



## Ohio Revised Code

### Section 3772.031 Involuntary exclusion from casino gaming and sports gaming.

Effective: March 23, 2022

Legislation: House Bill 29 - 134th General Assembly

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(A)(1) The general assembly finds that the exclusion or ejection of certain persons from casino facilities and from sports gaming is necessary to effectuate the intents and purposes of this chapter and Chapter 3775. of the Revised Code and to maintain strict and effective regulation of casino gaming and sports gaming.

(2) The commission, by rule, shall provide for a list of persons who are to be excluded or ejected from a casino facility and a list of persons who are to be excluded or ejected from a sports gaming facility and from participating in the play or operation of sports gaming in this state. Persons included on an exclusion list shall be identified by name and physical description. The commission shall publish the exclusion lists on its web site, and shall transmit a copy of the exclusion lists periodically to casino operators and sports gaming proprietors, as applicable, as they are initially issued and thereafter as they are revised from time to time.

(3) A casino operator shall take steps necessary to ensure that all its key employees and casino gaming employees are aware of and understand the casino exclusion list and its function, and that all its key employees and casino gaming employees are kept aware of the content of the casino exclusion list as it is issued and thereafter revised from time to time.

(4) A sports gaming proprietor shall take steps necessary to ensure that its appropriate agents and employees are aware of and understand the sports gaming exclusion list and its function, and that all its appropriate agents and employees are kept aware of the content of the sports gaming exclusion list as it is issued and thereafter revised from time to time.

(B) The casino exclusion list may include any person whose presence in a casino facility is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of this chapter, or to the strict and effective regulation of casino gaming. The sports gaming exclusion list may include any person whose presence in a sports gaming facility or whose participation in the play or operation of sports gaming in this state is determined by the commission



to pose a threat to the interests of the state, to achieving the intents and purposes of Chapter 3775. of the Revised Code, or to the strict and effective regulation of sports gaming. In determining whether to include a person on an exclusion list, the commission may consider:

- (1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and
- (2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:
  - (a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;
  - (b) Purposeful evasion of taxes or fees;
  - (c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or
  - (d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.
- (3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;
- (4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;
- (5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;



- (6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;
- (7) If the commission has suspended the person's gaming privileges;
- (8) If the commission has revoked the person's licenses related to this chapter or Chapter 3775. of the Revised Code;
- (9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility or a sports gaming facility;
- (10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility or in the sports gaming industry in this state.

Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on an exclusion list.

(C) The commission shall notify a person of the commission's intent to include such person on one or both exclusion lists. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility or sports gaming facility, as applicable, is located.

(D)(1) Except as otherwise provided in this section, a person who receives notice of intent to include the person on an exclusion list is entitled, upon the person's request, to an adjudication hearing under Chapter 119. of the Revised Code, in which the person may demonstrate why the person should not be included on the exclusion list or lists. The person shall request such an adjudication hearing not later than thirty days after the person receives the notice by personal service or certified mail, or not later than thirty days after the last newspaper publication of the notice.



(2) If the person does not request a hearing in accordance with division (D)(1) of this section, the commission may, but is not required to, conduct an adjudication hearing under Chapter 119. of the Revised Code. The commission may reopen an adjudication under this section at any time.

(3) If the adjudication hearing, order, or any appeal thereof under Chapter 119. of the Revised Code results in an order that the person should not be included on the exclusion list or lists, the commission shall publish a revised exclusion list that does not include the person. The commission also shall notify casino operators or sports gaming proprietors, as applicable, that the person has been removed from the exclusion list or lists. A casino operator shall take all steps necessary to ensure its key employees and casino gaming employees are made aware that the person has been removed from the casino exclusion list. A sports gaming proprietor shall take all steps necessary to ensure its appropriate agents and employees are made aware that the person has been removed from the sports gaming exclusion list.

(E) This section does not apply to any voluntary exclusion list created as part of a voluntary exclusion program under this chapter or Chapter 3775. of the Revised Code.