Sports Gaming Rules

Complete Draft Regulations

Please note that many of these rules are still in a draft format, as the rulemaking process in Ohio can take several months. For the most up-to-date status on the Commission’s sports gaming rules, please see the Commission’s sports gaming rule implementation update chart. This chart is updated after each Commission meeting. Once the rules are effective, they will appear in the Ohio Administrative Code and be available online here.

Released June, 1 2022
# Ohio Casino Control Commission
## Sports Gaming Rules

<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Rule Title</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3775-1-01</td>
<td>Definitions</td>
<td>4</td>
</tr>
<tr>
<td>3775-1-02</td>
<td>Authority and purpose</td>
<td>7</td>
</tr>
<tr>
<td>3775-1-03</td>
<td>Construction</td>
<td>8</td>
</tr>
<tr>
<td>3775-1-04</td>
<td>Waivers and variances</td>
<td>9</td>
</tr>
<tr>
<td>3775-1-05</td>
<td>Records retention</td>
<td>11</td>
</tr>
<tr>
<td>3775-1-06</td>
<td>Access to records, examinations under oath, and subpoena power</td>
<td>13</td>
</tr>
<tr>
<td>3775-1-07</td>
<td>Hearings</td>
<td>14</td>
</tr>
<tr>
<td>3775-1-08</td>
<td>Sanctions</td>
<td>15</td>
</tr>
<tr>
<td>3775-1-09</td>
<td>Sports gaming involuntary exclusion list</td>
<td>17</td>
</tr>
<tr>
<td>3775-4-01</td>
<td>General licensing requirements</td>
<td>18</td>
</tr>
<tr>
<td>3775-4-02</td>
<td>Type A sports gaming proprietor licensure</td>
<td>22</td>
</tr>
<tr>
<td>3775-4-02.1</td>
<td>Additional type A sports gaming licenses</td>
<td>25</td>
</tr>
<tr>
<td>3775-4-03</td>
<td>Type B sports gaming proprietor licensure</td>
<td>26</td>
</tr>
<tr>
<td>3775-4-03.1</td>
<td>County population exception for type B sports gaming proprietor license</td>
<td>30</td>
</tr>
<tr>
<td>3775-4-04</td>
<td>Type C sports gaming proprietor license</td>
<td>31</td>
</tr>
<tr>
<td>3775-4-05</td>
<td>Mobile management services provider licensure</td>
<td>34</td>
</tr>
<tr>
<td>3775-4-06</td>
<td>Management services provider licensure</td>
<td>38</td>
</tr>
<tr>
<td>3775-4-07</td>
<td>Type C sports gaming host licensure</td>
<td>41</td>
</tr>
<tr>
<td>3775-4-08</td>
<td>Sports gaming supplier licensure</td>
<td>43</td>
</tr>
<tr>
<td>3775-4-09</td>
<td>Sports gaming employee licensure</td>
<td>45</td>
</tr>
<tr>
<td>3775-4-99</td>
<td>Provisional licenses</td>
<td>48</td>
</tr>
<tr>
<td>3775-9-01</td>
<td>Sports gaming equipment approval and testing</td>
<td>50</td>
</tr>
<tr>
<td>3775-9-01</td>
<td>Appendix</td>
<td>51</td>
</tr>
<tr>
<td>3775-9-02</td>
<td>Sports gaming systems</td>
<td>52</td>
</tr>
<tr>
<td>3775-9-03</td>
<td>Location-based technology providers</td>
<td>54</td>
</tr>
<tr>
<td>3775-10-01</td>
<td>House Rules</td>
<td>55</td>
</tr>
<tr>
<td>3775-10-02</td>
<td>Required procedures</td>
<td>57</td>
</tr>
<tr>
<td>3775-11-01</td>
<td>Sporting events and wager types</td>
<td>58</td>
</tr>
<tr>
<td>3775-12-01</td>
<td>Sports gaming voluntary exclusion program</td>
<td>60</td>
</tr>
</tbody>
</table>

*Chapter 3772-12*
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3772-12-01</td>
<td>Definitions, purpose, and scope of the Ohio voluntary exclusion program</td>
<td>61</td>
</tr>
<tr>
<td>3772-12-02</td>
<td>Ohio VEP application</td>
<td>63</td>
</tr>
<tr>
<td>3772-12-03</td>
<td>Responsibilities of voluntary excluded individuals</td>
<td>64</td>
</tr>
<tr>
<td>3772-12-04</td>
<td>Responsibilities of excluded entities or facilities</td>
<td>65</td>
</tr>
<tr>
<td>3772-12-05</td>
<td>Removal from the voluntary exclusion program</td>
<td>67</td>
</tr>
<tr>
<td>3772-12-06</td>
<td>Disordered and problem gambling</td>
<td>68</td>
</tr>
<tr>
<td>3772-12-07</td>
<td>Prior voluntary exclusions</td>
<td>71</td>
</tr>
<tr>
<td></td>
<td><strong>Certification of Independent Integrity Monitors</strong></td>
<td></td>
</tr>
<tr>
<td>3775-14-01</td>
<td>Independent integrity monitor certification</td>
<td>72</td>
</tr>
<tr>
<td>3775-14-02</td>
<td>Compliance investigation of an independent integrity monitor</td>
<td>73</td>
</tr>
<tr>
<td>3775-14-03</td>
<td>Requirements of certification</td>
<td>74</td>
</tr>
<tr>
<td>3775-14-04</td>
<td>Duties of a certified independent integrity monitor</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td><strong>Certified Independent Testing Laboratories</strong></td>
<td></td>
</tr>
<tr>
<td>3775-15-01</td>
<td>Independent testing laboratory certification</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td><strong>General Proprietor Duties</strong></td>
<td></td>
</tr>
<tr>
<td>3775-16-01</td>
<td>Sports gaming systems</td>
<td>78</td>
</tr>
<tr>
<td>3775-16-02</td>
<td>Sports gaming system change</td>
<td>80</td>
</tr>
<tr>
<td>3775-16-03</td>
<td>Sports gaming accounts</td>
<td>82</td>
</tr>
<tr>
<td>3775-16-04</td>
<td>Wager rules</td>
<td>86</td>
</tr>
<tr>
<td>3775-16-05</td>
<td>Tickets</td>
<td>88</td>
</tr>
<tr>
<td>3775-16-06</td>
<td>Reserve funds</td>
<td>90</td>
</tr>
<tr>
<td>3775-16-07</td>
<td>Tournaments</td>
<td>91</td>
</tr>
<tr>
<td>3775-16-08</td>
<td>Advertising</td>
<td>92</td>
</tr>
<tr>
<td>3775-16-09</td>
<td>Promotions and bonuses</td>
<td>94</td>
</tr>
<tr>
<td>3775-16-10</td>
<td>Integrity monitoring</td>
<td>95</td>
</tr>
<tr>
<td>3775-16-11</td>
<td>Sports gaming event and wager type requests</td>
<td>97</td>
</tr>
<tr>
<td>3775-16-12</td>
<td>Sports governing body prohibited persons – compliance with R.C. 3775-13(F)</td>
<td>98</td>
</tr>
<tr>
<td>3775-16-13</td>
<td>Sports governing body data requests</td>
<td>99</td>
</tr>
<tr>
<td>3775-16-14</td>
<td>State university data requests</td>
<td>100</td>
</tr>
<tr>
<td>3775-16-15</td>
<td>Information technology</td>
<td>101</td>
</tr>
<tr>
<td>3775-16-16</td>
<td>Security and safety of confidential information</td>
<td>102</td>
</tr>
<tr>
<td>3775-16-17</td>
<td>Incident reporting</td>
<td>103</td>
</tr>
<tr>
<td>3775-16-18</td>
<td>Accounting and reserve audit</td>
<td>104</td>
</tr>
<tr>
<td>3775-16-19</td>
<td>Internal audit</td>
<td>105</td>
</tr>
<tr>
<td>3775-16-20</td>
<td>External audits and other reports</td>
<td>106</td>
</tr>
<tr>
<td>3775-16-21</td>
<td>Patron complaints</td>
<td>108</td>
</tr>
<tr>
<td></td>
<td><strong>Type A Sports Gaming Proprietor-Specific Duties</strong></td>
<td></td>
</tr>
<tr>
<td>3775-17-01</td>
<td>Location-based technology</td>
<td>109</td>
</tr>
<tr>
<td></td>
<td><strong>Type B Sports Gaming Proprietor-Specific Duties</strong></td>
<td></td>
</tr>
<tr>
<td>3775-18-01</td>
<td>Sports gaming facility design and inspections</td>
<td>110</td>
</tr>
<tr>
<td>3775-18-02</td>
<td>Sports gaming facility security</td>
<td>112</td>
</tr>
<tr>
<td>3775-18-03</td>
<td>Sports gaming facility surveillance</td>
<td>113</td>
</tr>
<tr>
<td>3775-18-04</td>
<td>Sports gaming facility cashiering</td>
<td>116</td>
</tr>
<tr>
<td>3775-18-05</td>
<td>Sports gaming facility restrictions</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td><strong>Type C Sports Gaming Proprietor-Specific Duties</strong></td>
<td></td>
</tr>
<tr>
<td>3775-19-01</td>
<td>Type C proprietor duties</td>
<td>121</td>
</tr>
</tbody>
</table>
Rule 3775-1-01 | Definitions.

(A) The words and terms defined in section 3775.01 of the Revised Code are used in this agency as they are defined in that section, unless otherwise specified.

(B) As used in Chapter 3775. of the Revised Code and rules adopted thereunder, the following words have the following meanings, unless the context clearly indicates otherwise:

1. “Advertisement” means a notice, announcement, or communication to the public, or any specific member(s) thereof, made by a sports gaming proprietor or on its behalf, designed to solicit or entice a person to participate in the sports gaming offerings of a sports gaming proprietor through broadcasting, publication, or any other means of dissemination in this state.

2. “Affiliate marketer” means a person who conducts promotion, marketing, advertising or patron recruitment for a sports gaming proprietor in this state either:
   a. Through a website or mobile application; or
   b. In exchange for a commission or variable fee based upon the number of users recruited, wagering activity generated, revenue generated, or any other metric.

3. “Application” means the total written materials, including the instructions, forms, and other documents issued by the commission, comprising an applicant’s request for a license.

4. “Appointing professional sports organization” means a professional sports organization that is a member of a league, association, or organization that prevents the professional sports organization from being subject to the regulatory control of the Ohio casino control commission or from otherwise operating under a sports gaming proprietor license.

5. “Beneficial and proprietary interest” means a direct or indirect interest of five per cent or more.

6. "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of sports gaming in this state and includes participating in the conduct at issue.

7. “License” or “plenary license” means the complete and approved document issued by the commission that indicates that an applicant has been chosen for licensure and has met all requirements set forth in Chapter 3775. of the Revised Code and the rules adopted thereunder.

8. "Licensee" means any person who holds a valid plenary or provisional license.

9. "Person" has the same meaning as in section 3772.01 of the Revised Code.
(10) “Person in control” means any person meeting division (C) of sections 3775.03 of the Revised Code but does not include persons in control of an appointing professional sports organization.

(11) “Provisional license” means a complete and approved document issued by the Commission that indicates an applicant has been chosen for temporary licensure in accordance with Section 4 of Amended House Bill 29 of the 134th General Assembly.

(12) “Sports gaming employee” means any individual required to obtain a sports gaming occupational license under Chapter 3775. of the Revised Code and the rules adopted thereunder.

(13) “Sports gaming equipment” has the same meaning in division (P) of section 3775.01 of the Revised Code, but does not include any device, software, or component that does not affect the operational integrity of sports gaming, as determined by the executive director.

(14) “Sports gaming proprietor” has the same meaning as in division (T) of section 3775.01 of the Revised Code and includes “mobile management services provider” and “management services provider” to the extent any sports gaming proprietor has contracted its rights, duties, and liabilities to the mobile management services provider or management services provider under division (E) of sections 3775.05 and 3775.051 of the Revised Code.

(15) “Sports gaming system” means:

(a) The sports gaming equipment necessary to allow a participant to place, review, or modify wagers, as allowed by the sports gaming proprietor, as well as be paid for winning wagers; and

(b) The sports gaming equipment the proprietor uses to review, manage, and report information related to user accounts, wager placement, or wager outcome. This does not include the equipment or communications technology simply used to access the sports gaming system or the intermediary software that connects the user to their financial institution; and

(c) Any other sports gaming equipment that the executive director determines is related to the sports gaming system.

(16) “Suspicious sports gaming activity” means unusual sports gaming activity that cannot be explained and is indicative of any of the following: match fixing, the manipulation of a sport, misuse of inside information, a potential breach of a sports governing body’s internal rules or code of conduct pertaining to sports gaming, any other conduct that corrupts the outcome of a sport, and any other prohibited activity.

(17) “Unusual sports gaming activity” means an abnormal betting or wagering activity or pattern exhibited by a patron or patrons. This activity or pattern may include abnormal
wager amounts or changes to wager volume based upon expected wager amount, sport type, or wager type.
Rule 3775-1-02 | Authority and purpose.

(A) The purpose of agency 3775 of the Administrative Code is to ensure the integrity of sports gaming in this state.

(B) The commission may, under procedures established in Chapter 119. of the Revised Code, adopt, amend, or repeal such rules as it deems necessary and proper for the successful and efficient regulation of sports gaming under Chapters 3772. and 3775. of the Revised Code.

(C) The rules contained in agency 3775 of the Administrative Code are adopted pursuant to Chapter 3772. or 3775. of the Revised Code.

(D) The commission may, in its discretion and where permitted by law, delegate its authority to perform any of its functions related to the regulation of sports gaming to the executive director or to other employees of the commission. Such delegations are to be governed by rule 3772-2-05 of the Administrative Code.
Rule 3775-1-03 | Construction.

(A) The provisions of agency 3775 of the Administrative Code are to be construed in accordance with generally accepted principles of statutory construction, including those set forth in agency 3772 of the Administrative Code.

(B) In the interpretation of any provision of agency 3775 of the Administrative Code, any ambiguity is to be resolved in favor of the interpretation that would provide:

(1) The greater assurance of integrity in either the operation or regulation of sports gaming; or

(2) Heightened public confidence in the regulation or regulatory processes related to sports gaming.

(C) Nothing contained in agency 3775 of the Administrative Code is to be construed to limit the powers and duties of the commission as provided in Chapter 3772. or 3775. of the Revised Code or to conflict with any provision of the Revised Code or any other applicable law.

(D) If any provision of agency 3775 of the Administrative Code is held invalid, that holding is not to be construed to invalidate any other provision of agency 3772 or 3775 of the Administrative Code.
Rule 3775-1-04 | Waivers and variances.

(A) The commission may waive or grant a variance from the provisions of agency 3775 of the Administrative Code, either on its own or upon a written request, if the commission determines that the waiver or variance is in the best interests of the public.

(B) A person required to obtain a license under Chapter 3775 of the Revised Code may not seek a waiver from the requirements to apply for, obtain, or maintain a license or to pay a different fee amount than is required to apply for or obtain the license.

(C) A waiver or variance request submitted under this rule must be submitted in the manner prescribed by the executive director and contain the following:

(1) The requestor’s name, mailing address, telephone number, and electronic mail address;

(2) A contact person and that person’s mailing address, telephone number, and electronic mail address;

(3) A detailed description of the specific provisions that the requestor is seeking to have waived or to vary from and the reason or reasons justifying the request;

(4) The requestor’s signature or the signature of a duly authorized representative of the requestor; and

(5) Any other information required by the executive director.

(D) In granting any waiver or variance, the commission may impose conditions or restrictions with which the requestor must comply. Failure to comply with the conditions or restrictions contained in an approved waiver or variance will immediately render the approval void and may result in discipline or other formal action as if the waiver or variance had never been granted.

(E) The commission may consider any waiver or variance request submitted under this rule at a meeting held under section 3772.02 of the Revised Code or delegate such responsibility to the executive director. If such a delegation occurs, the executive director will provide a written response to the requestor indicating whether the variance has been granted or denied.

(F) The commission, or the executive director if delegated, retains the sole authority to grant, deny, or modify a waiver or variance request submitted under this rule. The request may be denied or modified for any reason.
(G) Denial or modification of any waiver or variance request submitted under this rule does not require notice and an opportunity for hearing nor will it be considered an adjudication or final appealable order for purposes of Chapter 119 or section 2505.03 of the Revised Code. Such denial or modification will not be considered during any determination of the rights, duties, privileges, or benefits of legal relationships of the requestor.
Rule 3775-1-05 | Records retention.

(A) Unless otherwise required by Chapter 3775. of the Revised Code or any rules adopted thereunder, each sports gaming proprietor, mobile management services provider, management services provider, and supplier must retain and maintain, in a place secure from theft, loss, or destruction, all the records required to be maintained by Chapter 3775. of the Revised Code or the rules adopted thereunder for at least five years from the date of the record’s creation, including:

1. The business and organizational structure of the record holder;

2. Correspondence, including reports, to or from the commission or any local, state, or federal governmental agency, or foreign gaming regulatory body;

3. Any acquisition, construction, remodeling, or maintenance of a proposed or existing sports gaming facility in this state;

4. All transactions and other records related to the lease, purchase, installation, operation, maintenance, or repair of sports gaming equipment stored, maintained, operated, possessed, or otherwise used in conducting sports gaming in this state;

5. Financial statements, accounting records, ledgers, and internal and external audit records;

6. Records related to the conduct of sports gaming in this state; and

7. Any other books, records, or documents the commission requires, in writing, to be retained and maintained.

(B) Each sports gaming proprietor, mobile management services provider, management services provider, and supplier must retain and maintain, in a manner consistent with this rule, the personnel files for all sports gaming employee applicants or licensees for three years from the employment decision or last date of employment, as applicable.

