

Rule 3770: 2-8-01 Scope and purpose of the Ohio voluntary exclusion program.

(A) The purpose of this chapter is to establish a statewide voluntary exclusion program, administered jointly by the Ohio lottery commission and the Ohio casino control commission, to help curtail problem gambling in the state of Ohio. As used in this chapter, the statewide voluntary exclusion program shall be referred to as the "Ohio voluntary exclusion program" or "Ohio VEP." This chapter is to be read in conjunction with Chapter 3772-12 of the Administrative Code.

(B) Participants in the Ohio VEP agree to exclude themselves from all casino facilities and all video lottery terminal facilities in the state of Ohio, including the restaurants, gaming, and entertainment areas of such facilities. These facilities are collectively referred to in this chapter as "excluded facilities." Except as described in rule 3772-12-07 of the Administrative Code, a participant in the Ohio VEP will agree to refrain from entering excluded facilities during the term of the program and will not have the option to select one or more facilities or types of facilities from which to be excluded.

(C) Nothing in this chapter shall prohibit participants in the Ohio VEP from entering an excluded facility for the purpose of carrying out the duties of their employment.

(D) Participants in the Ohio VEP agree to exclude themselves for lottery sports gaming offered by type C sports gaming proprietors. These proprietors are collectively referred to in this chapter as "excluded entities."

Rule 3770: 2-8-02 Application to participate in the Ohio voluntary exclusion program.

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

(B) All applications to participate in the Ohio VEP must be completed in the presence of a staff member from the Ohio lottery commission or the Ohio casino control commission on a prescribed form or through the online Ohio VEP portal. Applications that are not completed in this manner will not be accepted.

(C) An individual who applies to participate in the Ohio VEP will refrain from entering all excluded facilities for one of the following time periods:

(1) A minimum of one year

(2) A minimum of five years; or

(3) Lifetime exclusion subject to paragraph (C) of rule 3770:2-8-05 of the Administrative Code.

(D) If, at any time while completing an application to participate in the Ohio VEP, it appears in the sole discretion of the commission staff member in whose presence the application is being completed, that an individual is doing so involuntarily or is otherwise impaired, the application shall be rejected.

(E) After a request for voluntary exclusion has been processed, confirmation of participation in the Ohio VEP will be sent to the applicant in the manner requested on the application. Once approved, the Ohio VEP agreement is effective regardless of whether delivery of a confirmation is successful.

Rule 3770: 2-8-03 Responsibilities of voluntarily excluded individuals

(A) Participants in the Ohio VEP agree to abide by all terms of the program, including refraining from entering all excluded facilities or otherwise participating or attempting to participate in any gambling or wagering activity offered at an excluded facility.

(B) Except as provided in paragraph (C) of this rule, a participant who violates the terms of the Ohio VEP at a video lottery facility on a video lottery terminal, or at a type C sports gaming host facility on a type C sports gaming proprietor system agrees to surrender to the Ohio lottery 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, at the excluded facility. Any money surrendered to the Ohio lottery commission will be used for the benefit of problem gambling programs in Ohio. Participants who violate the terms of the Ohio VEP at casino or sports gaming facility, or an online sports pool are subject to rule 3772-12-03 of the Administrative Code.

- (1) Seized assets at a casino facility gaming 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) Assets seized from a type C sports gaming proprietor's system will be deposited to the state lottery commission for the sole use of problem gambling prevention and treatment.

(C) Participants in the Ohio VEP agree to forfeit all points or complimentaries, or promotional credits earned by the individual on or before the date the individual completed an application for the Ohio VEP. If at the time the individual completes an application to participate in the Ohio VEP, the individual is owed a cash amount from the excluded facility, the individual will retain the right to receive that amount from an excluded facility, even after enrollment in the Ohio VEP. 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 complimentaries or points earned on or before the date an application is completed are redeemable for cash under an excluded facility's marketing program, the individual may claim that amount.

(D) An individual who violates the terms of the Ohio VEP by entering an excluded facility may be subject to criminal prosecution.

(E) The individual must remain a participant in the Ohio VEP for at least the minimum duration of exclusion selected by the individual before requesting to be removed, subject to rule 3770:2-8-05 of the Administrative Code.

(F) An Ohio VEP participant may request to increase the duration of participation in the program at any time.

Rule 3770: 2-8-04 Responsibilities of excluded facilities and excluded entities under the jurisdiction of the Ohio lottery commission.

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

(B) An excluded facility shall immediately notify a commission employee if an Ohio VEP participant is found on the premises of the facility. Within seventy-two hours of the incident, the facility shall provide a written report to the commission containing the following information:

- (1) The individual's name;
- (2) The individual's date of birth;
- (3) The circumstances of discovery of the individual's presence at the facility;
- (4) The individual's gaming activity, if any; and
- (5) The amount of any jackpots, VLT credits and/or vouchers in the possession of the individual, or any prize won, claimed, or attempted to be claimed, at an excluded facility.

(C) 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.

(D) Each excluded entity or facility must comply with the Ohio lottery commission's operating standards to report on Ohio VEP participants who violated the terms of the Ohio VEP contained in 3770: 2-8 and 3772-12 of the Administrative Code.

(E) Any amounts of money or things of value reported in paragraph (B)(5) of this rule shall be remitted to the commission in accordance with financial processing procedures.

Each excluded entity shall notify a commission employee if an Ohio VEP participant attempts to claim a prize as reportable to the IRS. Any amounts of money shall be remitted to the commission in accordance with financial processing procedures.

(F) Nothing in this chapter shall prohibit an excluded facility or its employees and agents from seeking payment of a debt from an Ohio VEP participant if the debt was accrued prior to the individual's participation in the program.

(G) 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.

Rule 3770:2-8-05 | 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) An individual may be removed from the one-year or five-year exclusion list by requesting and completing an unaltered application for removal.

(C) An individual may be removed from the lifetime exclusion list if the individual has:

- (1) Remained in the Ohio VEP for at least five years;
- (2) Completed Ohio VEP education program on problem gambling awareness; and
- (3) Requested and completed an unaltered application for removal;

Rule 3770:2 – 8- 06 Responsible Gambling Plan

Each video lottery facility and type C sports gaming proprietor shall comply with the Ohio lottery commission's operating standards and provide a responsible gambling plan which includes the Ohio VEP procedures, subject to approval of the Director.

Rule 3770:2 -8-07 Prior voluntary exclusions.

- (A) This rule applies only to those individuals who submitted their application to join the Ohio voluntary exclusion program between March 1, 2019, and 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 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.
- (C) The application for voluntary exclusion signed by the individual at the time of enrollment governs their participation.
 - (1) These individuals may submit an Ohio VEP application, pursuant to rule 3770: 2-8-02 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.
- (D) 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 (C) of rule 3770:2-8-05 of the Administrative Code.