly identify those portions of the information submitted that it deems to be confidential, proprietary commercial information or trade secrets. Information provided as part of the certification process shall be open to public inspection to the extent permitted by section 149.43 of the Revised Code and consistent with section 1333.61 of the Revised Code.~~

Rule 3772-15-0402 | Background Compliance investigation of an independent testing laboratory.

~~(A)~~ Before an independent testing laboratory ~~is certified by the commission, it shall~~ must undergo a compliance investigation at least once every five years, as determined by the executive director, to ~~determine its competency and qualifications to conduct testing~~ under verify compliance with Chapter 3772. of the Revised Code and the rules adopted thereunder.

~~(C)~~ The commission may obtain and use All information ~~gathered, documents and materials~~ required by another gaming jurisdiction ~~in its decision to approve or deny certification of~~ the executive director, must be provided at the independent testing laboratory's sole expense and cost, and the independent testing laboratory must bear the cost of the investigation.

(B) An independent testing laboratory should clearly identify those portions of the information submitted that it deems to be confidential, proprietary commercial information or trade secrets. Information provided as part of the certification process are open to public inspection to the extent permitted by Ohio's Public Records Act and section 3772.16 of the Revised Code

~~(D)~~ (C) The background compliance investigation may include, but is not limited to, a review of the following independent testing laboratory's:

- (1) The corporate Business structure including, but not limited to, its ownership and controlling interests ~~in the independent testing laboratory;~~
- (2) The policies Policies and procedures ~~of the independent testing laboratory~~ to determine if the policies and procedures they prevent conflicts of interest, provide for segregation of duties, detect and prevent fraud, and guarantee ensure impartiality;
- (3) The Staff experience and expertise ~~of the staff used by the independent testing laboratory~~ to conduct all required tests ~~required by the commission;~~
- (4) The sufficiency of staff Staff and equipment ~~of the independent testing laboratory~~ to determine if they are sufficient to conduct all required testing; ~~and~~
- (5) The financial Financial viability ~~of the independent testing laboratory~~ to conduct all required testing; and

~~(5)~~ (6) Compliance with the requirements of certification as established by Chapter 3772. of the Revised Code and the rules adopted thereunder.

Rule 3772-15-03 | Certification fees.

~~(A) An independent testing laboratory requesting certification or renewal certification shall pay a nonrefundable certification fee of two thousand dollars.~~

~~(B) The certification fee for independent testing laboratory certification or renewal certification may be increased to the extent that the cost of the background investigation relating to an independent testing laboratory exceeds the certification fee set forth in paragraph (A) of this rule. The executive director of the commission, or the designee thereof, shall advise the independent testing laboratory in writing that an additional certification fee is required and the amount of the additional fee. Once an independent testing laboratory is directed to submit an additional certification fee, the commission shall not certify the independent testing laboratory until the increased certification fee is paid in accordance with paragraph (C) of this rule.~~

~~(C) All fees shall be submitted to the commission in the form of a certified check, cashiers check, business check, or electronic funds transfer payable to the treasurer of the state of Ohio.~~

Rule 3772-15-035 | Conditions Requirements of certification.

(A) ~~In order to~~ To be certified and maintain certification, the independent testing laboratory shall ~~agree to~~ must meet the following ~~conditions;~~ requirements:

~~(1) Obtain and maintain~~ Be independent of any entity or product for which the laboratory provides testing services.;

~~(1)(2) Maintain~~ "Professional Liability (Errors and Omissions) Insurance" ~~in the amount of not less than one million dollars. If such insurance is not renewed, or revoked or terminated in any way, the commission shall be notified immediately.;~~

~~(A) Ensure that testing and support procedures are performed consistently at all laboratory locations;~~

~~(2)(3) Maintain accreditation from a reputable accrediting body to International Organization for Standardization (ISO) standards 17020 and 17025, and any other standards as required by the commission. If accreditation is not renewed, or is revoked or terminated in any way, the commission shall be notified immediately;~~ executive director;

~~(B) Make available to the commission, upon request, all policies, procedures and records of the independent test laboratory;~~

~~(3)(4) Have~~ Employ a full-time quality manager ~~on staff~~ who is responsible for ensuring compliance with national accreditation standards and Chapter 3772. of the Revised Code and the rules adopted thereunder.;

