

OHIO CASINO CONTROL COMMISSION



SUMMARY OF PROPOSED RULES FOR FILING

The rules presented here are being reviewed pursuant to the state’s rule-review requirement in R.C. 106.03 and are those rules contained in Ohio Adm.Code Chapters 3772-15 (Independent Testing Laboratories) and 3772-20 (Security Services). Many of the revisions are meant to improve clarity or readability or to reduce redundancies in and between the Administrative and Revised Codes. Some consistent changes made throughout include better specifying when an action is required to be taken by the Commission at a public meeting, the executive director, or by staff of the agency. Additionally, many changes have been made to update, streamline, and standardize rule language.

- **3772-15-01 (amendment)**, titled “Independent testing laboratory certification.” This rule allows independent testing laboratories to apply for certification to the Commission to test electronic gaming equipment for compliance with R.C. Chapter 3772. and the rules adopted thereunder. The purpose of this rule is to carry out the Commission’s statutory mandate to certify independent testing laboratories under R.C. 3772.31 and to set the standards and duties of these labs under R.C. 3772.03. The amendment to this rule makes a number of changes. First, it broadens a current clarification, stating that certification to test equipment or goods in any other gaming industry does not grant authority for a lab to test casino gaming equipment. Currently, this clarification only directly captures skill-based amusement machines. Next, it pulls several provisions from Ohio Adm.Code 3772-15-02 and 3772-15-03 into this rule to better streamline the Code. As a result of this and additional changes to 3772-15-04, current 3772-15-02 and -03 are being rescinded. In so doing, this amendment raises the fee for certification from \$2,000 to \$5,000, while also raising the length of certifications from three years to five. This is the first time this fee has been raised since the inception of casino gaming. The new fee is still in-line with the low end of what other jurisdictions charge and will better approximate staff’s actual costs in evaluating and certifying a testing lab. Other than the fee and certification-length changes, the other provisions pulled from 3772-15-02 and 3772-15-03 have only minimal streamlining and language standardization changes made. These provisions include the method by which labs can request certification renewal and the requirement that labs undergo a compliance investigation at least once per certification period.
- **3772-15-02 (rescind)**, titled “Independent testing laboratory information, certification period, and certification renewal.” This rule is being rescinded and combined into the amended version of Ohio Adm.Code 3772-15-01 and the new version of 3772-15-02 (previous 3772-15-04). As such, those moved provisions are summarized in those rules.
- **3772-15-02 (new)**, titled “Compliance investigation of an independent testing laboratory.” This rule, while “new,” consists solely of those provisions in current Ohio Adm.Code 3772-15-04, combined with some provisions from the current 3772-15-02. 3772-15-04

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currently provides the factors the Commission will consider when conducting a background investigation of an independent testing laboratory, including the laboratory's ability to test for the technical requirements under R.C. Chapter 3772. and the rules adopted thereunder, the lab's corporate structure, its policies and procedures, its staff experience and expertise, its equipment, and its financial viability. As to those provisions brought over from 3772-15-02, those provisions specify that any lab seeking certification must provide the Commission with any documents requested at the labs cost and that any confidential information contained in those documents should be marked as such. The purpose of this rule is to ensure testing laboratories meet the requirements R.C. 3772.31, as well as those standards for labs that the Commission adopted by rule under its R.C. 3772.03 statutory mandate. The changes to these currently existing provisions are solely aimed at streamlining and standardizing rule language.

- **3772-15-03 (rescind)**, titled "Certification fees." This rule is being rescinded and combined into amended Ohio Adm.Code 3772-15-01. As such, the former provisions of this rule are summarized there.
- **3772-15-03 (new)**, titled "Requirements of certification." This rule, while "new," consists solely of the previous provisions of current Ohio Adm.Code 3772-15-05. Those provisions provide the requirements that certified independent testing laboratories must agree to or must meet in order to obtain and maintain certification. These conditions include, among others, obtaining professional liability insurance, ensuring consistent testing, maintaining accreditation, maintaining testing records, and providing assistance and training to the Commission. The purpose of this rule is to ensure testing laboratories meet the requirements R.C. 3772.31, as well as those standards for labs that the Commission adopted by rule under its R.C. 3772.03 statutory mandate. The amendments to this rule consist of changes largely intended to streamline, standardize, or better organize rule language. The substantive changes to the rule include removing two provisions that have proven unnecessary regarding a requirement that labs provide twenty-four-hour assistance and that labs have internal controls regarding separating individual duties for review and approval of equipment. Of note, several changes have been made to lab's record-retention periods. Generally speaking, labs must keep records for at least five-years, which corresponds to the standard five-year records-retention requirement for all casino gaming in Ohio Adm.Code 3772-1-07. However, the amendment states that certain records must be kept longer. For instance, labs must maintain records related to approved gaming equipment for five-years after the associated approval is no longer in effect. Labs must also maintain for a period of five years after the relevant certification period all software and associated source code submitted for testing, but not subsequently approved by the commission. These longer retention schedules are justified because the labs are "standing in the shoes" of the Commission as the testers of casino equipment and gaming equipment often continues in use long past five years. As such, these records must be kept to ensure the integrity of casino gaming.
- **3772-15-04 (rescind)**, titled "Background investigation of an independent testing laboratory." This rule is being rescinded and combined with current 3772-15-02 into new 3772-15-02. As such, these provisions are summarized in new 3772-15-02.

