



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: State Lottery Commission

Rule Contact Name and Contact Information: Ian S. Litherland (216) 339 - 7993

Regulation/Package Title (a general description of the rules' substantive content):

Definition, Scope and Purpose of the Ohio Voluntary Exclusion Program

Rule Number(s): 3770:2-8-01

Date of Submission for CSI Review: August 5, 2026

Public Comment Period End Date: August 21, 2026

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? __)

Amended/ X rules (FYR? __)

Rescinded/___ rules (FYR? __)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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

CSIPublicComments@governor.ohio.gov

Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☐ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

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

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

3770:2-8-01 - This rule highlights that all Video Lottery Sales Agents and type C sports gaming proprietors implement a responsible gaming and Voluntary Exclusion Program (VEP) pursuant to Revised Code section 3770.02. The rule is being amended to reflect the proper Administrative Code section for Ohio Casino Control reference and updates to defined gaming areas within the rule.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

Ohio Revised Code: 3770.03 Commission – powers and duties.

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

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

The answer is no to both questions for the rules in this package.

5. **If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not applicable.

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

The Ohio Constitution Article XV, §6, permits the General Assembly to authorize a state agency to conduct lotteries. The General Assembly has authorized the State Lottery Commission, a state agency, to license Video Lottery Sales Agent employees to sell video lottery, the net proceeds of which are used for elementary, secondary, vocational, and special education in the state. This rule is necessary to ensure the consistent and proper conduct of Video Lottery Sales Agent employees with regards to the sales of lottery games, and their integrity under standards set forth in the rules.

3770:2-8-01 highlights the requirements of Video Lottery Sales Agents and type C sports gaming proprietors to implement a responsible gaming program pursuant to Revised Code section 3770.02.

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

3770:2-8-01 - Success will be measured through the creation and operation of an effective responsible gaming and responsible exclusion program by Video Lottery Sales Agents and type C sports gaming proprietors under the jurisdiction of the Lottery. It also empowers the director to review, revise, and approve such programs, while ensuring compliance with the minimum requirements found in Revised Code section 3770.02.

Success will further be measured through the consistent enforcement of these standardized requirements and guidelines, which will ensure ongoing compliance with Lottery rules and regulations, while maintaining the integrity of all licensed Video Lottery Sales Agents and type C sports gaming proprietors under the jurisdiction of the Lottery.

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

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

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

On July 16, 2026, the following Stakeholders were sent an e-mail, which included a draft copy of the proposed rule amendments and they had until July 30, 2026 to comment.

Chris Corrado, Belterra Park
Justin Remschneider, Belterra Park
Scott Vuko, Belterra Park
Mike Mueller, Scioto Downs
John Wheatley, Scioto Downs
David Frankhouser, Delaware North Companies
Lauren Utz, Delaware North Companies
Michael Carruthers, Delaware North Companies
Shannon Patch, Delaware North Companies
Michael Caputo, Delaware North Companies
Karen Cincione, Delaware North Companies
Kato Moy, Miami Valley Gaming/Delaware North Companies
Joel Loots, Miami Valley Gaming/Delaware North Companies
Roger Bryant, Miami Valley Gaming/Delaware North Companies
Edward McNett, Miami Valley Gaming/Delaware North Companies
Kyle Wentz, MGM Northfield Park
Matt Buckley, Northfield Park
Chris Volle, Jack Entertainment
Ed Dick, Jack Entertainment
Erich Zimny, Hollywood Gaming Mahoning Valley
Kathy Lenhardt, Hollywood Gaming Mahoning Valley
Tim Kelley, Hollywood Dayton
Matt Becker, Hollywood Dayton
Matt Spitnale, PENN Entertainment Inc.
Frank Donaghue, PENN Entertainment Inc.
Jim Baldacci, PENN Entertainment Inc.
Samuel Porter, Ice Miller
John Oberle, Ice Miller
Holly Chandler, Ohio Racing Commission
Sherry White, Ohio Racing Commission
Scott Borgemenke, Ohio Racing Commission
Chris Dragone, Ohio Racing Commission
Gina Lawwill, MVG
Ohio Lottery VLT Department
Susan Diamond, Ohio Lottery
Jimmie Hicks, Ohio Lottery

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

The Lottery did not receive any formal written comments on this rule package.

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

Not applicable.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

3770:2-8-01 - This rule is necessary to ensure the complete and proper submission of information by excluded facilities. It also established procedures and conditions that help verify consistency and integrity under standards set forth in the rule. Being that this rule accomplishes this objective, as it pertains to excluded facilities and VEP participants, and does so in the most efficient and least restrictive manner, we believe that this remains the best alternative.

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

3770:2-8-01 - The Lottery has coordinated its efforts with that of the Ohio Casino Control Commission to ensure there is no duplication of Ohio regulations.

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

3770:2-8-01 - All excluded facilities, excluded entities, their employees, and VEP participants shall be held to the same standard.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

The seven horse racing organizations which currently hold a racing permit granted by the Racing Commission and a Video Lottery Sales Agent license will be impacted, including those individuals interested in affiliating with these horse racing organizations. In addition, type C sports gaming proprietors under the jurisdiction of the Lottery are impacted by this rule.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

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

3770:2-8-01 - An Excluded Entity will need to provide a report to the Lottery within seventy-two hours of discovering a VEP participant on the premises.

VLT compliance managers already compile most of the information required by this rule. On average, it takes 30-60 minutes per incident to gather the information with an average of 2-3 incidents per month. It is difficult to estimate the impact of this specific rule because most of the information is already compiled pursuant to facility policies.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

Not applicable.

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

3770:2-8-01 - This rule is justified because it establishes standards for Video Lottery Sales Agents, type C sports gaming proprietors and respective licensees. The rule requires ongoing adherence to regulations consistently imposed on Video Lottery Sales Agents and type C sports gaming proprietors. Some of the requirements imposed by this rule may be waived, some have little or no cost, and ultimately are beneficial to the impacted community, while strengthening the reputation and financial stability of the Lottery.

Regulatory Flexibility

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

All Businesses, regardless of size, are held to the same standard. If a business is too small, it may fail to operate within the required sales goals or at the level of quality that is consistent with the Lottery's security and profitability obligations.

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

All monetary fines and penalties for non-compliance are discretionary. There is no automatic penalty for a paperwork violation, and all individual facts and circumstances are taken into account, including experience level, when exercising this discretion.

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

The impacted or potentially impacted entities can contact the Lottery at (800) 686-4208 or by email at VLT@lottery.ohio.gov or by mail:

615 W. Superior Avenue
Cleveland, Ohio 44113-1870.

VLT Management of the Lottery is available to assist any Video Lottery Sales Agent or employee regarding the conditions outlined in the proposed new rule.