~~(C) Make available to the commission, upon request, a master list of all test methods, standards, forms, and other relevant documents used in the independent test laboratory;~~

~~(D) Maintain an inventory of gaming equipment and authorized versions of software submitted for testing;~~

~~(E) Maintain records for testing equipment requiring calibration and make the records available to the commission upon request;~~

~~(F) Provide twenty-four hour technical service support to the commission;~~

~~(G) Provide jackpot verification assistance when requested by the commission or a casino operator, holding company, or management company;~~

~~(H) Assist the commission in investigations when requested;~~

~~(I) Assist and/or train commission agents on the security, compliance, and accounting/auditing practices that should be used;~~

~~(J) Provide software verification tools to the commission, when requested;~~

~~(K) Have internal policies and controls that prohibit any one individual from having the sole responsibility for both review and approval of gaming devices or technologies to be used in a casino facility;~~

~~(4)~~(5) Have Maintain physical security at each laboratory facility, including but not limited to, surveillance systems and alarms to minimize the risk that confidential information is misappropriated;

~~(L) Ensure that all software media that is used in games, along with the documentation and source code that is supplied on storage media shall be labeled and archived in a locked, fire proof and monitored enclosure that shall only be accessible to approved laboratory personnel;~~

(6) Maintain Maintain IT security necessary to minimize the risk that confidential information is misappropriated;

(7) The laboratory must utilize verification methodologies required by the Executive Director. The laboratory must request approval from the Executive Director to use alternative verification methodologies. If approved, the laboratory must provide the verification tool utilizing the alternative verification methodologies to the commission;

(8) Ensure that testing and support procedures are performed consistently at all laboratory locations;

(9) Make available to the commission, upon request, all policies, procedures and records of the independent test laboratory;

(10) Make available to the commission, upon request, a master list of all test methods, standards, forms, and other relevant documents used in the independent test laboratory;

(11) Not subcontract any testing without the prior written approval of the executive director;

—Maintain all records for a minimum of five years unless otherwise specified as follows:

(12) _____

- (a) Maintain for a minimum of five years after an associated commission approval is no longer in effect, an electronic database containing testing data, reports, and related materials and provide access to the commission. Data, reports, and related materials ~~shall~~must be provided in a format and through a mechanism required by the commission;

~~(M) — Maintain all records about previous and current submissions for a minimum of five years;~~

~~(N) Agree to If not subcontract testing of any electronic available from the manufacturer, maintain an inventory of gaming equipment to be used in a casino facility without the prior written approval of and versions of software tested by the laboratory and approved by the commission;~~

- ~~(b) Maintain any other records, information or conditions the, for a minimum of five years after an associated commission determines approval is necessary to ensure the integrity of casino gaming no longer in effect; and~~

- ~~(c) Provide immediate notification to the commission of any breach or failure to meet any condition of certification listed in this rule and any Maintain for a minimum of five years after the end of the laboratory's certification period in which the submission occurred, all software and associated documentation and source code submitted for testing, but not subsequently approved by the commission. The information must be stored manner which is secure and readily accessible to appropriately approved laboratory personnel;~~

~~(13) Assist the commission in investigations when requested, at the expense of the independent testing laboratory. The independent testing laboratory may seek reimbursement from the owner of the devices subject to investigation;~~

~~(14) When requested, a laboratory must assist or train commission agents in accounting, auditing, compliance, security, technology, and verification practices for any submission to that laboratory seeking approval from the Commission; and~~

~~(5)(15) Any additional condition imposed by the commission: at a meeting held under section 3772.02 of the Revised Code.~~

~~(B) The independent testing laboratory must notify the executive director immediately if it fails to maintain compliance with any of these requirements.~~

Rule 3772-15-046 | Duties of a certified independent testing laboratory.