(C) Each sports gaming proprietor, mobile management services provider, management services provider, and supplier must retain and maintain, in a manner consistent with this rule, any materials used to advertise, publicize, or otherwise promote sports gaming in this state for two years from the end of the advertising, promotional, or publicity campaign. If an affiliate marketer advertises, publicizes, or otherwise promotes sports gaming on behalf of these entities, those records must be retained and maintained by either the affiliate marketer or the entity.

(D) All records required to be maintained must be organized or furnished by the record holder in a manner that enables the commission to locate, inspect, review, and analyze the records with reasonable ease and efficiency, when requested by the commission.

(E) Upon request, the record holder must provide the commission with the records required to be maintained by Chapter 3775. of the Revised Code or the rules adopted thereunder.
(F) Nothing in this rule should be construed to require disclosure of a record that is protected by the attorney-client privilege. If a record that is protected by the attorney-client privilege is at issue, the record holder must provide the commission with written notification of the record’s existence, including a general description of the record's contents and the basis for the privilege.
Rule 3775-1-06 | Access to records, examinations under oath, and subpoena power.

Consistent with the authority to do the same with respect to fantasy contests, skill-based amusement machine operations, and casino gaming and in the discharge of any duties imposed by Chapters 3772. or 3775. of the Revised Code, the commission may utilize and enforce its authority to access records and conduct examinations under oath as well as its subpoena power in accordance with section 3772.05 of the Revised Code, division (D) of section 3772.04 of the Revised Code, and rule 3772-2-06 of the Administrative Code.
Rule 3775-1-07 | Hearings.

(A) If the executive director concludes that administrative action should be taken against any applicant, licensee, or other person subject to the requirements of agency 3775 of the Administrative Code, the commission will provide notice of the proposed action in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code.

(B) All hearings and hearing procedures are to be conducted in the manner described in Chapter 3772-21 of the Administrative Code.
Rule 3775-1-08 | Sanctions.

(A) The commission, at a meeting held under section 3772.02 of the Revised Code, may discipline any licensee, applicant, or other person subject to the jurisdiction of the commission pursuant to Chapter 3775. of the Revised Code for any of the following:

(1) Violating or failing to meet any provision or requirement of Chapter 3772. or 3775. of the Revised Code or any rules adopted thereunder;

(2) Engaging in any material or intentional misrepresentation or material omission;

(3) Engaging in any fraudulent act;

(4) Failing to cooperate with the commission;

(5) Failing to comply with all the terms and conditions of a settlement agreement or agreed order with the commission, and any subsequent amendment or modification;

(6) Failing to comply with the terms and conditions of a commission order or resolution, or any subsequent amendment or modification;

(7) Failing to allow the commission access to records as required under Chapter 3775. of the Revised Code and the rules adopted thereunder, to comply with the terms of a subpoena issued by the commission, or to testify on matters about which the person may be lawfully questioned; or

(8) Engaging in any conduct that undermines the integrity of, or public’s confidence in, sports gaming in this state.

(B) The commission, at a meeting held under section 3772.02 of the Revised Code, has the authority to impose any discipline set forth in Chapters 3772. or 3775. of the Revised Code and any rules adopted thereunder, including any of the following:

(1) Denial, non-renewal, revocation, suspension, conditioning, or restriction of a license;

(2) Revocation, suspension, or restriction of the sports gaming operations of a sports gaming proprietor;

(3) A monetary fine;

(4) A monetary civil penalty; or

(5) Any other discipline imposed upon or agreed to by a licensee, applicant, or any other person.
(C) Without in any manner limiting the authority of the commission to impose the level and type of sanction it may consider appropriate, the commission may take into consideration:

(1) The risk to the public and to the integrity of sports gaming in this state;

(2) Any criteria or factor listed in Chapter 3772. or 3775. of the Revised Code and any rules adopted thereunder; or

(3) Any other factors the commission may consider relevant.

(D) If the alleged violation is the result of, or results in, the unlawful obtainment or retention of any money or property, the commission may, in addition to any other penalty or fine levied under Chapters 3772. or 3775. of the Revised Code or any rules adopted thereunder, impose a civil penalty or fine in an amount equal to the money or value of the property that was unlawfully obtained or retained.

(E) Any person issued an occupational license under Chapter 3775. of the Revised Code and the rules adopted thereunder whose employment has been terminated is subject to revocation of his or her license for any act or failure to act that occurred while employed.

(F) The commission is not precluded from finding multiple violations within a day, if each violation is the result of separate and distinct acts.

(G) The commission may hold applicants, licensees, or other persons jointly and severally liable for violations of Chapter 3772. or 3775. of the Revised Code and the rules adopted thereunder.
Rule 3775-1-09 | Sports gaming involuntary exclusion list.

(A) The "sports gaming involuntary exclusion list" consists of the names and other identifying or descriptive information of those individuals who meet the criteria under Chapter 3772 of the Revised Code and this rule and have been placed on the list in accordance with sections 3772.031, 3772.04, or 3775.13 of the Revised Code. This rule does not govern the Ohio VEP, as described in chapter 3772-12 of the Administrative Code, or any exclusion required by division (F) of section 3775.13 of the Revised Code.

(B) An individual on the sports gaming involuntary exclusion list is prohibited from entering a sports gaming facility or the grounds of a sports gaming facility or from participating in the play or operation of sports gaming in this state.

(C) Each sports gaming proprietor must employ commercially reasonable methods to:

(1) Exclude any individual on the sports gaming involuntary exclusion list from entering their Ohio sports gaming facility; and

(2) Prevent such individual from engaging in sports gaming conducted by the sports gaming proprietor in Ohio.

(D) Each sports gaming proprietor must notify the commission, on a monthly basis, if an individual on the involuntary exclusion list has entered the sports gaming facility or has engaged in sports gaming conducted by the sports gaming proprietor in Ohio.

(E) This rule does not preclude a sports gaming proprietor from ejecting any individual from its sports gaming facility or from otherwise prohibiting an individual from engaging in sports gaming offered by the sports gaming proprietor for any lawful reason. The sports gaming proprietor may request that the commission place an ejected individual on the sports gaming involuntary exclusion list, but the decision to initiate an involuntary exclusion proceeding or to place an individual on the sports gaming involuntary exclusion list rests solely with the commission.

(F) As required by division (B)(2) of section 3775.13 of the Revised Code, a sports gaming proprietor must notify the commission if the sports gaming proprietor excludes an individual because the sports gaming proprietor determines that the individual engaged or attempted to engage in any sports gaming related activity that is prohibited under chapter 3775 of the Revised Code and the rules adopted thereunder. This report can be combined with any report the sports gaming proprietor files under paragraph (D) of this rule.
Rule 3775-4-01 | General licensing requirements.

(A) No sports gaming proprietor, mobile management services provider, management services provider, sports gaming supplier, sports gaming employee, or type C sports gaming host may operate, conduct, or assist in operating or conducting sports gaming in this state without first obtaining an appropriate license or provisional license from the commission.

(B) Except for an appointing professional sports organization or type C sports gaming host, each person applying for an initial or renewal sports gaming license must submit two complete sets of fingerprints to the commission for the purpose of conducting a criminal records check pursuant to divisions (A) and (C) of section 109.572 of the Revised Code, at the applicant’s sole expense and cost. An applicant that employs a sports gaming employee applicant must pay these fees on that person’s behalf. An applicant convicted of any disqualifying offense, as defined and prohibited by sections 3772.07 and 3772.10 of the Revised Code, and as determined under section 9.79 of the Revised Code, will not be issued a license.

(C) The commission may grant a sports gaming proprietor, mobile management services provider, management services provider, or sports gaming supplier license to an applicant only once it has determined that each person in control of the applicant, has:

1. Submitted any forms, documents, or information the commission requires;
2. Submitted two sets of fingerprints. The costs of which are to be paid by the entity the person controls; and
3. Been found eligible, qualified, and suitable as determined by the commission.

(D) The commission must conduct a complete investigation of each applicant for a sports gaming license each time the applicant applies for an initial or renewal sports gaming license.

(E) The commission may reopen a licensing investigation or adjudication at any time.

(F) When reviewing an applicant, the commission may rely on or consider the last investigation conducted into, or license issued to, the applicant under Chapter 3770. or 3772. of the Revised Code.

(G) All sports gaming applicants and licensees, except for appointing professional sports organizations and type C gaming hosts, must update the commission, in writing, within ten days of any material change to any information provided in an initial or renewal sports gaming license application, to include the following:

1. Change of name;
2. Change of home or business address;
3. Change of primary telephone number or electronic mail address;
(4) Change to the state of incorporation or principal place of business;

(5) A change in the persons in control of an applicant or licensee;

(6) Any bankruptcy filed, discharged, or dismissed;

(7) Any arrest, charge, plea, or conviction for any crime or offense occurring in any jurisdiction, excluding minor misdemeanor traffic offenses;

(8) Any investigation commenced by or action filed by a gaming regulatory agency or government gaming authority, except for routine renewal application reviews;

(9) Any rejection, suspension, revocation, or denial of any gaming-related application or license, and any fine, penalty, or settled amount related to any gaming-related license imposed upon or agreed to in any jurisdiction;

(10) Any other changes designated on an applicable update form; and

(11) Any other information affecting the sports gaming license applicant’s or sports gaming licensee’s suitability.

(H) All appointing professional sports organizations must update the commission, in writing, within ten days of any material change to any information provided in an initial or renewal sports gaming license application, to include the following:

(1) Change of name;

(2) Change of address;

(3) Change of primary telephone number or electronic mail address;

(4) Change to the state of incorporation or principal place of business;

(5) Any investigation commenced by or action filed by a gaming regulatory agency or government gaming authority, except for routine renewal application reviews;

(6) Any changes to the appointing professional sports organization’s status, including changes regarding their membership in a league, association, or organization with a policy preventing them from being subject to the regulatory control of the commission or from otherwise operating under a license, as well as changes to that policy itself; and

(7) Any other changes designated on an applicable update form.
(I) All type C sports gaming hosts must update the commission, in writing, within 10 days of any material change to any information provided in an initial or renewal sports gaming license application to include the following:

(1) Changes of name;

(2) Change of address;

(3) Change of primary telephone number or electronic mail address;

(4) Change to any D-1, D-2, or D-5 liquor permit held and issued under Chapter 4303 of the Revised Code;

(5) Change to any lottery sales agent license held and issued Chapter 3770 of the Revised Code;

(6) Change to a lottery commission recommendation; and

(7) Any other changes designated on an applicable update form.

(J) A sports gaming licensee must adhere to the following with respect to a license granted by the commission:

(1) A sports gaming proprietor, mobile management services provider, and management services provider must display its license conspicuously in its place of business or have the license available for inspection by the commission or any law enforcement agency upon request;

(2) A sports gaming employee licensee must prominently display evidence of a license, in a manner determined by the executive director, while actively on duty for a sports gaming proprietor and present in a sports gaming facility; and

(3) A type C sports gaming host must display its license conspicuously in its place of business.

(K) Information provided on the application, and any additional information requested by and provided to the commission, will used as a basis for an investigation of each applicant or licensee.

(L) An incomplete application, or an application containing false, misleading, or omitted information, is cause for administrative action by the commission.

(M) The executive director may recommend to the commission that it deny any application, or limit, condition, restrict, suspend, or revoke any license or impose any fine upon any licensee or other person in accordance with sports gaming law.
(N) No person may re-apply for a sports gaming license for three years from the date the person’s application for licensure was denied or license was revoked by the commission. This provision does not apply to applications the executive director approves for withdrawal or to an applicant who is not issued a license solely due to a restraint in the number of licenses available.

(O) No license issued under this chapter is transferable. A significant change in or transfer of control of a licensee, as determined by the executive director, requires the filing of a new application and submission of the applicable fees under this chapter before any change in or transfer of control is approved by the commission.
Rule 3775-4-02 | Type A sports gaming proprietor licensure.

(A) An applicant for an initial or renewal type A sports gaming proprietor license must complete and submit the appropriate form(s) required by the commission and ensure the payment of a nonrefundable application fee of one hundred and fifty thousand dollars, as well as all fees necessary to cover the cost of any required criminal-records checks.

(B) An applicant for an initial or renewal type A sports gaming proprietor license must establish, by clear and convincing evidence, the applicant’s suitability for licensure.

(C) Except for an appointing professional sports organization, in determining whether to grant, maintain, or renew a type A sports gaming proprietor license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of section 3775.03 and divisions (A), (B), and (C) of section 3775.041 of the Revised Code:

1. Whether the type A sports gaming proprietor and any person that controls it possesses good character, honesty, and integrity;

2. Whether the type A sports gaming proprietor and any person that controls it possesses financial stability, integrity, and responsibility;

3. Whether the type A sports gaming proprietor is a professional sports organization, casino operator, or video lottery sales agents as defined in section 3775.01 of the Revised Code;

4. The extent to which the type A sports gaming proprietor and any person that controls it have cooperated with the commission in connection with the background investigation;

5. The extent to which the type A sports gaming proprietor and any person that controls it have provided accurate and complete information as required by the commission;

6. The suitability of any material person, as determined by the executive director;

7. The reputation and business experience of the type A sports gaming proprietor operating in the state;

8. The establishment and maintenance of facilities that meet the requirements of division (A)(3) of section 3775.04 of the Revised Code;

9. Whether the type A sports gaming proprietor has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission;

10. The prospective total revenue to be collected by the state for the conducting of online sports gaming by a sports gaming proprietor;
(11) The prospective total taxable income to be earned by the type A sports gaming proprietor’s employees in the state;

(12) The extent to which the type A sports gaming proprietor contributes to the economic development in the state; and

(13) The extent to which the type A sports gaming proprietor has complied with the requirements of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(D) If the type A sports gaming proprietor is an appointing professional sports organization, the designee operator must establish the designee operator’s suitability on behalf of the appointing professional sports organization in accordance with paragraph (C) of this rule. A type A sports gaming proprietor that is a professional sports organization, regardless of appointing status, otherwise must:

(1) Meet all applicable eligibility standards and economic development factors including those in divisions (A) and (C) of section 3775.041 of the Revised Code; and

(2) Maintain protocols and procedures in place with the designee operator to ensure independence and avoid conflicts of interest in the operation of sports gaming, in accordance with division (A) of section 3775.05 of the Revised Code and the rules adopted thereunder.

(E) If, at any time during licensure, a professional sports organization either loses its status as an appointing professional sports organization or otherwise wishes to offer sports gaming without a designee operator, the professional sports organization must first demonstrate its suitability under paragraph (C) of this rule as well as compliance with all other provisions of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(F) A type A sports gaming proprietor license expires five years after the date of licensure.

(G) A type A sports gaming proprietor may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.

(H) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal type A sports gaming proprietor license must ensure that:

(1) The first installment of the license fees described in division (E)(1) of section 3775.04 of the Revised Code is paid. Each subsequent annual license fee must be paid by the anniversary date of the granting of the license. Failure to timely pay any portion of a fee required by this rule constitutes cause for the executive director to issue an emergency order in the manner prescribed by division (G) of section 3772.04 of the Revised Code; and
(2) A surety bond of an amount necessary to cover all future license fees owed, payable to the state, is posted and maintained, as required by division (E) of section 3775.04 of the Revised Code. The bond must be issued by a surety that is licensed to do business in this state.

(I) In the event the application fee paid by a type A sports gaming proprietor is insufficient to cover the actual costs of investigating the suitability of the applicant or the persons that control it, the commission may assess additional fees to cover the costs of the investigation that exceed the application fee paid under this chapter.

(J) Unless otherwise approved by the executive director, all fees must be submitted to the commission in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(K) If the executive director determines at any time that a type A sports gaming proprietor licensee has not actively offered sports gaming to patrons under the license for a continued period of one year or more or that the proprietor was issued a license because of a preference described in division (A) of section 3775.041 of the Revised Code and no longer qualifies for that preference, administrative action to revoke the applicable license will be taken against the licensee. Notice of the proposed action and an opportunity for hearing will be provided in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code. In so doing, the executive director may issue an emergency order in the manner prescribed by division (G) of section 3772.04 of the Revised Code. Such administrative action will not affect any other sports gaming proprietor licenses that are held by the licensee.

(L) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.
Rule 3775-4-02.1 | Additional type A sports gaming proprietor licenses.

(A) Except as otherwise provided in paragraph (B) of this rule, the commission must not license more than twenty-five type A sports gaming proprietors at any one time.

(B) Once twenty-five type A sports gaming proprietors are licensed in this state, the commission may, in its sole discretion, issue additional type A sports gaming proprietor licenses only if the potential applicant(s) can demonstrate that:

(1) There is a substantial, considerable, and ongoing need for additional type A sports gaming proprietors evidenced by quantifiable sports gaming market data gathered in this state consisting of:

   (i) Market share analyses;

   (ii) Reports performed by a qualified third party on the projected amount of additional contributions to economic development, taxable revenue, and job creation that will be generated resulting in a further substantial benefit to this state; and

   (iii) Any other information so requested by the commission to aid in its determination; and

(2) They meet all requirements for licensure under Chapter 3775. of the Revised Code and the rules adopted thereunder.
Rule 3775-4-03 | Type B sports gaming proprietor licensure.