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- **3772-15-04 (new)**, titled “Duties of a certified independent testing laboratory.” This rule, while “new,” consists solely of the previous provisions of current Ohio Adm.Code 3772-15-06. Those provisions provide for the general duties of a certified independent testing laboratory. These duties include to test electronic gaming equipment for compliance with R.C. Chapter 3772 and the rules adopted thereunder; providing reports to the Commission of test results; serving as a witness in legal proceedings; and adopting internal procedures to ensure the suitability of the laboratories’ procedures, equipment, and employees. The purpose of this rule is to ensure testing laboratories meet the requirements R.C. 3772.31, as well as those standards for labs that the Commission adopted by rule under its R.C. 3772.03 statutory mandate. The amendments to this rule are largely intended to streamline and standardize must language; however, a requirement that testing labs run a credit check on its employees has been removed as unnecessary.
- **3772-15-05 (rescind)**, titled “Conditions of certification.” This rule is being rescinded and moved to new Ohio Adm.Code 3772-15-03. As such, the former provisions of this rule are summarized there.
- **3772-15-06 (rescind)**, titled “Duties of a certified independent testing laboratory.” This rule is being rescinded and moved to new Ohio Adm.Code 3772-15-04. As such, the former provisions of this rule are summarized there.
- **3772-20-01 (amendment)**, titled “Security department.” This rule specifies that casino operators must have a security department to provide unarmed security at the casino and lays out the duties that the department must accomplish. These duties include protecting people and property; assisting, notifying, and reporting to the Commission certain crimes or suspected crimes; and maintaining procedures for reports, asset protection, and common disturbances at the casinos. Finally, the rule lays out a general prohibition on the permittance of a firearm onto casino property, while encapsulating certain statutory or safety-sensitive exceptions. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is largely intended to streamline and standardize rule language. The larger changes include moving paragraph (B) of the current rule to Ohio Adm.Code 3772-15-02, requiring immediate notification to the Commission of inquiries by law enforcement or regulators regarding an applicant or licensee’s conduct, and better clarifying the duties of a security guard in halting a person whose actions may cause bodily harm.
- **3772-20-02 (amendment)**, titled “Security department staffing.” This rule specifies that the casino operator shall maintain sufficient security staffing to ensure both safety and the integrity of casino gaming. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule moves previous Ohio Adm.Code 3772-

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20-01(B), requiring security staff to hold a valid Commission license and be casino employees, to this rule. It also removes the specific considerations of when security officer staffing should be increased, opting for a more generalized standard of as necessary to meet business demands and to ensure both safety and the integrity of casino gaming. The amendment also gives the Executive Director the ability to raise the minimum required staffing in the security plan. Finally, the amendment removes a duplicative provision requiring a Director of Security at each casino.

- **3772-20-03 (amendment)**, titled “Training.” This rule specifies that each casino operator must provide training to all members of its security department, including training on the other rules in the Chapter and on the awareness and detection of suspected human trafficking. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule removes a requirement that this training must be laid out in a plan for Commission approval. Otherwise, the amendment is solely intended to standardize rule language.
- **3772-20-04 (amendment)**, titled “Security plan.” This rule specifies that each casino operator must have a security plan, approved by the Commission and containing certain information, before the commencement of casino gaming. The plan must include an organizational chart, the duties of each position, provisions for staffing, and an emergency operations plan, among others. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendments to this rule are solely intended to standardize rule language.
- **3772-20-05 (amendment)**, titled “Emergency operations plan.” This rule specifies that the casino operator must have an emergency-operations plan to deal with certain emergency situations, including severe storms, fires, and active shooter scenarios. Further, the rule specifies that the Commission should be notified at the time that an emergency arises. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is solely intended to streamline or standardize rule language.
- **3772-20-06 (amendment)**, titled “Incident reports.” This rule requires casino operators to prepare reports regarding specific kinds of incidents at the casino, including injuries, underage gambling, removal of patrons, and several different types of illegal activity. The rule further specifies what information the report must contain and that each report must be provided to the Commission. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is largely aimed at streamlining

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or standardizing rule language. Two more substantive changes include the casino operator needing to generate an incident report anytime an unescorted underage individual is found in a gaming area and changing the way in which the operator makes these reports available to the Commission, which is in line with current actual practice.

- **3772-20-07 (amendment)**, titled “Security detention area.” This rule specifies that the security department must have at least one designated security detention area and that if a person is being detained, then a member of the security department must be present. The rule further specifies that the area be safe, secure, and monitored by surveillance. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is largely to standardize rule language. The amendment also includes a specification that the executive director must designate and approve the detention area.
- **3772-20-08 (amendment)**, titled “Communications system.” This rule specifies that each casino operator must have a communications system that allows all members of the department to communicate and that is useable by the Commission upon request. The purpose of this rule is to prescribe security requirements as required by R.C. 3772.03, to protect the safety of Ohioans and the integrity of casino gaming, and to assist the Commission in accomplishing several of its statutory powers under R.C. 3772.033. The amendment to this rule is solely to standardize rule language.