- (A) A certified independent testing laboratory ~~shall determine~~ must provide a recommendation on whether the electronic gaming equipment complies with Chapter 3772. of the Revised Code and the rules adopted thereunder.
- (B) A certified independent test laboratory ~~shall~~ must provide a report to the commission of its test results for each submission— to be considered for approval by the commission. The report ~~shall~~ must be provided in a format approved by the commission. No submission ~~shall will~~ be considered approved for use in Ohio until approved by the commission.
- (C) A certified independent testing laboratory ~~shall~~ must testify at any administrative hearing or court proceeding as requested by the commission.
- (D) A certified independent testing laboratory ~~shall~~ must annually review each of its employees. This review ~~shall~~ must include a criminal background checks, updated background forms, credits checks, check and an assessment of the training, experience, performance, and competence of each employee ~~interviews.~~
- (E) A certified independent testing laboratory ~~shall~~ must take corrective action whenever any nonconforming work is discovered, laboratory procedures are not followed, procedures are required to be changed or other unsatisfactory conditions exist. A report ~~shall~~ must be filed internally by the quality manager describing why the problem occurred, what was done to resolve the problem, and how the problem will be prevented in the future. Such report ~~shall~~ must be made available to the commission upon request.
- (F) A certified independent testing laboratory ~~shall~~ must establish and maintain a training program for its employees to ensure ~~that~~ the employees ~~can adequately review gaming devices~~ maintain the experience and new technologies in accordance with Chapter 3772. of the Revised Code and expertise to conduct all testing required by the ~~rules adopted thereunder~~ commission. Training records ~~shall~~ must be maintained for all employees and made available to the commission upon request.
- (G) A certified independent testing laboratory ~~shall~~ must test and verify that all testing equipment and software used internally is suitable for use. ~~Internal~~ The laboratory must have internal policies shall be developed by the laboratory to verify that such equipment and software used by the laboratory will perform as needed. The laboratory ~~shall~~ must maintain records of test cases involving the validation of equipment, software, and methods. All testing performed by the laboratory ~~shall~~ must be traceable to a test method that has been suitably validated.

Rule 3772-20-01 | Security department.

(A) Each casino operator ~~shall~~must have a security department that is responsible for providing unarmed security services at the casino facility.

~~(B) Any person providing a~~The casino operator with unarmed security services at the casino facility shall:

~~(1) Be an employee of the casino operator; and~~

~~(2) Obtain and hold a valid casino gaming employee license, unless otherwise required by Chapter 3772. of the Revised Code or any rules adopted thereunder to obtain a key employee license.~~

~~(C)~~(B) Each casino operator, through its~~operator's~~ security department, ~~shall~~must do the following:

(1) Protect the people and property at the casino facility;

(2) Safeguard the assets at the casino facility;

(3) Assist the commission, ~~or a duly authorized employee or agent thereof~~, and any law enforcement agency, as requested;

(4) Prevent people who are under twenty-one years of age from ~~making a wager or remaining in the area of the casino facility where casino gaming is being conducted any longer than necessary for the persons under twenty-one years of age to pass through~~entering the designated gaming area, except when being escorted by a licensed casino employee to another area where casino gaming is not being conducted;

~~(5) Detain any individual if the commission, or a duly authorized employee or agent thereof, requests or if there is reason to believe that the individual has engaged or is engaging in illegal activity;~~

~~(6) Record any unusual occurrences, including suspected illegal activity;~~

~~(5)~~ Assist any gaming agent or other law enforcement, in the prevention, halting, or investigation of an offense, including halting a person's actions if necessary to prevent injury to any person;

~~(7)~~(6) Identify and remove any person who is required to be removed from the casino facility;

~~(8)~~(7) Report to the commission, at the time of detection, any suspected or known illegal activity, ~~including, but not limited to, violations of Chapter 3772. of the Revised Code and any rules adopted thereunder;~~

~~(9)~~(8) Notify the commission, immediately, and in writing within twenty-four hours, ~~and in writing,~~ of all inquiries made by any law enforcement or gaming regulatory agency agencies and any inquiries made concerning the conduct of a licensee or applicant; and

~~(10)~~(9) Establish and maintain procedures for handling the following at a casino facility:

- (a) Identification badges;
- (b) Incident reports;
- (c) Asset protection and movement;
- (d) Enforcement of the minimum wagering age under Chapter 3772. of the Revised Code;
- (e) Firearms prohibition;
- (f) Alcoholic beverage control;
- (g) Disorderly or disruptive people;
- (h) Trespassing, including, but not limited to, people participating in the voluntary exclusion program under Chapter 3772-12 of the Administrative Code and persons appearing on the involuntary exclusion list under Chapter 3772-23 of the Administrative Code;
- (i) Eviction or ejection;
- (j) Detention; and
- (k) Lost or found property.