(A) An applicant for an initial or renewal type B sports gaming proprietor license must complete and submit the appropriate form(s) required by the commission and ensure the payment of a nonrefundable application fee of twenty thousand dollars, as well as all fees necessary to cover the cost of any required criminal-records checks.

(B) An applicant for an initial or renewal type B sports gaming proprietor license must establish, by clear and convincing evidence, the applicant’s suitability for licensure.

(C) Except for an appointing professional sports organization, in determining whether to grant, maintain, or renew a type B sports gaming proprietor license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of section 3775.03 and divisions (A), (B), and (C) of section 3775.041 of the Revised Code:

1. Whether the type B sports gaming proprietor and any person that controls it possesses good character, honesty, and integrity;

2. Whether the type B sports gaming proprietor and any person that controls it possesses financial stability, integrity, and responsibility;

3. Whether the type B sports gaming proprietor is a professional sports organization, casino operator, or video lottery sales agents as defined in section 3775.01 of the Revised Code;

4. The extent to which the type B sports gaming proprietor and any person that controls it have cooperated with the commission in connection with the background investigation;

5. The extent to which the type B sports gaming proprietor and any person that controls it have provided accurate and complete information as required by the commission;

6. The suitability of any material person, as determined by the executive director;

7. The reputation and business experience of the type B sports gaming proprietor operating in the state;

8. The suitability of the facilities or proposed facilities for the conducting of sports gaming in the state;

9. Whether the type B sports gaming proprietor has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission;

10. The prospective total revenue to be collected by the state for the conducting of in-person sports gaming by the sports gaming proprietor;
(11) The prospective total taxable income to be earned by the type B sports gaming proprietor’s employees in the state;

(12) The extent to which the type B sports gaming proprietor contributes to the economic development in the state; and

(13) The extent to which the type B sports gaming proprietor has complied with the requirements of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(D) If the type B sports gaming proprietor is an appointing professional sports organization, the designee operator must establish the designee operator’s suitability on behalf of the appointing professional sports organization in accordance with paragraph (C) of this rule. A type B sports gaming proprietor that is a professional sports organization, regardless of appointing status, otherwise must:

(1) Meet all applicable eligibility standards and economic development factors including those in divisions (A) and (C) of section 3775.041 of the Revised Code; and

(2) Maintain protocols and procedures in place with the designee operator to ensure independence and avoid conflicts of interest in the operation of sports gaming, in accordance with division (A) of section 3775.051 of the Revised Code and the rules adopted thereunder.

(E) If, at any time during licensure, a professional sports organization either loses its status as an appointing professional sports organization or otherwise wishes to offer sports gaming without a designee operator, the professional sports organization must first demonstrate its suitability under paragraph (C) of this rule as well as compliance with all other provisions of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(F) In addition to the factors in paragraph (C) or (D) of this rule, as applicable, and the county population parameters outlined in division (B) of section 3775.04 of the Revised Code, the commission will only issue an initial type B sports gaming proprietor license to a person who conducts significant economic activity in the county in which the sports gaming facility is to be located. This requirement will be determined by the commission in consultation with the department of development and may include consideration of the following factors:

(1) Contributions of physical capital or infrastructure;

(2) Contributions to employment;

(3) Contributions to business development, including tourism; and

(4) Any other factors the commission determines, in consultation with the department of development, to materially affect the economic activity in a particular county.
(G) A type B sports gaming proprietor license expires five years after the date of licensure.

(H) A type B sports gaming proprietor may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.

(I) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal type B sports gaming proprietor license must ensure that:

1. The first installment of the license fees described in division (E)(2) of section 3775.04 of the Revised Code is paid. Each subsequent annual license fee must be paid by the anniversary date of the granting of the license. Failure to timely pay any portion of a fee required by this rule constitutes cause for the executive director to issue an emergency order in the manner prescribed by division (G) of section 3772.04 of the Revised Code; and

2. A surety bond of an amount necessary to cover all future license fees owed, payable to the state, is posted and maintained, as required by division (E) of section 3775.04 of the Revised Code. The bond must be issued by a surety that is licensed to do business in this state.

(J) In the event the application fee paid by a type B sports gaming proprietor is insufficient to cover the actual costs of investigating the suitability of the applicant or the persons that control it, the commission may assess additional fees to cover the costs of the investigation that exceed the application fee paid under this chapter.

(K) Unless otherwise approved by the executive director, all fees must be submitted to the commission in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(L) If the executive director determines at any time that a type B sports gaming proprietor licensee has not actively offered sports gaming to patrons under the license for a continued period of one year or more, or that the proprietor was issued a license because of a preference described in division (A) of section 3775.041 of the Revised Code and no longer qualifies for that preference, administrative action to revoke the applicable license will be taken against the licensee. Notice of the proposed action and an opportunity for hearing will be provided in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code. In so doing, the executive director may issue an emergency order in the manner prescribed by division (G) of section 3772.04 of the Revised Code. Such administrative action will not affect any other sports gaming proprietor licenses that are held by the licensee.

(M) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open
to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.
Rule 3775-4-03.1 | County population exception for type B sports gaming proprietor license.

(A) Except as otherwise provided in paragraph (B) of this rule, the commission must not license a type B sports gaming proprietor with a sports gaming facility located in a county with a population of less than one hundred thousand, as determined by the 2010 federal decennial census.

(B) If a type B sports gaming proprietor has a sports gaming facility located in a county with a population of fifty thousand or more but less than one hundred thousand, as determined by the 2010 federal decennial census, the commission may issue a type B sports gaming proprietor license if:

(1) The type B sports gaming proprietor obtains and submits information from the department of development attesting that the county where the proposed or current sports gaming facility is located received at least five million visitors for purposes of tourism during the most recent calendar year for which data is available; and

(2) They meet all requirements for licensure under Chapter 3775. of the Revised Code and the rules adopted thereunder.
Rule 3775-4-04 | Type C sports gaming proprietor licensure.

(A) An applicant for an initial or renewal type C sports gaming proprietor license must complete and submit the appropriate form(s) required by the commission and pay a nonrefundable application fee of fifteen thousand dollars and all fees necessary to cover the cost of any required criminal-records checks.

(B) An applicant for an initial or renewal type C sports gaming proprietor license must establish, by clear and convincing evidence, the applicant’s suitability for licensure.

(C) In determining whether to grant, maintain, or renew a type C sports gaming proprietor license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of 3775.03 and divisions (B) and (C) of section 3775.041 of the Revised Code:

1. Whether the type C sports gaming proprietor and any person that controls it possesses good character, honesty, and integrity;

2. Whether the type C sports gaming proprietor and any person that controls it possesses financial stability, integrity, and responsibility;

3. The extent to which the type C sports gaming proprietor and any person that controls it have cooperated with the commission in connection with the background investigation;

4. The extent to which the type C sports gaming proprietor and any person that controls it have provided accurate and complete information as required by the commission;

5. The suitability of any material person, as determined by the executive director;

6. The reputation and business experience of the type C sports gaming proprietor;

7. Whether the type C sports gaming proprietor has entered or will enter into agreements to offer sports gaming at type C sports gaming host facilities, subject to regulatory approvals;

8. Whether the type C sports gaming proprietor has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission;

9. The prospective total revenue to be collected by the state for the conducting of sports gaming;

10. The prospective total taxable income to be earned by the type C sports gaming proprietor’s employees in the state;

11. The extent to which the type C sports gaming proprietor contributes to the economic development in the state; and
The extent to which the type C sports gaming proprietor has complied with the requirements of Chapters 3770. and 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(D) A type C sports gaming proprietor license expires five years after the date of licensure.

(E) A type C sports gaming proprietor may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.

(F) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal type C sports gaming proprietor license must:

1. Pay the nonrefundable license fees as outlined in division (E)(3) of section 3775.04 of the Revised Code;

2. Post and maintain a surety bond of an amount necessary to cover all future license fees owed, payable to the state, which must be issued by a surety that is licensed to do business in this state, as required by division (E) of section 3775.04 of the Revised Code; and

3. Enter into a valid contract with the state lottery commission to operate lottery sports gaming pursuant to Chapters 3770. and 3775. of the Revised Code. Failure to enter into or to maintain a contract with the state lottery commission may be cause for administrative action against the licensee.

(G) In the event the application fee paid by a type C sports gaming proprietor is insufficient to cover the actual costs of investigating the suitability of the applicant or the persons that control it, the commission may assess additional fees to cover the costs of the investigation that exceed the application fee paid under this chapter.

(H) Unless otherwise approved by the executive director, all fees must be submitted to the commission in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(I) If the executive director determines at any time that a type C sports gaming proprietor licensee has not actively offered sports gaming to patrons under the license for a continued period of one year or more, administrative action to revoke the applicable license will be taken against the licensee. Notice of the proposed action and an opportunity for hearing will be provided in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code. Such administrative action will not affect any other sports gaming proprietor licenses that are held by the licensee.

(J) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open...
to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.
Rule 3775-4-05 | Mobile management services provider licensure.

(A) An applicant for an initial or renewal mobile management services provider license must complete and submit the appropriate form(s) required by the commission and ensure the payment of a nonrefundable application fee of one hundred fifty thousand dollars, as well as all fees necessary to cover the cost of any required criminal-records checks.

(B) An applicant for an initial or renewal mobile management services provider license must establish, by clear and convincing evidence, the applicant’s suitability for licensure.

(C) In determining whether to grant, maintain, or renew a mobile management services provider license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of section 3775.03 and division (B) of section 3775.041 of the Revised Code:

1. Whether the mobile management services provider and any person that controls it possesses good character, honesty, and integrity;

2. Whether the mobile management services provider and any person that controls it possesses financial stability, integrity, and responsibility;

3. The extent to which the mobile management services provider and any person that controls it have cooperated with the commission in connection with the background investigation;

4. The extent to which the mobile management services provider and any person that controls it have provided accurate and complete information as required by the commission;

5. Whether the mobile management services provider has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission;

6. Whether the applicant is considered a designated first mobile management services provider or designated second mobile management services provider pursuant to division (A) of section 3775.05 of the Revised Code, including, for a second designated mobile management services provider, whether the type A sports gaming proprietor, in coordination with the mobile management services provider, has demonstrated that issuing the license would:

   a. Not prevent any other type A sports gaming proprietor from securing a first designated mobile management services provider; and

   b. Provide an incremental economic benefit to the state. The economic benefit generated to the state will be determined by:

      i. The additional actual or expected sports gaming tax revenue generated and license fees dedicated for educational purposes, problem gambling services, and veterans;
(ii) Any jobs created or other services procured in the state that are attributable to the designated second mobile management services provider conducting sports gaming;

(iii) Any capital investments made or intended to be made in the state by the designated second mobile management services provider; or

(iv) Other economic impacts approved by the commission.

(7) Whether the mobile management services provider has been contractually appointed as the mobile management services provider or designee operator by a type A sports gaming proprietor licensee, subject to regulatory approval;

(8) The reputation and business experience of the mobile management services provider operating in the state;

(9) The prospective total revenue to be collected by the state for the conducting of sports gaming; and

(10) The extent to which the mobile management services provider has complied with the requirements of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(D) A mobile management services provider that has been appointed as the designee operator in accordance with division (A) of section 3775.05 of the Revised Code must ensure independence with the professional sports organization that holds the type A sports gaming proprietor license. In so doing, the designee operator must ensure that a conflicts of interest policy is created, implemented, and maintained to avoid apparent or actual conflicts of interests between the parties. The policy must be originally approved by the commission, with material changes approved by the executive director, and must include controls or information necessary to ensure that:

(1) Neither party:

   (a) Shares information that may compromise the integrity of sporting events or sports gaming with the other; nor

   (b) Controls nor improperly influences the other; and

(2) Both parties maintain separate and independent records as it relates to the operation of sports gaming in this state, to the extent such records exist in the normal course of business.

(E) A mobile management services provider license expires five years after the date of licensure. Regardless of the licensure term, and pursuant to division (E)(2) of section 3775.05 of the
Revised Code, a mobile management services provider is not permitted to operate sports gaming other than pursuant to a currently valid and binding contract with a type A sports gaming proprietor.

(F) A mobile management services provider may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.

(G) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal mobile management services provider license must ensure that:

1. The first installment of the license fees described in division (B)(3) of section 3775.05 of the Revised Code is paid. Each subsequent annual license fee must be paid by the anniversary date of the granting of the license. Failure to timely pay any portion of a fee required by this rule constitutes cause for the executive director to issue an emergency order in the manner prescribed by division (G) of section 3772.04 of the Revised Code;

2. A surety bond of at least five hundred thousand dollars, payable to the state, is posted and maintained. The bond must be issued by a surety that is licensed to do business in this state; and

3. A written contract with a type A sports gaming proprietor to operate sports gaming on the proprietor’s behalf has been entered into and approved by the commission. The contract must contain a description of what duties under Chapter 3775. of the Revised Code and the rules adopted thereunder each party is responsible for.

(H) As required by division (D) of section 3775.05 of the Revised Code, any material change, as determined by the executive director, to the contract described in paragraph (G)(3) of this rule requires executive director approval. If material changes to the contract are made without approval, those changes are null and void. This contract, and any provision thereof, is not assignable or transferable.

(I) No mobile management services provider may hold more than four mobile management services licenses at any one time. For each mobile management services provider application submitted after the first, a mobile management services provider need only complete those portions of the application so indicated and need only pay an application fee of seventy five thousand dollars.

(J) In the event the application fee paid by a mobile management services provider is insufficient to cover the actual costs of investigating the suitability of the applicant or the persons that control it, the commission may assess additional fees to cover the costs of the investigation that exceed the application fee paid under this chapter.
(K) Unless otherwise approved by the executive director, all fees must be submitted to the commission in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(L) If the executive director determines at any time that a second designated mobile management services provider licensee has not actively offered sports gaming to the economic benefit of the state under the license for a continued period of one year or more, administrative action to revoke the applicable license will be taken against the licensee. Notice of the proposed action and an opportunity for hearing will be provided in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code. Such administrative action will not affect any other mobile management services provider licenses that are held by the licensee.

(M) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.
(A) An applicant for an initial or renewal management services provider license must complete and submit the appropriate form(s) required by the commission and ensure the payment of a nonrefundable application fee of twenty thousand dollars, as well as all fees necessary to cover the cost of any required criminal-records checks.

(B) An applicant for an initial or renewal management services provider license must establish, by clear and convincing evidence, the applicant’s suitability for licensure.

(C) In determining whether to grant, maintain, or renew a management services provider license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of section 3775.03 and division (B) of section 3775.041 of the Revised Code:

1. Whether the management services provider and any person that controls it possesses good character, honesty, and integrity;

2. Whether the management services provider and any person that controls it possesses financial stability, integrity, and responsibility;

3. The extent to which the management services provider and any person that controls it have cooperated with the commission in connection with the background investigation;

4. The extent to which the management services provider and any person that controls it have provided accurate and complete information as required by the commission;

5. Whether the management services provider has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission;

6. Whether the management services provider has been contractually appointed as the management services provider or designee operator by a type B sports gaming proprietor licensee, subject to regulatory approval;

7. The reputation and business experience of the management services provider operating in the state;

8. The prospective total revenue to be collected by the state for the conducting of sports gaming; and

9. The extent to which the management services provider has complied with the requirements of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(D) A management services provider that has been appointed as the designee operator in accordance with division (A) of section 3775.051 of the Revised Code must ensure complete independence with the professional sports organization that holds the contractual type B sports
gaming proprietor license. In so doing, the designee operator must ensure that a conflicts of interest policy is created, implemented, and maintained to avoid apparent or actual conflicts of interests between the parties. The policy must be originally approved by the commission, with material changes approved by the executive director, and must include controls or information necessary to ensure that:

(1) Neither party:

   (a) Shares information that may compromise the integrity of sporting events or sports gaming with the other; nor

   (b) Controls nor improperly influences the other; and

Both parties maintain separate and independent records as it relates to the operation of sports gaming in this state, to the extent such records exist in the normal course of business.

(E) A management services provider license expires five years after the date of licensure. Regardless of the licensure term, and pursuant to division (E)(2) of section 3775.051 of the Revised Code, a management services provider is not permitted to operate sports gaming other than pursuant to a currently valid and binding contract with a type B sports gaming proprietor.

(F) A management services provider may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.

(G) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal management services provider license must ensure that:

   (1) The first installment of the license fees described in division (B)(3) of section 3775.051 of the Revised Code is paid. Each subsequent annual license fee must be paid by the anniversary date of the granting of the license. Failure to timely pay any portion of a fee required by this rule constitutes cause for the executive director to issue an emergency order in the manner prescribed by division (G) of section 3772.04 of the Revised Code;

   (2) A surety bond of at least one hundred thousand dollars payable to the state is posted and maintained. The bond must be issued by a surety that is licensed to do business in this state; and

   (3) A written contract with a type B sports gaming proprietor to operate sports gaming on the proprietor’s behalf has been entered into and approved by the commission. The contract must contain a description of what duties under Chapter 3775. of the Revised Code and the rules adopted thereunder each party is to be responsible for.
(H) As required by division (D) of section 3775.051 of the Revised Code, any material change, as determined by the executive director, to the contract described in paragraph (G)(3) of this rule requires executive director approval. If material changes to the contract are made without approval, those changes are null and void. This contract, and any provision thereof, is not assignable or transferrable.