~~(D)~~(C) Except for the following persons, ~~no~~ casino operator ~~shall~~must not permit firearms at a casino facility, ~~as defined in division (C) of section 3772.01 of the Revised Code:~~

- (1) Commission gaming agents;
- (2) Law enforcement officers, as defined in sections 9.88, 109.71 and 2901.01 of the Revised Code, who are on duty and within their jurisdiction;
- (3) Law enforcement officers who are hired by a casino operator for special duty ~~as long as the officers are not specifically involved in gaming related regulatory functions; and;~~

(4) Law enforcement officers who are not acting within the scope of their duties, to the extent permitted by R.C. 2923.1214 and R.C. 2923.126.

~~(4)~~(5) Security guard providers, as defined by section 4749.01 of the Revised Code, who:

- (a) Are not employed by the casino operator;
- (b) Are licensed under section 4749.03 of the Revised Code;
- (c) Meet the requirements in section 4749.10 of the Revised Code; and
- (d) Work for and are on duty with an armored motor vehicle security service licensed under section 4749.03 of the Revised Code.

Rule 3772-20-02 | Security department staffing.

~~(A) Each security department shall be supervised by a director of security, or the equivalent position thereof, who shall report directly to the general manager, or the equivalent position thereof.~~

(A) Any person providing a casino operator with unarmed security services at the casino facility must:

(1) Be an employee of the casino operator; and

(2) Obtain and hold a valid key employee license or a casino gaming employee license.

(B) The casino operator ~~shall~~must at all times maintain sufficient unarmed security officers on duty to ensure the safety of ~~its patrons and staff and the commission's staff and gaming agents~~all persons in the casino as well as to meet the requirements of Chapter 3772. of the Revised Code and the rules adopted thereunder. The minimum number of on duty security officer staff specified in the security plan may be increased at the discretion of the executive director.

~~(C) Each casino operator shall consider~~Casino operators must increase the following when making staffing ~~decisions concerning its unarmed of~~ security services:

~~(1) The size and layout of~~officers on duty to meet the casino facility;

~~(2) Special events;~~

~~(3) The number~~demands of people entering the casino facility at a given time;

~~(4) The number of occurrences of suspected illegal~~expected business activity;

~~(5) The, to ensure~~ safety of the people at the casino facility; and

~~(6)(1) Any other consideration the commission determines is necessary to protect~~ensure the integrity of casino gaming ~~or the safety of the casino operator's patrons and staff and the commission's staff and gaming agents.~~

Rule 3772-20-03 | Training.

~~(A)~~ Each casino operator ~~shall~~must provide training to all members of its security department.

~~(B)~~ Subject to ~~paragraph (C) of this rule, each casino operator shall submit a training plan for commission approval on a schedule approved by the commission.~~

~~(C)~~ A casino operator shall not commence gaming operations until its training plan has been approved by the commission.

The training plan shall include ~~procedures for and training in~~ the following areas:

~~(D)~~(A) The casino operator's duties with respect to providing unarmed security services, as provided under ~~paragraph (C) of~~ rule 3772-20-01 of the Administrative Code;

~~(E)~~(B) The casino operator's security plan, as provided under rule 3772-20-04 of the Administrative Code;

~~(F)~~(C) The casino operator's emergency operations plan, as provided under rule 3772-20-05 of the Administrative Code;

~~(G)~~(D) The casino operator's duty to create and maintain incident reports, as provided under rule 3772-20-06 of the Administrative Code;

~~(H)~~(E) The casino operator's duty to provide and use a security detention area, as provided under rule 3772-20-07 of the Administrative Code;

~~(I)~~(F) Use of the casino operator's communication system, as provided under rule 3772-20-08 of the Administrative Code;

~~(J)~~(G) Awareness and detection of suspected human trafficking occurring at the casino facility;
and

~~(K)~~(H) Any other area that the commission designates.

Rule 3772-20-04 | Security plan.

- (A) ~~Subject to paragraph (B) of this rule, each~~ Each casino operator ~~shall~~ must submit a security plan for ~~commission~~ approval ~~on a schedule approved by the commission~~ at a meeting held under section 3772.02 of the Revised Code.
- (B) A casino operator shall not commence gaming operations until its security plan has been approved by the commission.
- (C) To be approved, the security plan ~~shall~~ must include, ~~but is not limited to,~~ the following:
- (1) An organizational chart showing all positions in the security department;
 - (2) A description of the duties and responsibilities of each position shown on the organizational chart;
 - (3) The administrative and operational policies and procedures used in the security department;
 - (4) A description of the training required for security personnel;
 - (5) A description of the location of each permanent security station, if any;
 - (6) The location of each security detention area;
 - (7) Provisions for security staffing; and
 - (8) An emergency operations plan.