(I) No management services provider may hold more than twelve management service provider licenses at any one time. For each management services provider application submitted after the first, a management services provider need only complete those portions of the application so indicated and need only pay an application fee of ten thousand dollars.

(J) In the event the application fee paid by a management services provider is insufficient to cover the actual costs of investigating the suitability of the applicant or the persons that control it, the commission may assess additional fees to cover the costs of the investigation that exceed the application fee paid under this chapter.

(K) Unless otherwise approved by the executive director, all fees must be submitted to the commission in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(L) If the executive director determines at any time that a management services provider licensee has not actively offered sports gaming to the economic benefit of the state under the license for a continued period of one year or more, administrative action to revoke the applicable license will be taken against the licensee. Notice of the proposed action and an opportunity for hearing will be provided in the manner prescribed under Chapter 119. of the Revised Code and Chapter 3772-21 of the Administrative Code. Such administrative action will not affect any other management services provider licenses that are held by the licensee.

(M) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.
Rule 3775-4-07 | Type C sports gaming host licensure.

(A) An applicant for an initial or renewal type C sports gaming host license must apply for licensure via the state of Ohio eLicense website at www.elicense.ohio.gov, comply with all instructions, and pay a non-refundable application fee of one thousand dollars. This application fee will be credited as payment of the type C gaming host’s license fee, as prescribed by division (C) of section 3775.06 of the Revised Code.

(B) In determining whether to grant, maintain, or renew a type C sports gaming host license, the commission will evaluate and consider the following factors:

1. Whether the applicant has been issued a valid D-1, D-2, or D-5 liquor permit under Chapter 4303. of the Revised Code;

2. Whether the applicant has been issued a valid lottery sales agent license under Chapter 3770. of the Revised Code;

3. Whether the applicant has or will enter into an agreement with a type C sports gaming proprietor to offer sports gaming at its facility, subject to regulatory approval;

4. Whether the state lottery commission recommends the applicant be issued the license; and

5. Whether the applicant has complied with the requirements of Chapters 3770. and 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(C) A type C sports gaming host may offer sports gaming through a different type C sports gaming proprietor than the one identified in the applicant’s initial license application during the period of the license, subject to the terms of any governing agreement with the type C sports gaming proprietor.

(D) An applicant for a type C sports gaming host license is not required to undergo a criminal background check or suitability investigation to be issued the license.

(E) The commission, at a meeting held under section 3772.02 of the Revised Code, will determine whether the applicant is eligible for the license and whether the applicant has complied with the requirements of Chapters 3770., 3772., and 3775. of the Revised Code and the rules adopted thereunder.

(F) A type C sports gaming host license expires three years after the date of licensure.

(G) A type C gaming host licensee may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred twenty days before the expiration of the license.

(H) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to
public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.
Rule 3775-4-08 | Sports gaming supplier licensure.

(A) An applicant for an initial or renewal sports gaming supplier license must complete and submit the appropriate form(s) required by the commission and ensure the payment of a nonrefundable application fee of ten thousand dollars and all fees necessary to cover the cost of any required criminal-records checks.

(B) An applicant for an initial or renewal sports gaming supplier license must establish, by clear and convincing evidence, the applicant’s suitability for licensure.

(C) In determining whether to grant, maintain, or renew a sports gaming supplier license, the commission will evaluate and consider the following factors, in addition to those set forth in division (C) of section 3775.03 and division (B) of section 3775.041 of the Revised Code:

1. Whether the sports gaming supplier and any person that controls it possesses good character, honesty, and integrity;

2. Whether the sports gaming supplier and any person that controls it possesses financial stability, integrity, and responsibility;

3. The extent to which the sports gaming supplier and any person that controls it have cooperated with the commission in connection with the background investigation;

4. The extent to which the sports gaming supplier and any person that controls it have provided accurate and complete information as required by the commission;

5. The suitability of any material person, as determined by the executive director;

6. The reputation and business experience of the sports gaming supplier operating in the state;

7. Whether the sports gaming supplier has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission; and

8. The extent to which the sports gaming supplier has complied with the requirements of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(D) A sports gaming supplier license that currently holds an active license issued under Chapter 3770. or 3772. of the Revised Code will not be required to satisfy any additional requirement for the sports gaming supplier license that is substantially similar to any requirement the applicant previously satisfied in order to obtain or renew the applicable license issued under Chapter 3770. or 3772. of the Revised Code so long as:

1. The applicant submits the appropriate form(s) required by the commission and ensures the payment of all applicable fees;
(2) The applicant demonstrates that the license is active and in good standing in this state; and

(3) The applicant otherwise meets the eligibility requirements of chapter 3775 of the Revised Code and the rules adopted thereunder.

(E) A sports gaming supplier license expires three years after the date of licensure.

(F) A sports gaming supplier may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred eighty days before the expiration of the license.

(G) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal sports gaming supplier license must ensure that the nonrefundable license fee of fifteen thousand dollars as required by division (C) of section 3775.08 of the Revised Code is paid.

(H) Unless otherwise approved by the executive director, all fees must be submitted to the commission the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(I) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.
Rule 3775-4-09 | Sports gaming employee licensure.

(A) An applicant for an initial or renewal sports gaming employee license must complete and submit the appropriate form(s) required by the commission and ensure the payment of a nonrefundable application fee of one hundred dollars as well as all fees necessary to cover the cost of any required criminal-records checks except that a sports gaming applicant or licensee that employs a sports gaming employee applicant must pay all fees on the sports gaming employee’s behalf.

(B) An applicant for an initial or renewal sports gaming employee license must establish, by clear and convincing evidence, the applicant’s suitability for licensure.

(C) A sports gaming employee must obtain either a standard-level or a key-level sports gaming employee license depending on the individual’s duties and involvement in sports gaming in the state, as follows:

1. Standard sports gaming employee licenses must be held by individuals whose duties, regardless of title, are outlined in division (A)(1) of section 3775.06 of the Revised Code; and

2. Key sports gaming employee licenses must be held by individuals who, regardless of title, are considered persons in control, as defined in rule 3775-1-01 of the Administrative Code.

(D) Unless expressly noted in this rule or on the appropriate form provided by the commission, an individual obtaining a standard sports gaming employee license or key sports gaming employee license will be subject to the same fees, requirements, and eligibility considerations.

(E) An individual who meets the sports gaming employee license classifications in paragraph (C) of this rule solely due to their employment with or control of an appointing professional sports organization or a type C gaming host need not obtain a sports gaming employee license.

(F) In determining whether to grant, maintain, or renew a sports gaming employee license, the commission will evaluate and consider the following factors, in addition to those set forth in section 3775.06 of the Revised Code:

1. Whether the individual possesses good character, honesty, and integrity;

2. Whether the individual possesses financial stability, integrity, and responsibility;

3. The criminal history of the individual in any jurisdiction;

4. Whether the individual has filed or had filed against the individual a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise resolve the payment of any debt in the last ten years;
(5) Whether the individual has been served with a complaint or other notice filed with any public body regarding any payment of tax required under federal, state, or local law that has been delinquent for one or more years in the last ten years;

(6) Whether the individual is a party to any currently pending litigation or has been a defendant in litigation during the last ten years;

(7) The extent to which the individual has cooperated with the commission in connection with the background investigation;

(8) The extent to which the individual has provided accurate and complete information as required by the commission;

(9) Whether the individual has been issued a comparable sports gaming license in another gaming jurisdiction with similar licensing requirements, as determined by the commission, including the related compliance history of the individual; and

(10) The extent to which the individual has complied with the requirements of Chapters 3772. and 3775. of the Revised Code and the rules adopted thereunder.

(G) A sports gaming employee who currently holds an active license issued under Chapter 3770. or 3772. of the Revised Code will not be required to satisfy any additional requirement for the sports gaming employee license that is substantially similar to any requirement the applicant previously satisfied in order to obtain or renew the applicable license issued under Chapter 3770. or 3772. of the Revised Code so long as:

(1) The individual submits the appropriate form(s) required by the commission and ensures the payment of all applicable fees;

(2) The individual demonstrates that the license is active and in good standing in this state; and

(3) The individual otherwise meets the eligibility requirements of this chapter and the rules adopted thereunder.

(H) A sports gaming employee who currently holds an active sports gaming occupational license from another jurisdiction is eligible to receive license reciprocity by the commission so long as:

(1) The individual submits the appropriate form(s) required by the commission and ensures the payment of all applicable fees;

(2) The individual demonstrates that the license is active and in good standing in the other jurisdiction;
(3) The commission determines that the other jurisdiction’s requirements to receive that license and the activities authorized by the license are substantially similar to those of this state; and

(4) The individual otherwise meets the eligibility requirements of chapter 3775 of the Revised Code and the rules adopted thereunder.

(I) A sports gaming employee license expires three years after the date of licensure.

(J) A sports gaming employee may request renewal of the license by completing and submitting the appropriate form(s) required by the commission no less than one hundred twenty days before the expiration of the license.

(K) Upon approval by the commission, at a meeting held under section 3772.02 of the Revised Code, an applicant for an initial or renewal sports gaming employee license must pay a nonrefundable license fee of fifty dollars as required by division (C) of section 3775.06 of the Revised Code except that a sports gaming applicant or licensee that employs a sports gaming employee applicant must pay the license fee on the sports gaming employee’s behalf.

(L) Unless otherwise approved by the executive director, all fees must be submitted to the commission the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(M) The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information, trade secrets, or otherwise not subject to public disclosure. Information provided as part of the application and licensing process is open to public inspection to the extent provided by the Ohio Public Records Act and section 3775.14 of the Revised Code.
Rule 3772-4-99 | Provisional Licenses.

(A) An applicant for an initial sports gaming license, prior to June 30, 2023, may request a provisional license by submitting a written provisional request to the commission, submitting a complete application for the applicable plenary license type, providing the commission with all documents and information the commission requests, and paying a nonrefundable application fee, as described in paragraph (B) of this rule.

(B) The application fees for a provisional license are as follows:

1. Sports gaming proprietors: fifteen thousand dollars;
2. Mobile management services providers and management services providers: ten thousand dollars;
3. Sports gaming suppliers: ten thousand dollars;
4. Sports gaming employees: one hundred dollars; and
5. Type C sports gaming hosts: one thousand dollars.

(C) The amount charged for a provisional license application will be credited to any applicant’s plenary license application or license fee, as applicable. Nothing in this rule is to be construed as to set or limit the plenary license application fees for any sports gaming license type.

(D) An applicant must pay those fees required by division (B) of section 3775.03 and division (E) of section 125.18 of the Revised Code.

(E) An applicant that employs a sports gaming employee applicant must pay the provisional application fee and those fees described in paragraph (D) of this rule on the sports gaming employee’s behalf.

(F) Unless otherwise approved by the executive director, all fees must be submitted in the form of an electronic funds transfer payable to the treasurer of the state of Ohio.

(G) If all requirements of this rule have been met, the executive director may issue a provisional license of the applicable type to the applicant.

(H) Provisional licenses are valid up to three months and may be renewed one time for up to three additional months. If renewed, an additional application fee will not be required.

(I) A provisional license may be renewed at the direction of the executive director to avoid a lapse in licensure.

(J) No provisional license will be valid after June 30, 2023.
(K) No applicant will be issued a provisional license under this rule unless the applicant is also being considered for a plenary license under chapter 3775-4 of the Administrative Code.

(L) An applicant who is granted a provisional license under this rule and later withdraws, abandons, or surrenders their plenary license application will be required to pay the associated license fee for the applicable license type.
Rule 3775-9-01 | Sports gaming equipment approval and testing.

(A) Sports gaming proprietors, mobile management service providers, and management service providers are not permitted to operate any sports gaming equipment unless such equipment is approved by the executive director and included in the commission's database. All sports gaming equipment must be evaluated by a certified independent testing laboratory prior to approval and inclusion in the commission's database, unless otherwise approved by the executive director.

(B) When sports gaming equipment is required to be tested by a certified independent testing laboratory, the sports gaming proprietor or sports gaming supplier applicant or licensee making the submission must adhere to the following:

(1) Submit a written request to a certified independent testing laboratory that, at a minimum, specifically references the scientific testing and technical evaluation necessary to determine compliance with Chapter 3775 of the Revised Code and the rules adopted thereunder, as well as the applicable standards in the appendix to this rule, and identifies the sports gaming equipment at issue;

(2) Submit all necessary items and information to the certified independent testing laboratory;

(3) Pay all costs associated with the scientific testing and technical evaluation performed by the certified independent testing laboratory;

(4) Engage no more than one certified independent testing laboratory to perform scientific testing and technical evaluation of any particular version of sports gaming equipment software, hardware, or other technology without prior written authorization from the executive director; and

(5) Submit any items or information pertaining to the sports gaming equipment to the commission, if requested.

(C) The executive director may require previously approved sports gaming equipment to be evaluated or re-evaluated by a certified independent testing laboratory if it is determined that the equipment fails to meet any of the requirements of division 3775 of the revised code or the rules adopted thereunder or jeopardizes the integrity of sports gaming in any way.

(D) Sports gaming equipment tested by a certified independent testing laboratory will not be included in the Commission's database unless the executive director approves the test results.

(E) Sports gaming equipment software components deemed to be critical must be capable of verification utilizing a verification method approved by the executive director.
MINIMUM ELECTRONIC SPORTS GAMING EQUIPMENT STANDARDS

These standards establish the minimum requirements for electronic sports gaming equipment. The commission may require electronic sports gaming equipment requirements that are more stringent than those set forth by these standards based upon electronic sports gaming equipment technology developments or as necessary to ensure the integrity of sports gaming.

The commission does not adopt the introduction, acknowledgment of other standards, or revision history sections of these standards.

Standard One: Event Wagering Systems

Electronic sports gaming equipment must comply with GLI standard 33 “Event Wagering Systems” version 1.1, including all appendices, dated May 14, 2019.
Rule 3775-9-02 | Sports gaming systems.

(A) A sports gaming system must monitor and record all data related to sports gaming in real-time, including any changes made to the data or system. The sports gaming system must provide accurate reporting using a method and format approved by the executive director.

(B) A sports gaming system must be capable of automatically preparing a report summarizing the results of all sports gaming transactions conducted in this state. The report must be tested by a certified independent test laboratory to confirm that it accurately calculates and displays the results of sports gaming. The format and the required periods of this report are determined by the executive director.

(C) The sports gaming system servers, or other equipment, responsible for accepting wagers must be located within the state of Ohio. This rule does not prohibit sports gaming data from being stored or accessed elsewhere, including cloud-based environments.

(D) The sports gaming system servers or other equipment required to be located in Ohio, under paragraph (C) of this rule, must be managed by an entity holding a sports gaming proprietor or sports gaming supplier license. The data center where the sports gaming system server is housed must be secure and have access controls in place to prevent unauthorized access to the sports gaming system servers or other equipment.

(E) Sports gaming systems must utilize disk redundancy and sports gaming data must be backed up to prevent the loss of data and minimize down time.

(F) All communication with a sports gaming system must be secured utilizing an encryption methodology that ensures data integrity and prevents data theft.

(G) The sports gaming system must perform an authentication check on any sports gaming equipment which connects to it. The sports gaming system must not accept any wagers or player account requests from sports gaming equipment that fails the authentication check. The authentication check must:

1. Occur at least once every 24 hours;

2. Determine with a high degree of accuracy if the sports gaming equipment has been altered in a way that may threaten the integrity of the sports gaming system or data; and

3. Be logged, including, but not limited to:

   a. Date and time;

   b. Device identifier;

   c. Device type;
(d) Location; and

(e) Disposition of the authentication check.
Rule 3775-9-03 | Location-based technology providers.

(A) A location-based technology provider must be licensed by the commission as a sports gaming supplier.

(B) All attempts to place wagers with type A sports gaming proprietor licensees, from both authorized and unauthorized locations, must be recorded by the location-based technology provider. The data must be available to the Commission in a format approved by the executive director.

(C) The location-based technology provider must provide the Commission access to real-time geofence data, including any equipment necessary to view the real-time geofence data. The method, format, and equipment to access the real-time geofence data must be approved by the executive director.

(D) The location-based technology provider and its geofence system must meet the following requirements:

   (1) The system must comply with the applicable electronic sports gaming equipment standards required by this chapter.

   (2) The system must determine the location of a patron within a margin of error determined by the executive director;

   (3) The system must provide reporting and analytics to allow for effective monitoring of patron location;

   (4) The provider must ensure the integrity of the data used to make location determinations;

   (5) The provider must conduct maintenance and updates to the system to ensure proper functionality; and

   (6) Any other item required by the executive director.
Rule 3775-10-01 | House rules.

(A) Each sports gaming proprietor must have house rules to govern its offerings of sports gaming. The house rules must be readily available and easily accessible on each sports gaming proprietor’s website, mobile application, and at all sports gaming facilities. House rules must address:

1. Types of wagers accepted;

2. Method for calculation and payment of winning sports wagers;

3. Effect of scheduling changes and/or cancelled sporting events;

4. Process for handling incorrectly posted sporting events, odds, or results;

5. Method of notifying patrons of odds or proposition changes;

6. Methods of funding a wager or sports gaming account;

7. Methods for redeeming a winning sports wager;

8. Lost or damaged ticket policy;

9. Expiration of any winning ticket one year after the date the ticket outcome is determined;

10. Process for accepting sports wagers at other than posted terms;

11. Process for canceling sports wagers for obvious errors, including notification;

12. Process for contacting the sports gaming proprietor to submit questions and/or complaints;

13. Notification of the patron dispute process;

14. Notification to patrons of the voluntary exclusion program; and

15. Any other house rules required by the executive director.

(B) The current version of the sports gaming proprietor’s house rules must always be available to the commission in a manner prescribed by the executive director.

(C) A sports gaming proprietor must submit its house rules to the commission in a manner and form required by the executive director and receive approval from the executive director prior to offering sports gaming.
(D) Any proposed changes to the house rules must be approved by the executive director prior to implementation. If the sports gaming proprietor has not received a response from the executive director regarding the proposed changes within five days the changes will be deemed approved.

(E) The executive director may, at any time, require a change to the house rules in order to ensure compliance with Chapter 3775. of the Revised Code or the rules adopted thereunder.
Rule 3775-10-02 | Required Procedures.

(A) Sports gaming proprietors must have procedures for the applicable processes required by Chapter 3775. of the Revised Code and the rules adopted thereunder that must be designed to protect the integrity of sports gaming. These procedures must be documented and maintained by the proprietor in a form prescribed by the executive director.

(B) The current version of the proprietor’s required procedures must always be on file or otherwise immediately available to the commission.

(C) A proprietor must submit its required procedures to the commission in a manner and form required by the executive director and receive approval from the executive director prior to offering sports gaming.

(D) Any proposed changes to the required procedures must be approved by the executive director prior to implementation. If the proprietor has not received a response from the executive director regarding the proposed changes within five business days, the changes will be deemed approved.

(E) The executive director may, at any time, require a change to the required procedures in order to ensure compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder.
A catalogue of approved sporting events and wager types is to be maintained by the commission and made readily available on the commission’s website. Sports gaming proprietors must not offer wagering on any sporting events or wager types not listed in the approved catalogue.

Sports gaming proprietors may submit a request to the executive director to add a sporting event or wager type to the approved catalogue. The request must be made at least three business days before the first requested use of the proposed additional sporting event or wager type. The executive director will prescribe the format for any requests submitted.

Any requested additions or changes to the catalogue will be reviewed and approved or denied by the executive director. If the proprietor has not received a response from the executive director regarding the proposed changes within three business days, the changes will be deemed approved.

A sports governing body may submit a request to the executive director to prohibit or restrict wagering on any sporting event or wager type. All licensed sports gaming proprietors must be copied on this request, in the manner prescribed by the executive director. The executive director, in their sole discretion, will determine whether the sports governing body has shown good cause to grant the requested prohibition or restriction. Sports gaming proprietors may submit comments to the executive director which must be considered in the determination of good cause. Good cause will be measured by whether the request, if adopted, will ensure the integrity of sports gaming or will be in the best interests of the public. The executive director will prescribe the manner, format, and timeframe for any request or comment submitted under this paragraph.

If the executive director determines good cause has been shown, the adopted prohibition or restriction will be either noted in the commission’s approved catalogue or the previously approved sporting event or wager type will be removed from the catalogue, as applicable.

If the executive director determines good cause has not been shown, the requestor of the prohibition or restriction will be provided with a notice stating the request has been denied and providing the requestor with an opportunity for an appeal hearing. This hearing will be heard by an attorney of the commission who will issue a recommendation to the commission, through the executive director. The hearing is open to the public, to the extent permitted by law, but no evidence or testimony will be taken from any person other than the requestor. The commission, at a meeting held under section 3772.02 of the Revised Code, will determine, based on the recommendation, whether the request is to be adopted. If adopted, the prohibition or restriction will be either noted in the commission’s approved catalogue or the previously approved sporting event or wager type will be removed from the catalogue, as applicable. No right of appeal exists from this decision.

The executive director may do the following:
(1) Remove any previously approved sporting event or wager type from the approved catalogue.

(2) Issue an emergency order to sports gaming proprietors to prohibit or restrict wagering on any sporting event or wager type in the approved catalogue. Any emergency order will be effective immediately and any wagering offered on the identified sporting event or wager type will be suspended or restricted until the emergency order is lifted.

(F) Any wagers placed on an incomplete sporting event that has been removed from the catalogue or had wagering suspended through the issuance of an emergency order must be voided in accordance with chapter 3775. of the Revised Code and the rules adopted thereunder.
Rule 3775-12-01 | Sports gaming voluntary exclusion program.

The sports gaming voluntary exclusion program, created pursuant to section 3775.02 of the Revised Code, is to be operated in the manner described in chapter 3772-12 of the Administrative Code.
Rule 3772-12-01 | Definitions, purpose, and scope of the Ohio voluntary exclusion program.

(A) As used agency 3772 of the Administrative Code, the following words have the following meanings, unless the context clearly indicates otherwise:

(1) “Excluded entity” means all casino facilities, as defined in section 3772.01 of the Revised Code; all video lottery terminal facilities, as authorized in section 3770.21 of the Revised Code; and all sports gaming conducted by sports gaming proprietors, as defined in section 3775.01 of the Revised Code and the rules adopted thereunder.

(2) “Excluded facilities” means all casino facilities, as defined in section 3772.01 of the Revised Code; all video lottery terminal facilities, as authorized in section 3770.21 of the Revised Code; and all sports gaming facilities, as defined in section 3775.01 of the Revised Code.

(3) “Ohio voluntary exclusion program” or “Ohio VEP” means the combined voluntary exclusion program, consisting of the casino control commission voluntary exclusion program, created pursuant to section 3772.03 of the Revised Code; the lottery commission voluntary exclusion program, created pursuant to section 3770.03 of the Revised Code; and the sports gaming voluntary exclusion program, created pursuant to section 3775.02 of the Revised Code.

(4) “Ohio VEP application” means a prescribed contract that an individual must complete and agree to in order to participate in the Ohio VEP.

(B) The purpose of this chapter is to help curtail disordered and problem gambling in the state of Ohio by creating the Ohio voluntary exclusion program.

(C) Participants in the Ohio VEP agree to exclude themselves from both excluded facilities and excluded entities, as further enumerated in this chapter and the associated Ohio VEP application.

(D) Except as described in rule 3772-12-07 of the Administrative Code, no person will be able to voluntarily exclude themselves from only certain aspects or portions of the Ohio VEP.

(E) Nothing in this chapter will 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.

(F) The Ohio casino control commission or state lottery commission, in consultation with each other, may disclose anonymized information from the Ohio VEP and any legacy voluntary exclusion programs described in rule 3772-12-07 of the Administrative Code to one or more research entities selected by the commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the Ohio VEP.
(G) This chapter is to be read in tandem with Chapter 3770:2-8 of the Administrative Code.
Rule 3772-12-02 | Ohio VEP application.

(A) Ohio VEP applications will be available for completion at all Ohio casino facilities, video lottery terminal facilities, and the online Ohio VEP portal. If an individual is unable to appear in person at any of these facilities to complete an application and unable to utilize the online portal, the individual may contact staff from the lottery commission or the casino control commission during regular business hours to make alternative arrangements to complete the application.

(B) No application will be accepted if it was not completed in the presence of either commission's staff or through the online Ohio VEP portal.

(C) As part of the Ohio VEP application, 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 paragraph (D) of rule 3772-12-05 of the Administrative Code.

(D) If an individual completing the Ohio VEP application, in the presence of a casino control commission or lottery commission agent, appears to be doing so involuntarily or while impaired, their application will be rejected.

(E) After an individual's Ohio VEP application has been processed, delivery of written confirmation of their participation in the Ohio VEP will be attempted. Failure of delivery of the notification does not negate the individual's participation in the Ohio VEP.
Rule 3772-12-03 | Responsibilities of voluntarily excluded individuals.

(A) Participants in the Ohio VEP agree to abide by all terms listed in the Ohio VEP application, including refraining from entering an excluded facility or engaging in or attempting to engage in gaming offered by an excluded entity.

(B) Except as provided in paragraph (C) of this rule, participants who violate the terms of the Ohio VEP at a casino or sports gaming facility, or on an online sports pool, 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 and any prize won, claimed, or attempted to be claimed.

(1) Seized assets at a casino facility will be deposited into the state problem gambling and addictions fund.

(2) Seized assets at a video lottery terminal facility will be deposited to the state lottery commission for the sole use of problem gambling prevention and treatment.

(3) All other seized assets will be deposited into the problem sports gaming fund.

(C) Participants in the Ohio VEP must agree to forfeit all points, complimentaries, or promotional credits earned by the individual on or before the date the individual completed their Ohio VEP application. However, if at the time the individual completed the Ohio VEP application, the individual has placed a wager that is not yet decided or is owed a cash amount from an excluded entity or facility, the individual still has the right to receive the amount owed, including the amount due as a result of any pending wager winning, being voided, or otherwise being canceled from the entity or facility, even after placement on the voluntary exclusion program. No sports gaming wager that is currently pending at the time of a participant’s enrollment in the Ohio VEP may be voided or cancelled by either party solely due to that participant's enrollment. To the extent that promotional credits, complimentaries, or points described above may be redeemed for cash under the entity’s or 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, subject to paragraph (D) rule 3772-12-05 of the Administrative Code.

(F) An Ohio VEP participant may always request to increase their length of exclusion.
Rule 3772-12-04 | Responsibilities of excluded entities or facilities.

(A) This rule only applies to excluded entities or facilities in their capacity as either a casino or sports gaming facility or in their capacity as an online sports pool.

(B) Each excluded entity or facility must maintain a system for indicating whether an individual is in the Ohio VEP and must have approved procedures to update the system with changes in the enrollment status of those individuals at least once every seven days.

(C) Casino operators must immediately notify commission staff if an Ohio VEP participant is found on the premises.

(D) Within seventy-two hours of an Ohio VEP being found on premises or engaging in sports gaming through an online sports pool, an excluded entity or facility must provide to the commission, in writing, the following:

1. The individual's name;
2. The individual's date of birth;
3. The circumstances of the individual’s violation or attempted violation of the Ohio VEP; and
4. The individual's gaming activity, if any.

(E) Nothing in this rule requires an excluded entity or facility to notify the Commission of an individual found on premises who was on property solely for purposes of:

1. Seeking removal from the Ohio VEP; or
2. Claiming payments owed to the participant.

(F) Each excluded entity or facility must provide to the commission a quarterly report of the number of participants in the Ohio VEP who were denied entry or sign-in to a casino facility, sports gaming facility, or online sports pool.

(G) Each excluded entity or facility must comply with the disordered and problem gambling plan established under rule 3772-12-06 of the Administrative Code.

(H) Nothing in this chapter prohibits an excluded entity or facility, or its employees and agents, from seeking payment of a debt from an Ohio VEP participant, if the debt was accrued prior to a participant’s enrollment in the Ohio VEP.

(I) No sports gaming wager that is currently pending at the time of a participant’s enrollment in the Ohio VEP may be voided or cancelled by either party solely due to that participant's enrollment.
(J) A casino facility must apply the requirements of this rule to individuals participating in a voluntary exclusion program pursuant to rule 3772-12-07 of the Administrative Code.
Rule 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 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; and

   (3) Requested and completed an unaltered application for removal.
Rule 3772-12-06 | Disordered and problem gambling plan.

(A) Each excluded entity and facility, who is a casino or sports gaming facility or an online sports pool, must provide to the casino control commission a disordered and problem gambling plan for approval. Each plan must, 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:

      (i) Procedures preventing an individual in the Ohio VEP from entering an excluded facility or engaging in or attempting to engage in gaming offered by an excluded entity;

      (ii) Procedures identifying and removing individuals in the Ohio VEP from an excluded facility;

      (iii) 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;

      (iv) Procedures for preventing an Ohio VEP participant from having access to credit or from receiving complimentary services, check-cashing services, and other benefits;

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

      (vi) Any other procedure required by the executive director.

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

   (c) The responsibility of patrons with respect to safer gambling practices;

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

   (e) Procedures for providing information to individuals regarding the Ohio VEP and community, public and private treatment services, peer support groups, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor
individuals with a gambling problem or gambling disorder and to counsel family members, including for providing the information upon the request of a patron or employee;

(f) The provision of written material to educate patrons and employees about disordered and problem gambling and to inform them about the Ohio VEP and treatment services available to individuals with a gambling problem or gambling disorder and their families. The excluded entity or facility must provide commission examples of the materials to be used, and a description of how the material will be disseminated;

(g) Advertising and other marketing and outreach to educate the general public about disordered and problem gambling;

(h) An employee training program, including training materials to be utilized and a plan for periodic reinforcement training and a certification process established by the excluded entity or facility to verify that each employee has completed the training required by the plan;

(i) Procedures to prevent underage gambling;

(j) Procedures for excluded facilities to prevent patrons impaired by drugs or alcohol, or both, from gambling; and

(k) The plan for posting signs within an excluded 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 public and private treatment services, peer recovery support groups, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor individuals with a gambling problem or gambling disorder and to counsel family members; and

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

(B) Each excluded entity or facility must submit quarterly updates and an annual report to the casino control commission of its adherence to the plans and goals submitted under this rule. This report must include any information that the excluded entity or facility has received related to bankruptcy, divorce, crime, and attempted or died by suicide related to gambling offered by an excluded entity or at an excluded facility, including:

(1) The name and date of birth of any individual;

(2) How the entity or facility came to know of the incident; and

(3) A brief description of the incident.
(C) A casino facility must apply the requirements of this rule to individuals participating in a voluntary exclusion program pursuant to rule 3772-12-07 of the Administrative Code.
Rule 3772-12-07 | Prior voluntary exclusions.

(A) This rule applies only to those individuals who submitted their application to join the casino control commission’s voluntary exclusion program prior to March 1, 2019, and those individuals who submitted their application to join the Ohio VEP prior to the effective date of this rule and have not yet sought removal from the applicable program.

(B) The individuals who submitted their application to join the casino control commission’s voluntary exclusion program prior to March 1, 2019, may continue their participation and voluntary exclusion from only the four casino facilities in the state of Ohio.

(C) The individuals who submitted their application to join the Ohio VEP prior to the effective date of this rule may continue their participation and voluntary exclusion from only the four casino facilities and seven video lottery terminal facilities in the state of Ohio.

(D) The application for voluntary exclusion signed by the individual at the time of enrollment governs their participation.

(E) These individuals may submit an Ohio VEP application, 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 entities and facilities.

(F) Notwithstanding any rules to the contrary, or the terms of the applicable application to join the voluntary exclusion program, those individuals who selected the lifetime exclusion are permitted to seek removal from the voluntary exclusion program if they comply with the requirements set forth in paragraph (D) of rule 3772-12-05 of the Administrative Code.
Rule 3775-14-01 | Independent integrity monitor certification.

(A) An independent integrity monitor must request to be certified by the commission to monitor sports gaming activity for compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder.

(B) An independent integrity monitor requesting certification or renewal certification must pay a nonrefundable certification fee of five thousand dollars.

(C) The certification fee may be increased to the extent that the cost of the compliance investigation exceeds the certification fee set forth in paragraph (B) of this rule. The executive director must advise the independent integrity monitor 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 integrity monitor until the entirety of the certification fee is paid.

(D) 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.

(E) An independent integrity monitor 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.

(F) Independent integrity monitor certification expires five years after the date of certification.

(G) A certified independent integrity monitor may request renewal of the certification by submitting an intent to renew not less than ninety days before the expiration of the certification.

(H) The request to be certified as an independent integrity monitor and the granting of the certification by the commission, and subject to any other requirements imposed by Chapter 3775. of the Revised Code and the rules adopted thereunder, constitutes the contract required by section 3775.02 of the Revised Code.
Rule 3775-14-02 | Compliance investigation of an independent integrity monitor.

(A) An independent integrity monitor must undergo a compliance investigation at least once every five years, as determined by the executive director, to verify compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder. All information, documents and materials required by the executive director, must be provided at the independent integrity monitor’s sole expense and cost, and the independent integrity monitor must bear the cost of the investigation.

(B) An independent integrity monitor 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 chapter 3775 of the Revised Code.

(C) The compliance investigation may include, but is not limited to, a review of the independent integrity monitor’s:

(1) Business structure including, but not limited to, its ownership and controlling interests;

(2) Policies and procedures to determine if they prevent conflicts of interest, provide for segregation of duties, detect and prevent fraud, and ensure impartiality;

(3) Staff experience and expertise to conduct all required analysis and monitoring;

(4) Staff and equipment to determine if they are sufficient to conduct all required analysis and monitoring;

(5) Financial viability to conduct all required analysis and monitoring; and

(6) Compliance with the requirements of certification as established by Chapter 3775. of the Revised Code and the rules adopted thereunder.
Rule 3775-14-03 | Requirements of certification.

(A) To be certified and maintain certification, the independent integrity monitor must meet the following requirements:

1. Be independent of any entity, event, or product being monitored;

2. Maintain IT security necessary to minimize the risk that confidential information is misappropriated;

3. Make available to the commission, upon request, all policies, procedures and records of the independent integrity monitor;

4. Make available to the commission, upon request, all analysis and monitoring methods, equipment, standards, forms, and other relevant items used by the independent integrity monitor provider;

5. Any additional condition imposed by the commission at a meeting held under section 3772.02 of the Revised Code.

(B) The independent integrity monitor provider must notify the executive director immediately if it fails to maintain compliance with any of these requirements.
Rule 3775-14-04 | Duties of a certified independent integrity monitor.