Rule 3772-20-05 | Emergency operations plan.

- (A) The casino ~~operator's director of security shall~~operator must maintain an emergency operations plan, including evacuation procedures, to deal with the following at the casino facility:
- (1) The discovery or threat of an explosive device;
 - (2) A fire or fire alarm;
 - (3) A terrorist threat;
 - (4) Severe storms or other acts of nature;
 - (5) The threat or use of a firearm or any other weapon;
 - (6) Any major civil disturbance or riot; and
 - (7) Any other event for which the ~~commission~~executive director determines that prior planning is necessary.
- (B) The casino operator's emergency operations plan ~~shall~~must have the safety of people at the casino facility as the first priority and ~~shall~~must include, but not be limited to, a communication plan with local emergency responders, training for all ~~of~~ its staff, and digital video recording procedures.
- (C) The casino ~~operator's director of security, shall~~operator must ensure that ~~the commission's~~commission staff ~~and gaming agents~~ at the facility are notified of any emergency ~~situation~~ at the time the emergency arises.

Rule 3772-20-06 | Incident reports.

(A) The casino ~~operator's director of security, shall~~operator must ensure that a report is prepared regarding each ~~incident observed by or reported to a member of the security department who has of the following incidents when there are~~ reasonable grounds to believe that ~~any of the following has they have~~ occurred at the casino facility:

(1) Injuries to a person at the casino facility;

(2) Wagering or any attempt to wager by a person under the age of twenty-one;

(3) Unescorted entry by a person under the age of twenty-one to an area where casino gaming is conducted;

~~(3)~~(4) The removal or detention of any person;

~~(4)~~(5) One or more violations of Chapter 3772. of the Revised Code or any rules adopted thereunder;

~~(5)~~(6) The presence of any person who is ~~on the~~participating in a voluntary exclusion ~~list~~program pursuant to Chapter 3772-12 of the Administrative Code or who is on the involuntary exclusion list pursuant to Chapter 3772-23 of the Administrative Code;

~~(6)~~(7) Any other type of illegal conduct or activity; and

~~(7)~~(8) Any other type of incident for which the ~~commission~~executive director requires reporting.

(B) The incident report ~~shall~~must include, ~~but is not limited to,~~ the following:

(1) A report number;

(2) The date and time of the report;

(3) The name and title of the person preparing the report;

(4) The date and time of the incident;

(5) The names of the security department personnel present during the event giving rise to the report or during the reporting of the event by non-security department personnel;

(6) The nature of the incident;

(7) The names and contact information of the persons involved, if available;

(8) The names and contact information of any witnesses, if available;

(9) Notation of any surveillance recordings, videos, or images accessed and maintained, if applicable; and

(10) The security department's action.

~~A copy of each security department incident report shall be made available to the commission within twenty-four hours of the reporting.~~

(C) The commission must have continuous access to security incident reports.

Rule 3772-20-07 | Security detention area.

- (A) ~~The security~~ Security department personnel shallmust have access to at least one security detention area that is designated and used for the detention or questioning of persons by ~~unarmed~~ security officers, commission ~~employees and~~ gaming agents, or other law enforcement personnel. The executive director shall designate and approve the location and size of any security detention area and any equipment necessary for the room.
- (B) The security detention area shallmust be used exclusively for the detention of persons and shallmust be safe, secure, and away from other unauthorized people at the casino facility.
- (C) The security detention area shall be monitored by video and audio surveillance in accordance with Chapter 3772. of the Revised Code and any rules adopted thereunder whenever the area is occupied or otherwise in use.
- (D) A member of the security department shallmust be present at the security detention area whenever a person is being detained, unless otherwise directed by a commission agent.

Rule 3772-20-08 | Communications system.

- | (A) Each casino operator ~~shall~~must have a communications system that allows all members of the security department to communicate with each other.
- | (B) The communications system ~~shall~~must provide two-way communications between members of the security department and members of the surveillance department.
- | (C) The communications system ~~shall~~must be available to and useable by the commission, its gaming agents, or other authorized personnel upon request.