(A) Each certified independent integrity monitor must analyze reports of unusual sports gaming activity it receives in order to identify any suspicious sports gaming activity.

(B) A certified independent integrity monitor must be able to receive sports gaming data, in a format approved by the executive director, from sports gaming proprietors. At a minimum, the data must include:

1. Time;
2. Odds;
3. Location;
4. Wager amount;
5. Win amount;
6. Wager type;
7. Team, side, total, or other statistic the wager was placed upon; and
8. Any other information required by the executive director.

(C) Each certified independent integrity monitor must share reports of unusual sports gaming activity with other certified independent integrity monitors. A certified independent integrity monitor may share information related to these reports with its contracted sports gaming proprietors to the extent necessary to determine if the unusual sports gaming activity is suspicious.

(D) A certified independent integrity monitor must provide a report to the commission, its contracted sports gaming proprietors, all certified independent integrity monitors, and appropriate sports governing bodies of any suspicious sports gaming activity. The report must be provided upon identification, in a format approved by the executive director. Any certified independent integrity monitor receiving a report under this paragraph must promptly provide the report to its contracted sports gaming proprietors.

(E) A certified independent integrity monitor must take corrective action whenever any nonconforming work is discovered, procedures are not followed, procedures are required to be changed, or other unsatisfactory conditions exist. The commission must be notified of the unsatisfactory condition and the corrective action being taken as soon as practically possible.

(F) A certified independent integrity monitor must establish and maintain a training program for its employees to ensure the employees maintain the experience and expertise to conduct all
analysis and monitoring required by the commission. Training records must be maintained for all employees for at least three years and made available to the commission upon request.

(G) A certified independent integrity monitor must maintain records of all integrity monitoring services and activities relating directly or indirectly to Ohio sports gaming for a minimum of 5 years and must provide the commission with access to these records in a manner approved by the executive director. These records must include:

(1) All reports of unusual sports gaming activity;

(2) If the activity was determined to be suspicious sports gaming activity; and

(3) The actions taken by the independent integrity monitoring provider.

(H) All integrity monitoring reports and associated data are not public records and can only be shared or used to the extent allowed under Chapter 3775. of the Revised Code and the rules adopted thereunder.
Rule 3775-15-01 | Independent testing laboratory certification.

(A) An independent testing laboratory must be certified under Chapter 3772-15 of the Administrative Code to be certified to scientifically test and technically evaluate sports gaming equipment for compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder.

(B) An independent testing laboratory certified under Chapter 3772-15 of the Administrative Code may request to be certified by the commission to scientifically test and technically evaluate sports gaming equipment. The independent testing laboratory must meet the following requirements:

1. The independent testing laboratory must pay an additional sports gaming test laboratory compliance investigation fee of two thousand dollars.

2. The independent testing laboratory must submit to a supplemental independent sports gaming testing laboratory compliance investigation. The supplemental sports gaming compliance investigation may include, but is not limited to, a review of the independent testing laboratory’s:

   a. Staff experience and expertise testing sports gaming equipment;
   b. Sports gaming equipment test scripts; and
   c. Any other information as required by the executive director.

3. The independent testing laboratory must comply with all requirements and duties of certification in Chapter 3772-15 of the Administrative Code.

(C) The certification to scientifically test and evaluate sports gaming equipment will expire on the same date as the independent testing laboratory’s certification granted under Chapter 3772-15 of the Administrative Code.
Rule 3775-16-01 | Sports gaming systems.

(A) Sports gaming proprietors must use a sports gaming system approved by the commission. No wagers may be accepted in the event of a system failure or unavailability.

(B) Sports gaming proprietors must use a sports gaming system designed to prevent and detect the following:

1. Unauthorized use of an account by someone other than the account holder;
2. Unauthorized withdrawals from patron accounts;
3. Wagering by persons under the age of twenty-one;
4. Wagering by members of the involuntary or voluntary exclusion lists; and
5. Wagering by other prohibited persons.

(C) Sports gaming proprietors must have procedures governing its sports gaming system. The procedures must include:

1. A description of, and the inter-relationships and dependencies of, the sports gaming system, hardware, software, and all integrated supplier modules;
2. A description of physical and logical security of the sports gaming servers;
3. How it will respond to a failure of the sports gaming system;
4. Risk management procedures;
5. Change management procedures;
6. Procedures for complying with the data match requirements of sections 3123.90 and 3775.16 of the Revised Code; and
7. Procedures for the prevention and detection of attempts to launder currency.

(D) Each sports gaming proprietor must provide read-only remote access to its sports gaming systems and any hardware or software required to facilitate this access to the commission in a manner prescribed by the executive director. All costs associated with providing this access are the sole responsibility of the sports gaming proprietor.

(E) Each sports gaming proprietor must test the recovery procedures of the sports gaming system on a sample basis at least annually. The results must be documented and available to the commission upon request.
(F) The executive director may require sports gaming systems and equipment be verified by the commission at any time, or as prescribed.
Rule 3775-16-02 | Sports gaming system change management.

(A) The responsible licensee for each sports gaming system must implement change management policies and procedures for tracking and controlling changes made to the system. The change management policies and procedures must include:

(1) Procedures for testing proposed changes in a non-production environment. The non-production environment must be segregated from the production environment and not have the capability to alter data in the production environment;

(2) Procedures for the classification of changes in accordance with paragraph (B) of this rule;

(3) Procedures for the installation of changes into the production environment;

(4) Procedures for the rollback of changes;

(5) Procedures for documenting each phase of the change management process;

(6) Procedures for logging all changes to the system; and

(7) Policies to ensure appropriate segregation of duties to prevent unintended changes from occurring.

(B) Changes made to sports gaming systems must be reviewed and classified by the responsible licensee as follows:

(1) “High Impact” is any change to, or addition of, components which impact the operational integrity of the system. Components include, but are not limited to, any component deemed to be critical by the certified independent test lab.

(2) “Low Impact” is any other change to the sports gaming system.

(C) High Impact changes require commission notification at least five business days prior to installation. The installation may be denied or delayed at the discretion of the executive director.

(D) Changes made to the sports gaming system that are necessary to remediate an immediate threat or liability may be installed immediately. The commission must be notified of the change within 48 hours of implementation.
(E) The executive director may require any changes be tested by a certified independent testing laboratory, with testing completed and a testing laboratory letter provided to the commission within 90 days.
Rule 3775-16-03 | Sports gaming accounts.

(A) Online sports pool wagers may only be placed through a sports gaming account compliant with the provisions of this rule.

(B) As required by paragraph (B) of section 3775.12 of the Revised Code, a patron must register with a type B sports gaming proprietor and place all wagers on sporting events with a type B sports gaming proprietor through that registration. This registration is to be a sports gaming account compliant with the provisions of this rule.

(C) Each sports gaming proprietor must have procedures for ensuring sports gaming accounts comply with this rule and any other requirements of Chapter 3775. of the Revised Code and the rules adopted thereunder, including ensuring, through commercially reasonable means, that:

1. An individual who falls into a category of a prohibited person under section 3775.13 of the Revised Code is not permitted to create a sports gaming account, or permitted to continue to make wagers once they become prohibited, for as long as that status applies; and

2. A patron’s identification is re-verified upon reasonable suspicion that the patron’s identification or account has been compromised.

(D) Sports gaming proprietors must ensure that all sports gaming accounts:

1. Include the following information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes:

   a. Full legal name;

   b. Date of birth;

   c. Primary Address;

   d. Sports gaming account number or username;

   e. If obtained pursuant to paragraph (D)(2)(a) of this rule, the type of government-issued identification examined, the government-issued identification number on the identification, and a digital copy of the identification;

   f. The method and any other information used to verify the patron’s identity;

   g. The date of identity verification; and

   h. A history of the wagers placed;
(2) Are only created for patrons whose identities have been successfully verified and documented. Verifying and documenting the patron’s identity must include:

(a) Digital or physical examination of the patron’s government-issued identification, including the use of verification software designed to confirm the authenticity of the identification; or

(b) Methodology for multi-source authentication, which may include third party and governmental databases, as approved by the executive director.

(3) Provide for the following upon account creation:

(a) A patron must certify that the information provided to the sports gaming proprietor is accurate and they are not an excluded or otherwise prohibited sports gaming participant. The sports gaming proprietor must document this certification;

(b) A patron must acknowledge that the legal age for sports gaming is twenty-one years of age, and that they are prohibited from allowing any other person to access or use their sports gaming account. The sports gaming proprietor must document this acknowledgment; and

(c) A patron must be notified of available responsible gaming resources;

(4) Provide patrons with a readily accessible method for closing an account through the sports gaming proprietor’s website or application or upon contact with the proprietor’s customer service team. Upon account closure, the patron must be notified of available responsible gaming resources, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code; and

(5) Provide patrons with on-demand access to a summary statement of all their patron account wagering activity during the past year. In addition, a sports gaming proprietor must provide patrons the ability to request a summary statement of all their patron account wagering activity during the past 5 years. On-demand access and requests must be accessible through the sports gaming proprietor’s website, application, or sports gaming facility.

(E) A sports gaming proprietor may allow a sports gaming account to be deposit-enabled. In addition to the above requirements, a deposit-enabled account must:

(1) Allow, in accordance with the proprietor’s house rules, accounts to be funded only through the use of:

(a) Deposit of cash or vouchers at an approved cashiering or kiosk location;

(b) Credit or debit card;
(c) Promotional credit;

(d) Winnings;

(e) Corrections made by the sports gaming proprietor with documented notification to the patron;

(f) ACH transfer;

(g) Wire transfer; or

(h) Any other means approved by the executive director;

(2) Notify the patron of the establishment of a sports gaming account via electronic mail or regular mail;

(3) Provide patrons with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor’s website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:

(a) Upon receiving any self-imposed limitation request, the sports gaming proprietor must ensure that all specified limits are correctly implemented immediately or at the point in time that was clearly indicated by the patron;

(b) The self-imposed limitations set by a patron must not override more restrictive sports gaming proprietor-imposed limitations. The more restrictive limitations must take priority;

(c) Once established by a patron and implemented by the sports gaming system, it must only be possible to reduce the severity of self-imposed limitations upon the expiration of the self-imposed period; and

(d) An option must be available for patrons to set automatically renewing self-imposed limits;

(4) Include the following additional information for each patron, and the sports gaming proprietor must update this information each time it becomes aware of changes:

(a) Telephone Number;

(b) Electronic mail address; and
(c) Social security number, or the last four digits of the social security number, or an equivalent identification number for a noncitizen patron, such as a passport or taxpayer identification number;

(5) Provide patrons the option to protect access to funded sports gaming accounts with multi-factor authentication as approved by the executive director;

(6) Prohibit a patron from transferring funds from a sports gaming account to another sports gaming account;

(7) Allow patrons to withdraw the funds maintained in his or her account, whether such account is open or closed, within five business days of the request. A request for withdrawal will be considered honored if it processed by the sports gaming proprietor notwithstanding a delay by a payment processor, credit card issuer or the custodian of a financial account. If the sports gaming proprietor believes in good faith that the patron engaged in either fraudulent conduct or other conduct that would put the sports gaming proprietor in violation of the law, the sports gaming proprietor may delay the withdrawal of funds to investigate or otherwise comply with the law. In such cases, the sports gaming proprietor must:

(a) Provide notice to the patron of the general nature of the investigation of the account; and

(b) Conduct its investigation in a reasonable and expedient fashion, providing the patron additional written notice of the status of the investigation at least every tenth business day starting from the day the original notice was provided to the patron; and

(8) Refund any balance remaining in a sports gaming account closed by a patron according to the account withdrawal requirements of this rule.

(F) A sports gaming proprietor that allows for deposit-enabled sports gaming accounts as described in paragraph (D) of this rule must have procedures in place to ensure that the manual addition or subtraction of funds, by the sports gaming proprietor, in a deposit-enabled sports gaming account are either:

(1) Reviewed for any adjustments of $500.00 or less; or

(2) Authorized in advance by supervisory personnel for all other adjustments
Rule 3775-16-04 | Wager rules.

(A) Sports gaming wagers must only be accepted from a verified patron account unless otherwise permitted under Chapter 3775. of the Revised Code and the rules adopted thereunder.

(B) A sports gaming wager must not be knowingly accepted from a person who is placing the wager for the benefit of another or is placing the sports wager in violation of state or federal law.

(C) A sports gaming wager must not be accepted on events for which the outcome has already been determined.

(D) Sports gaming wagers may only be funded through the funding means allowed in paragraph (E)(1) of rule 3775-16-03 of the Administrative Code.

(E) The sports gaming proprietor may, but need not, cancel an accepted wager for obvious error as defined in the proprietor’s house rules. If a wager is cancelled for obvious error, the sports gaming proprietor must clearly convey the reason for cancellation to the patron.

(F) Except for obvious error or as otherwise required under Chapter 3775. of the Revised Code and the rules adopted thereunder, the sports gaming proprietor must not cancel any wager without prior written approval of the executive director or at the request of a patron in accordance with the proprietor’s required procedures.

(G) If a patron wishes to void a ticket written prior to the start of an event, and the void request is approved by the sports gaming proprietor, the ticket must be verified by the sports wagering system and a refund must be given to the patron. For printed tickets, a void designation must be visible on the ticket.

(H) Winnings from wagers placed from sports gaming accounts, funded pursuant to paragraph (E)(1) of rule 3775-16-03, must be deposited into the sports gaming account upon verification by the sports gaming proprietor.

(I) For type B sports gaming proprietors, winnings from anonymous wagers, as described in paragraph (C) of rule 3775-18-05, must be payable to the patron upon validation of the ticket by the sports gaming system and verification by the sports gaming proprietor.

(J) For type B sports gaming proprietors, in the case of a sports gaming system or power failure, tickets may be manually paid. All manually paid tickets must be marked as “paid” and entered into the sports gaming system as soon as possible to verify the accuracy of the payout. All manually paid tickets must be reviewed as part of the daily audit process. A log for all manually paid tickets must be maintained and include:

1. The unique transaction identified;
(2) Date and time of the transaction;

(3) Amount of the payout; and

(4) Name of the employee(s) who processed the transaction.
Rule 3775-16-05 | Tickets.

(A) Upon completion of a sports gaming wager, the patron must receive an unalterable virtual or printed wager record from the sports gaming system which must contain, at a minimum, the following information:

1. Sports gaming proprietor name;

2. The date and time the wager was placed;

3. The date and time the event is expected to occur;

4. Any patron choices involved in the wager, including:
   (a) Wager selection;
   (b) Type of wager and line postings;
   (c) Any special condition(s) applying to the wager; and
   (d) Pay out, applicable at the time the wager is placed;

5. Total amount wagered, including any promotional credits, if applicable;

6. The identifier for the sporting event or series of sporting events;

7. Unique identification number of the wager record;

8. Expiration period or expiration date (applicable to all tickets not automatically paid pursuant to paragraph (H) of rule 3775-16-04);

9. A problem gambling message, including a helpline number compliant with paragraph (A)(3) of rule 3775-16-08 of the Administrative Code; and

10. The unique sports gaming device ID that issued the wager record, if applicable.

(B) As required under Chapter 3775. of the Revised Code, all winning sports gaming tickets expire one year from the last day on which the relevant sporting event is held. For tickets involving multiple sporting events, the expiration date is one year from the last day on which the last relevant sporting event on the ticket is held. Each sports gaming proprietor must, on the last business day of each month, pay the winnings from all tickets which have expired to the commission, which will deposit them into the sports gaming revenue fund.

(C) Unless otherwise approved by the executive director, all payments required by paragraph (B) of this rule must be in the form of an electronic funds transfer payable to the treasurer of the
state of Ohio.

(D) The sports gaming proprietor must notify the commission of payments made under paragraph (B) of this rule and provide supporting information for the payments in the format prescribed by the executive director.
Rule 3775-16-06 | Reserve funds.

(A) Each sports gaming proprietor must always maintain a reserve in an amount that is equal to or greater than the amount necessary to ensure the sports gaming proprietor’s ability to cover the sum of all amounts accepted by a sports gaming proprietor on sporting events whose outcomes have not been determined, money owed but unpaid by the sports gaming proprietor to patrons on winning wagers, and the funds held for patron accounts.

(B) Reserve funds must be held separate from operational funds in a manner approved by the executive director.

(C) The reserve funds must be held in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof.

(D) Sports gaming proprietors must notify the commission no less than ninety days prior to ceasing operations and provide a written plan to settle any outstanding liabilities and refund player account funds.
Rule 3775-16-07 | Tournaments.

(A) Sports gaming proprietors may conduct sports gaming tournaments. Only sporting events and wager types listed as approved in the commission’s catalogue are authorized for use in a tournament.

(B) Sports gaming proprietors must maintain and make the tournament rules available to all tournament patrons prior to the beginning of the tournament.

(C) The tournament rules and procedures must include but are not limited to:

   (1) Qualification or selection criteria that limit the eligibility of tournament patrons;

   (2) Regulations of the tournament (e.g., beginning and ending times, number of events, entry fee, elimination factors, cash handling procedures, etc.); and

   (3) The nature and value of prizes to be awarded.
Rule 3775-16-08 | Advertising.

(A) All sports gaming advertisements must:

(1) Clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning. Any material conditions or limiting factors must be clearly and conspicuously specified. If an advertisement is not of sufficient size or duration to permit inclusion of such information, that advertisement shall refer to a website or application that does prominently include such information within one click;

(2) Disclose the identity of the sports gaming proprietor, mobile management services provider, or management services provider, as applicable; and

(3) Clearly and conspicuously include messages designed to prevent problem gambling and provide information about how to access resources related to problem gambling, including one of the following:

   (a) The national council on problem gambling's twenty-four hour confidential helpline;

   (b) The problem gambling helpline number established under section 3772.062 of the Revised Code; or

   (c) Another helpline approved by the executive director that is free of charge to the caller.

(B) Sports gaming advertisements must not:

(1) Depict any individual under the age of twenty-one, except live footage or images of athletes in sporting events on which sports gaming is permitted. Any individual under the age of twenty-one may not be depicted in any way that may be construed as the underage individual participating in or endorsing sports gaming;

(2) Target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;

(3) Obscure any material fact;

(4) Be false, deceptive, or misleading; or

(5) Promote irresponsible or excessive participation in sports gaming, or suggest that social, financial, or personal success is guaranteed by engaging in sports gaming.
(C) Each direct advertisement, or an advertisement disseminated to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. If the direct advertisement is sent via electronic mail, the described opt out method must include either electronic mail or a linked online website. All other direct advertisements must include at least one of the following methods to opt out:

(1) Telephone;

(2) Regular U.S. mail;

(3) Online website or mobile application; or

(4) Electronic mail.

(D) A sports gaming proprietor must act upon a request for opt out pursuant to paragraph (C) of this rule within fifteen days of receipt to ensure the individual will no longer receive advertisements.

(E) A sports gaming proprietor must not advertise or promote on college or university campuses located in the state of Ohio except for generally available advertising, including television, radio, and digital advertising. Any advertisement shown to be targeting the area of a college or university campus is not generally available and will be a violation of this paragraph.

(F) Sports gaming advertisements, including logos, trademarks, or brands must not be used, or licensed for use, on products, clothing, toys, games, or game equipment intended primarily for persons under twenty-one years of age.

(G) A sports gaming proprietor must cease the dissemination of an advertisement upon discovery that the advertisement fails to continue to comply with this rule or if required by the executive director because the advertisement fails to comply with chapter 3775 of the Revised Code, or the rules adopted thereunder, or otherwise undermines the integrity of sports gaming.

(H) Sports gaming advertisements can only be disseminated in Ohio for sports gaming proprietor applicants or licensees, unless the advertisement disclaims that the offerings are not available in Ohio or otherwise makes clear that the offerings are not intended for use in Ohio.

(I) Affiliate marketers need not obtain a supplier license under Ohio Adm.Code 3775-4-08 solely as a result of their conduct as an affiliate marketer but must comply with all aspects of this rule and must not otherwise advertise forms of illegal gambling or gaming in Ohio. The commission may require a sports gaming proprietor to terminate an affiliate marketer contract if the affiliate marketer has violated Chapter 3775. of the Revised Code or the rules adopted thereunder.
Rule 3775-16-09 | Promotions and bonuses.

(A) Sports gaming proprietors may offer promotions and bonuses.

(B) The promotion or bonus rules must be clear and unambiguous, and include:

(1) Date and time the promotion or bonus is active and expires;

(2) Rules of play;

(3) Nature and value of prizes or awards;

(4) Eligibility restrictions or limitations;

(5) Wagering and redemption requirements, including any limitations;

(6) Eligible events or wagers;

(7) Cancellation requirements; and

(8) Terms and conditions that are full, accurate, concise, transparent, and do not contain misleading information.

(C) Promotions or bonuses described as free or risk-free must not require the patron to incur any loss or risk their own money to use or withdraw winnings from the free wager.

(D) Promotions or bonuses may require promotion or bonus funds be played through in order to be withdrawn but must not restrict the patron from withdrawing their own funds or withdrawing winnings from wagers placed using their own funds.

(E) Sports gaming proprietors must make the promotion or bonus rules available to patrons and the commission.

(F) Sports gaming proprietors must have procedures for the issuance, acceptance, and tracking of promotions or bonuses.

(G) A sports gaming proprietor must cease the offering of a promotion or bonus upon discovery that the promotion or bonus fails to comply with this rule or if required by the executive director because the promotion or bonus fails to comply with Chapter 3775. of the Revised Code or the rules adopted thereunder or otherwise undermines the integrity of sports gaming.
Rule 3775-16-10 | Integrity monitoring.

(A) Each sports gaming proprietor must contract with a certified independent integrity monitor for the purposes of monitoring sports gaming conducted in this state. The contract should include any restrictions on dissemination of data by the certified independent integrity monitor and the sports gaming proprietor.

(B) Each sports gaming proprietor must have procedures for monitoring all sports gaming activity and for identifying activity it believes to be unusual, including reports of unusual sports gaming activity received from its contracted certified independent integrity monitor.

(C) Sports gaming proprietor employees conducting monitoring activities must hold a sports gaming employee license when the employee’s duties are such that the individual has the ability to alter material aspects of sports gaming conducted by a sports gaming proprietor.

(D) Each sports gaming proprietor must provide to its contracted certified independent integrity monitor the underlying data for sports gaming activity the proprietor deems to be unusual. Data must be provided as soon as practically possible. The data must be provided in a format and method approved by the executive director and include, at a minimum, the following information for each related sports gaming transaction:

1. Time;
2. Odds;
3. Location;
4. Wager amount;
5. Win amount;
6. Wager type;
7. Team, side, total, or other statistic the wager was placed upon; and
8. Any other information required by the executive director.

(E) A sports gaming proprietor may provide the data required under this rule in a manner which removes the personally identifiable information of patrons.

(F) A sports gaming proprietor receiving a report of suspicious betting activity may suspend their related offerings. Proprietors may not cancel previously accepted related wagers unless the cancellation is approved by the executive director.
(G) All integrity monitoring reports and associated data are not public records and can only be shared or used to the extent allowed under chapter 3775 of the Revised Code and the rules adopted thereunder.
Rule 3775-16-11 | Sports gaming event and wager type requests.

(A) A list of pending and denied requests will be readily available on the Commission’s website.

(B) A sports gaming proprietor must not submit a request for the addition of any item that is currently in pending status.

(C) If a request is denied by the executive director, any substantially similar request may not be made for the period of time designated in the sports gaming catalogue.
Rule 3775-16-12 | Sports governing body prohibited persons – compliance with R.C. 3775.13(F).

(A) As enumerated, described, and defined in division (F) of section 3775.13 of the Revised Code:

(1) A sports gaming proprietor must employ commercially reasonable methods to prevent any person involved in a sporting event with respect to which sports gaming is permitted from engaging in any sports gaming with the sports gaming proprietor, based on publicly available information and any information garnered under paragraph (A)(2) of this rule.

(2) A sports governing body must have a procedure for providing to the commission a list of persons who are involved in sporting events, including those persons’ full legal names, dates of birth, and social security numbers, for the purpose of preventing those persons from engaging in sports gaming. The commission will make the list available to each sports gaming proprietor and to the state lottery commission. The Ohio casino control commission, the state lottery commission, and each sports gaming proprietor must keep the information in the list confidential.

(3) A person is considered to be involved in a sporting event if the person is an athlete, participant, coach, referee, team owner, or sports governing body with respect to the sporting event; any agent or employee of such an athlete, participant, coach, referee, team owner, or sports governing body; and any agent or employee of an athlete, participant, or referee union with respect to the sporting event.

(B) The executive director must approve the procedure in paragraph (A)(2) of this rule. The procedure must adequately protect the personally identifiable information of the persons involved in sporting events.
Rule 3775-16-13 | Sports governing body data requests.

(A) A sports governing body may request anonymized sports gaming data from a sports gaming proprietor if the sports governing body believes that the integrity of one of its sporting events is in question. This request must be appropriately tailored and must include:

1. The name of the sports governing body;
2. The contact information of an individual who the sports gaming proprietor or commission may contact if additional information is needed;
3. The particular sporting event or events at issue;
4. The data requested, including the specific data types or fields;
5. A brief description of the reason for the sports governing body’s belief and how the data requested will be of assistance;
6. Procedures for how the sports governing body will protect the confidentiality of the data; and
7. Any other information that may be requested on a specified form.

(B) Data provided under this rule must be anonymized and free of any patron personal information.

(C) Upon receipt of a valid request for data, a sports gaming proprietor must promptly provide the requested data. If the sports governing body and the sports gaming proprietor cannot come to an agreement on whether the request is valid, the request must be sent to the commission for review. The executive director will determine if the request is valid and will notify the sports governing body and sports gaming proprietor of this decision. If the executive director determines that the request is valid the sports gaming proprietor must promptly provide the requested data.

(D) Any information or data provided by a sports governing body or a sports gaming proprietor pursuant to this rule is confidential and is not to be shared or used for any reason or purpose not contained here, except as otherwise required by law or order of the commission, or pursuant to an agreement between a sports governing body and a sports gaming proprietor.
Rule 3775-16-14 | State university data requests.

(A) A state university, as defined in section 3345.011 of the Revised Code, may submit a request to receive anonymized data from a sports gaming proprietor. Valid requests must clearly fulfill one of the following purposes and must be appropriately tailored for the stated purpose:

(1) To assist the commission, at the request of the executive director, in ensuring the integrity of sports gaming; or

(2) To improve state-funded services related to responsible gambling and problem gambling.

(B) The state university’s request must include the following information:

(1) The name of the state university;

(2) The contact information of an individual who the sports gaming proprietor or commission may contact if additional information is needed;

(3) The data requested including the specific data types or fields;

(4) The research purpose of the request, including a specific description of how the data will be used to meet a permitted purpose under paragraph (A);

(5) Who, if anyone, the data may be shared with outside of the university;

(6) Procedures for how the university will protect the confidentiality of the data; and

(7) Any other information required by the executive director.

(C) Data provided under this rule must be anonymized and free of any patron personal information.

(D) Upon receipt of a valid request for data, a sports gaming proprietor must promptly provide the requested data to the state university. If the state university and the sports gaming proprietor cannot come to an agreement on if the request is valid, the request must be sent to the commission for review. The executive director will determine if the request is valid and will notify the state university and sports gaming proprietor of this decision. If the executive director determines that the request is valid the sports gaming proprietor must promptly provide the requested data.

(E) Any information or data provided by a sports gaming proprietor to a state university may not be used or shared, except as provided in division (B)(13) of section 3775.02 of the Revised Code.
Rule 3775-16-15 | Information technology.

(A) Sports gaming proprietors must maintain an information technology department that is responsible for the quality, reliability, and accuracy of all electronic systems used in the operation.

(B) Each sports gaming proprietor must maintain IT security insurance as approved by the executive director.

(C) Sports gaming proprietors must ensure that duties in the information technology department are adequately segregated and monitored to detect procedural errors, unauthorized access to financial transactions and assets, and to prevent the concealment of fraud.

(D) The information technology environment and infrastructure must be maintained in a secured physical location that is restricted to authorized employees.

(E) Sports gaming proprietors must adopt procedures for responding to, monitoring, investigating, resolving, documenting, and reporting security incidents associated with information technology systems.
Rule 3775-16-16 | Security and safety of confidential information.

(A) Sports gaming proprietors must maintain and make available to patrons a privacy policy governing its use and storage of patron confidential information.

(B) Sports gaming proprietors must ensure compliance with applicable state and federal requirements and industry standards for protecting the privacy and security of sports gaming patrons and their accounts.
Rule 3775-16-17 | Incident reporting.

(A) Sports gaming proprietors must immediately report to the commission in a manner prescribed by the executive director, any information in the sports gaming proprietor's possession related to any of the following:

(1) Any wager in violation of Chapter 3775 of the Revised Code or the rules adopted thereunder or of federal law;

(2) Any conduct that corrupts a betting outcome of a sporting event for purposes of financial gain;

(3) Any IT security breach or other compromising IT risk;

(4) Any breaches of confidentiality of a patron’s personal information;

(5) Any physical security breach or other compromising risk to patrons, employees, or the commission; and

(6) Any other incident type required by the executive director.

(B) Sports gaming proprietors must have procedures to prevent, detect, and report to the commission attempts to launder money through any of its Ohio licensed sports gaming offerings.
Rule 3775-16-18 | Accounting and revenue audit.

(A) Each sports gaming proprietor must have procedures and systems for the preparation, use, and maintenance of complete, accurate, and legible accounting and gaming records, which must include all transactions.

(B) All books, forms, records, documents, and data submitted to the commission must have the name of the entity, date of completion, and the title of the book, form, record, document, or stored data.

(C) General accounting records must be maintained on a double-entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles.

(D) Each sports gaming proprietor must comply with Chapter 5753. of the Revised Code and with any requests of the tax commissioner.

(E) Each sports gaming proprietor must have documented revenue audit procedures. Documentation must be maintained evidencing the performance of all revenue audit procedures, any exceptions noted, and follow-up of all exceptions. The executive director will prescribe the method of documentation and may require additions or modifications to revenue audit procedures.
Rule 3775-16-19 | Internal audit.

(A) Sports gaming proprietors must maintain one of the following to annually assess compliance with sports gaming law:

(1) A separate internal audit department which is independent of the sports gaming operation and may be the internal audit department of a parent entity of the sports gaming proprietor; or

(2) A contracted third party independent registered certified public accounting firm licensed to practice in this state, whose name and lead audit partner or other person responsible for the engagement are reported to the commission before the start of the engagement.

(B) The internal audit department or contracted third party must audit the sports gaming proprietor’s compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder, the house rules, required procedures, and any other applicable rules and regulations, as required by the executive director.

(C) The internal audit department or contracted third party must follow the standards, conventions, and rules governing audits in the United States.

(D) The audit satisfying the requirements of this rule must be performed at least annually with the results documented in an audit report that must be provided to the commission.

(E) Documentation must be maintained to evidence all work performed as it relates to the requirements of this rule, including all instances of noncompliance.

(F) Follow-up observations and examinations must be performed to verify that corrective action has been taken regarding all instances of noncompliance. The verification must be performed within six months following the date of notification.

(G) The commission may require the termination of any audit engagement under this rule due to lack of qualification, independence, or capacity or a finding that the contract or conduct performed thereunder poses a material risk to the integrity of sports gaming in this state. The invalidation process is an action against the sports gaming proprietor that is subject to the hearing procedures and disciplinary actions provided for under rules 3775-1-07 and 3775-1-08 of the Administrative Code, respectively. If an audit engagement contract is terminated, the sports gaming proprietor must enter into a new audit engagement contract to ensure the requirements of this rule are met.
Rule 3775-16-20 | External audits and other reports.

(A) Each sports gaming proprietor, excluding an appointing professional sports organization; mobile management services provider; and management services provider must have its annual financial statements audited by an independent registered certified public accounting firm licensed to practice in this state. The audit must be in accordance with generally accepted auditing standards and, when applicable, the standards of the accountancy board. The sports gaming proprietor, mobile management services provider, or management services provider must report to the commission the name of the independent registered certified public accounting firm as well as the lead audit partner or other individual taking primary responsibility for the financial statement audit engagement before the start of the engagement.

(B) The lead audit partner or other individual taking primary responsibility for the financial statement audit engagement may serve a maximum of five years in such a position before being required to rotate off the engagement.

(C) The annual financial statements audit must be prepared on a comparative basis for the current and prior fiscal years and present financial position and results of operations in conformity with generally accepted accounting principles.

(D) The audit required by paragraph (A) of this rule must be filed with the commission, in a format determined by the executive director, within one hundred twenty days following the end of the fiscal year.

(E) Each sports gaming proprietor must contract with an independent third party to perform an IT audit. The third party must be approved by the executive director as qualified, independent, and capable of performing the audit. The audits must be performed, and a copy of the report provided to the commission, within ninety days of commencing initial operations and at least once each calendar year. The audit and corresponding report must assess the following:

1. The design, controls, maintenance, and security of the sports gaming proprietor’s IT systems;

2. The sports gaming proprietor’s compliance with the IT and sports gaming system requirements of this chapter; and

3. Any other subject required by the executive director.

(F) The sports gaming proprietor must file with the commission the report required by paragraph (E) of this rule in a format determined by the executive director within one hundred twenty days following the end of the fiscal year or upon receipt, whichever is earlier.

(G) At any time, the executive director may require a special audit of a sports gaming proprietor, mobile management services provider, or management services provider by commission personnel, an independent registered certified public accounting firm, or any other third party the executive director approves as qualified, independent, and capable of performing the
special audit. The scope, procedures, and reporting requirements of any special audit are to be established by the executive director.

(H) The sports gaming proprietor, mobile management services provider, or management services provider must notify the commission of any report that is filed, or required to be filed, with the securities and exchange commission or other securities regulatory agency.

(I) All audits and reports required by this rule are to be prepared at the sole expense of the sports gaming proprietor, mobile management services provider, or management services provider.

(J) The commission may require the termination of any audit engagement under this rule due to lack of qualification, independence, or capacity or a finding that the contract or conduct performed thereunder poses a material risk to the integrity of sports gaming in this state. The invalidation process is an action against the sports gaming proprietor, mobile management services provider, or management services provider that is subject to the hearing procedures and disciplinary actions provided for under rules 3775-1-07 and 3775-1-08 of the Administrative Code, respectively. If an audit engagement contract is terminated, the sports gaming proprietor, mobile management services provider, or management services provider must enter into a new audit engagement contract to ensure the requirements of this rule are met.

(K) Each sports gaming proprietor, mobile management services provider, or management services provider must file with the commission a copy of any suspicious activity report filed with the Financial Crimes Enforcement Network related to the conduct of sports gaming in this state.
Rule 3775-16-21 | Patron complaints.

(A) Whenever a sports gaming proprietor refuses payment of alleged winnings to a patron or there is otherwise a dispute with a patron regarding their patron account, wagers, wins, or losses from sports gaming, and the sports gaming proprietor and the patron are unable to resolve the dispute to the satisfaction of the patron, the sports gaming proprietor must notify the patron of their right to file a written complaint. The notice, which may be satisfied by directing a patron to information housed on the sports gaming proprietor’s website or application, must include the procedure for filing a written complaint and the sports gaming proprietor’s complaint resolution process.

(B) Upon receipt of a written complaint, the sports gaming proprietor must investigate and provide a written response to the patron within ten business days. If a sports gaming proprietor needs additional time to investigate or resolve a complaint beyond the ten business days, the patron must be notified of the need for additional time and be given an expected time frame in which the complaint may be resolved. The ultimate response may include a statement that if the dispute is not resolved to the satisfaction of the patron, the patron may submit their complaint in writing to the Commission.
Rule 3775-17-01 | Location-based technology.

(A) Type A sports gaming proprietors must utilize a geofence system maintained and monitored by a licensed location-based technology provider, as described in rule 3775-9-03 of the Administrative Code, to dynamically monitor the geolocation of patrons attempting to place sports gaming wagers.

(B) Type A sports gaming proprietors must report to the commission the name of the licensed location-based technology provider it will use to ensure compliance with the requirements of Chapter 3775. of the Revised Code and the rules adopted thereunder.

(C) The location-based technology provider must perform a geolocation check to dynamically monitor the patron’s location throughout a patron’s placement of sports gaming wagers with a type A proprietor in accordance with the requirements of rule 3775-9-03 of the Administrative Code.

(D) If the location-based technology provider determines that a patron is not located in the State, the patron must be blocked from placing wagers by the type A sports gaming proprietor.

(E) Type A sports gaming proprietors must implement a notification mechanism to alert patrons of a geolocation check failure.

(F) Type A sports gaming proprietors or the location-based technology provider must have the geofence system tested for compliance with Chapter 3775. of the Revised Code and the rules adopted thereunder before being approved to offer wagering in the state and at any other time as required by the executive director. Documentation of the test parameters and results must be submitted to the commission for review upon completion of each test.
Rule 3775-18-01 | Sports gaming facility design and inspections.

(A) A type B sports gaming proprietor may not operate a sports gaming facility without the approval of the executive director.

(B) A type B sports gaming proprietor must submit a design plan including a detailed description and map of the proposed sports gaming facility to the commission for approval prior to the initial opening of the sports gaming facility. The design plan must show the proposed placement of the following features, as applicable:

1. Sports gaming cashiering windows or cages;
2. Sports gaming vaults;
3. Automated cash management system equipment;
4. Self-service sports gaming terminals;
5. Security stations;
6. Surveillance equipment; and
7. Any other information required by the executive director.

(C) If the sports gaming facility is located within a video lottery facility or casino gaming facility, then the design plan required by paragraph (B) of this rule may use features also used in casino gaming or video lottery terminal gaming of those facilities, unless the sports gaming proprietor has received notice from the commission or state lottery commission, as applicable, to segregate the sports gaming facility or any feature thereof.

(D) Prior to the initial opening of the sports gaming facility the commission must conduct an inspection to verify that the proposed sports gaming facility complies with the requirements of Chapter 3775. of the Revised Code and the rules adopted thereunder.

(E) Any changes to the design plan described in paragraph (B) of this rule must be approved by the executive director before any changes may be made.

(F) A type B sports gaming proprietor must comply with any inspection conducted by the commission.

(G) A type B sports gaming proprietor must provide the Commission with a comprehensive list of all sports gaming equipment in use at their facility, in a format approved by the executive director. A type B sports gaming proprietor must provide updates to the inventory list at the time any changes occur.
(H) The executive director may issue an emergency order, pursuant to section 3772.04 of the Revised Code if the facility is determined to be out of compliance with the requirements of Chapter 3775. of the Revised Code and the rules adopted thereunder.
Rule 3775-18-02 | Sports gaming facility security.

(A) A type B sports gaming proprietor must have procedures for providing security in the sports gaming facility. The procedures must include plans for the following:

(1) The physical safety of employees and patrons in the sports gaming facility;

(2) The physical safeguarding of assets;

(3) The physical safeguarding of assets transported to, from, and within the sports gaming facility;

(4) The means by which access to assets, sports gaming equipment, or the sensitive areas will be controlled in accordance with paragraphs (C) and (D) of this rule;

(5) Security training; and

(6) Security staffing.

(B) A type B sports gaming proprietor must have at least one security officer or specially contracted uniformed peace officer stationed in either the sports gaming facility or in the building in which the sports gaming facility is located whenever the sports gaming facility is open for business. Security or peace officer staffing counting towards the requirements of this rule must be available to promptly respond to events in the sports gaming facility when needed.

(C) Access to assets or restricted areas of sports gaming equipment must be restricted to authorized personnel.

(D) Access to secure sports gaming cashier’s cages required for type B proprietors electing not to utilize automated cash management systems, any area which allows for viewing surveillance video, and areas used for the storage of surveillance equipment or the surveillance system must be secured by either proximity card or biometric access control system and must be restricted to authorized personnel. All attempts to access these areas must be recorded in an access control system.
Rule 3775-18-03 | Sports gaming facility surveillance.

(A) A type B sports gaming proprietor must install, maintain, and operate a surveillance system that meets the specifications of this chapter.

(B) The surveillance system must include components that meet or exceed the following requirements or listed features:

1. Installation which prevents obstruction, tampering, or disabling;

2. Data storage redundancy to prevent the loss of any data;

3. Recording date and time stamped on all digital recordings and visible on all monitors based on a synchronized and accurate clock;

4. The ability to provide exported copies of video, audio (if applicable), and image recordings. The system must include a mechanism for authenticating exported recordings;

5. Audible and visual notification of any failure of recording;

6. Secure and separated from other systems, either entirely or by appropriate firewalls, so that information from the surveillance system is restricted;

7. Reformat and erase capabilities must be restricted to appropriate personnel;

8. Access must be limited to commission personnel and users authorized by the proprietor and must be secured by unique user identification and a confidential password; and

9. Passwords must be specific to each user and must be changed at least every thirty days.

(C) The surveillance system must monitor and record the following:

1. General activities in the sports gaming facility;

2. The entrances and exits to the sports gaming facility with enough clarity to identify patrons, employees, and contractors.

3. Each cashier station or window, covering all activity, with enough clarity to identify the employees performing the different functions, patrons conducting transactions, and the values of cash or other instruments presented by or returned to patrons;

4. An overview of each self-service sports gaming terminal with enough clarity to determine if an individual is participating in sports gaming; and
(5) All areas where cash or cash equivalents may be stored or counted;

(D) All images and video and audio recordings must be retained for a minimum of fourteen days.

(E) All images and video and audio recordings of activities perceived by sports gaming employees to be unusual, suspected criminal activity, or in violation of Chapter 3775. of the Revised Code or the rules adopted thereunder, or recorded at the request of the commission, must be retained for a minimum of ninety days.

(F) The type B sports gaming proprietor must retain any image or video or audio recording beyond an applicable minimum retention period specified in this rule when requested to do so by the commission or as required to by law, including upon issuance of a valid subpoena, court order, or other similar document.

(G) The type B sports gaming proprietor must report to the commission, as soon as practically possible, when surveillance equipment that is critical to the proprietor’s ability to meet any of the requirements of this chapter becomes out of service.

(H) Sports gaming activity will cease in any area of the sports gaming facility where an outage or other malfunction of the surveillance system prevents the proprietor from maintaining, monitoring, and recording the area, as required by this chapter.

(I) The type B sports gaming proprietor must keep its surveillance system, including any stations used to access the system, in secured areas restricted to authorized personnel.

(J) The type B sports gaming proprietor must not purposely monitor, track, or record the activities of any commission personnel, unless the direct monitoring is requested by the executive director or is required by a valid subpoena or court order.

(K) The type B sports gaming proprietor must provide all accessible images and video and audio recordings to the commission upon request as well as to any person that the operator is legally required to, including upon issuance of a valid subpoena, court order, or other similar document.

(L) Transfers of images and video and audio recordings from the surveillance system must be tracked, either through electronic or other means, in a manner as approved by the executive director.

(M) The type B sports gaming proprietor must provide remote access and any hardware or software required to facilitate this access to the commission at the sole expense of the proprietor. The delivery method of access to the commission, commission hardware and software, and remote access capabilities will be determined by the executive director.

(N) The type B sports gaming proprietor must, as soon as practically possible, notify the commission of and create surveillance reports of events that are unusual, depict suspected criminal activity, are in violation of chapter 3775. of the Revised Code or the rules adopted
thereunder, or of any other instances as identified by the executive director. Reports must be maintained and stored electronically, organized chronologically, and include the following information:

(1) The date and time of each entry;

(2) The identity of the employee making the entry;

(3) A summary of the event recorded;

(4) Details of the result of any surveillance monitoring;

(5) Details of any copies made of recordings of the activity;

(6) Any details of investigation procedures and the results of those procedures; and

(7) Any additional information deemed necessary by sports gaming employees or the commission.

(O) The commission must have continuous access to surveillance reports.

(P) The type B sports gaming proprietor must maintain the surveillance system and equipment to ensure its operation and security continue to function as designed and remain compliant with the requirements of this rule. Maintenance must be completed without compromising any of the required surveillance coverage under this chapter.
Rule 3775-18-04 | Sports gaming facility cashiering.

(A) Each type B sports gaming proprietor must have the following procedures for conducting cashiering activities in the sports gaming facility:

(1) How cashiering activities will be staffed and supervised;

(2) The drop and reconciliation of self-service sports gaming terminals; and

(3) How variances will be documented and investigated, including the variance amount considered by the type B sports gaming proprietor to be material and at which variances exceeding the stated amount will be investigated. The materiality level selected by the sports gaming proprietor must be equal to or less than $1,000 per variance incident.

(B) Each cashier must begin each shift with an imprest amount of cash. No funds must be added to or removed from the imprest during the shift except for the following:

(1) Sale of sports wagers or vouchers;

(2) Payment of winning tickets, voided tickets, or vouchers;

(3) Making change for a patron;

(4) Cash transfers or miscellaneous cash transactions with appropriate documentation;

(5) Sports gaming account deposits; and

(6) Sports gaming account withdrawals.

(C) A type B sports gaming proprietor must either elect to utilize an automated cash management system approved by the executive director or elect to install and maintain alternative procedures as approved by the executive director.

(D) Unless the cash management system automates or otherwise eliminates the need for a requirement below, an automated cash management system must comply with the following:

(1) The automated cash management system may be made up of one or multiple components of cash management equipment.

(2) Components of the automated cash management system not involved in direct to patron transactions must have access restricted to appropriate personnel.

(3) The automated cash management system must, at a minimum, provide the following functionality and security:

(a) The automated secure storage of cash not in use;
(b) The automated dispensing and recording of cashier assigned inventory and funds used to fill self-service sports gaming terminal cash inventory;

(c) The automated return, count, and recording of cashier assigned inventory and funds removed from self-service sports gaming terminals.

(E) Each cashier assigned to a cashier window must, after accepting their assigned inventory from the automated cash management system and prior to the start of cashiering activities, count the assigned cash and verify the count to the imprest amount. The cashier must sign for or otherwise document acknowledgement of the receipt and accuracy of the assigned impressment.

(1) Following each shift, each cashier must return their cash inventory to the automated cash management system and reconcile their inventory of cash and sports gaming instruments against reports generated from the sports gaming system. The cashier must sign or otherwise document acknowledgement of the accuracy of the returned cash and sports gaming instruments.

(2) All variances between expected amounts and actual inventory amounts must be documented. Variances exceeding the materiality threshold set in the type B sports gaming proprietor’s procedures must be investigated according to the sports gaming proprietor’s procedures. Variances of $1,000 or more must be reported to the commission in a manner and format approved by the executive director.

(3) In the event of a failure of the automated cash management system, the type B proprietor may, at the discretion of the executive director, utilize the procedures in subparagraphs (F)(4) and (F)(5) of this rule as emergency cashiering procedures until the system functionality is restored. The use of emergency procedures must not exceed a period of seven days unless otherwise approved by the executive director.

(F) A type B sports gaming proprietor electing not to use an automated cash management system must comply with the following requirements:

(1) The type B sports gaming proprietor must maintain a vault where the cash used for sports gaming activities must be securely stored when not in use and in which cashiering drawers and self-service gaming terminal funds are counted and verified. The vault must be located in a secure room which is limited in access to authorized personnel.

(2) If the type B sports gaming proprietor utilizes cashiering windows, the windows must be in a secure sports gaming cashier’s cage. Any window in a sports gaming cashier's cage must be secured in a manner that prevents any person from passing through the opening.

(3) The type B sports gaming facility vault and cashier cages must be equipped with the following security controls:
(a) Automatically triggered audible alarms which sound when any door is opened unexpectedly; and

(b) Manually triggered silent alarms accessible to each workstation monitored by the type B sports gaming proprietor or a contracted security company.

(4) At the start of each cashier’s shift the following procedures must be completed:

(a) A sports gaming count sheet must be completed and signed by a supervisor, and the following information, at a minimum, must be recorded:

(i) The date, time, and shift of preparation;

(ii) The denominations of cash in the sports gaming inventory issued to the cashier;

(iii) The total amount of each denomination of currency and coin in the sports gaming inventory issued to the cashier;

(iv) The sports gaming window number to which the cashier is assigned; and

(v) The signature of the sports gaming supervisor; and

(b) A cashier assigned to a cashier window must then count and verify the sports gaming inventory provided by the supervisor at the sports gaming vault and must agree the count to the sports gaming count sheet. The cashier must sign the count sheet attesting to the accuracy of the information recorded. The sports gaming inventory must be secured and transported directly to the assigned cashiering window by the cashier.

(5) If the sports gaming cashier’s net receipts for the shift, as generated by the system, does not agree with the sports gaming count sheet total plus the sports gaming inventory, the sports gaming supervisor must record any overage or shortage. If the count does not agree, the cashier and the supervisor must attempt to determine the cause of the discrepancy. Variances of $1,000 or more must be reported to the commission in a manner and format approved by the executive director. Variances exceeding the materiality threshold set in the type B sports gaming proprietor’s procedures must be investigated and the following information must be documented:

(a) Date on which the discrepancy occurred;

(b) Shift during which the discrepancy occurred;

(c) Name of the cashier;

(d) Name of the supervisor;
(e) Window number; and

(f) Amount of the discrepancy.
Rule 3775-18-05 | Sports gaming facility restrictions.

(A) A type B sports gaming proprietor may only accept wagers from individuals physically present at the sports gaming facility and not known to be included on any exclusion or prohibited lists.

(B) A type B sports gaming proprietor must submit and maintain procedures designed to detect and prohibit underage individuals or voluntarily or involuntarily excluded individuals from entering the sports gaming facility, including the digital examination of the patron’s identity using identification verification software approved by the executive director.

(C) A type B sports gaming proprietor must establish an anonymous wager threshold, which in no case may exceed one thousand dollars. Wagers exceeding the anonymous wager threshold must be made through the use of a sports gaming account established with the type B sports gaming proprietor in accordance with Chapter 3775. of the Revised Code and the rules adopted thereunder.

(D) A type B sports gaming proprietor must have procedures designed to identify and refuse wagers for patrons attempting to make multiple wagers to avoid establishing a sports gaming account, as required by this rule.

(E) A type B sports gaming proprietor must have procedures for managing incidents in which an individual described in paragraph (B) of this rule attempts to enter the sports gaming facility or place a wager.

(F) A type B sports gaming proprietor must have procedures for complying with division (C) of section 3775.12 of the Revised Code.
Rule 3775-19-01 | Type C proprietor duties.

(A) Type C sports gaming proprietors must only comply with this rule, chapter 3775-1, and rules 3775-4-04 and 3775-4-99 of Agency 3775. of the Administrative Code.

(B) A type C sports gaming proprietor who wishes to install more than two terminals in any type C gaming host facility must submit a request to the Commission, in a manner prescribed by the executive director, no later than seven days before the planned installation. The executive director may disallow the installment if it would undermine the integrity of sports gaming in this state.

(C) A type C sports gaming proprietor must notify the commission, in a manner prescribed by the executive director, of any changes in which type C gaming host facilities it intends to conduct sports gaming.

(D) Type C sports gaming proprietors must comply with any sports gaming rules adopted by the state lottery commission under Chapters 3770. and 3775.of the Revised Code.

(E) In addition to any contractual remedies the state lottery commission may pursue, failure of a type C sports gaming proprietor to adhere to Chapters 3770. or 3775. of the Revised Code or any applicable rules adopted thereunder may subject the type C proprietor to sanctions under section 3772.04 of the Revised Code and rule 3775-1-08 of the Administrative Code.