

3772-50-01

Definitions.

As used in this chapter, words have the following meanings, unless the context clearly indicates otherwise:

- (A) “Advertisement” means any notice or communication to the public or any information concerning a type-B or type-C skill-based amusement machine or an applicant, licensee, or certified independent skill-based amusement machine testing laboratory under this chapter through broadcasting, publication, or any other means of dissemination, including electronic dissemination.
- (B) “Applicant” means any person who applies to the commission for a license under this chapter.
- (C) “Card for the purchase of gasoline” means a gift card, gift certificate, or other cash representation that can be used solely for the purchase of gasoline. A card for the purchase of gasoline may not be used to receive any non-gasoline merchandise, goods, or services.
- (D) “Certified independent skill-based amusement machine testing laboratory” means any independent testing laboratory certified by the commission to test skill-based amusement machines. Certification under section 3772.03 of the Revised Code and rule 3772-15-01 of the Administrative Code does not grant authority to test skill-based amusement machines and equipment.
- (E) “Commission” means the Ohio casino control commission.
- (F) “Conduct” means to back, promote, offer, organize, manage, carry on, sponsor, or prepare for the operation of a skill-based amusement machine.
- (G) “Licensee” means any person who has been granted a license under this chapter by the commission.
- (H) “Merchandise prize” has the same meaning as in section 2915.01 of the Revised Code, but does not include a redeemable voucher; currency, including digital currency; and gold or silver bullion, coins, rounds, bars, or ingots.
- (I) “Participate in conducting” means:
 - (1) To have a part in or share of backing, promoting, offering, organizing, managing, carrying on, sponsoring, or preparing the operation of a skill-based amusement machine; or
 - (2) To manufacture, distribute, sell, lease, or otherwise supply or provide skill-based amusement machine equipment, goods, or services.

- (J) “Payout percentage function” means a setting or function that inhibits the ability of a player to achieve the result of the game or receive a merchandise prize based upon the prior number of plays, the outcome of those plays, or the amount of revenue generated by the machine.
- (K) “Person” has the same meaning as in section 3772.01 of the Revised Code.
- (L) “Player” means any person who plays a skill-based amusement machine.
- (M) “Redeemable voucher” means any ticket, token, coupon, receipt, or other non-cash representation of value. Redeemable vouchers may not be redeemed for cash or used in combination with any gift card, cash, or the equivalent thereof to receive anything of value.
- (N) “Revenue-sharing agreement” means any contract or agreement between a skill-based amusement machine operator and type-C skill-based amusement machine location for the placement or operation of skill-based amusement machines in which skill-based amusement machine revenue is divided between the parties.
- (O) “Skill-based amusement machine” has the same meaning as in section 2915.01 of the Revised Code but does not include concession games licensed by the Ohio department of agriculture under section 1711.11 of the Revised Code.
- ~~(P) “Skill-based amusement machine key employee” means any of the following, as determined by the commission:~~
- ~~(1) The individual who holds the position of executive decision-making authority for Ohio skill-based amusement machine gaming, as determined by the commission, such as a chief executive officer, executive director, or regional manager, concerning the operation of a person that has applied for or holds a license as a skill-based amusement machine vendor, type-B skill-based amusement machine operator, or type-C skill-based amusement machine operator;~~
 - ~~(2) The individual who holds the position of executive decision-making authority concerning the operation of a person that has applied for holds a license as a skill-based amusement machine location, except for skill-based amusement machine locations that are franchises of a licensed skill-based amusement machine operator;~~
 - ~~(3) Any individual who holds at least a twenty-five percent ownership interest in a person that has applied for or holds a license as a skill-based amusement machine vendor, type-B skill-based amusement machine operator, type-C skill-~~

~~based amusement machine operator, or type-C skill-based amusement machine location;~~

~~(4) Any other individual identified as a skill-based amusement machine key employee by the commission.~~

~~(P)~~ (P) “Skill-based amusement machine location” means any place or site in the state of Ohio at which at least one skill-based amusement machine is operated or otherwise made available for play.

~~(Q)~~ (Q) “Skill-based amusement machine operator” means a person that provides, offers, leases, or otherwise has an ownership or possessory interest in a skill-based amusement machine, but does not include a skill-based amusement machine location that is not required to be licensed under paragraph (A)(1) or (A)(2) of rule 3772-50-03 of the Administrative Code. Any person who has any ownership or leasehold interest in a skill-based amusement machine that is made available to a player is a skill-based amusement machine operator.

~~(R)~~ (R) “Skill-based amusement machine revenue” means all consideration paid by any and all players to play a skill-based amusement machine.

~~(S)~~ (S) “Skill-based amusement machine tournament” means any contest, competition, or event that has a defined starting and ending date; is open to participants who compete to win a merchandise prize or redeemable voucher for a merchandise prize; and utilizes a skill-based amusement machine.

~~(T)~~ (T) “Skill-based amusement machine vendor” means a person who manufactures, distributes, sells, or otherwise provides type-B or type-C skill-based amusement machines to a skill-based amusement machine vendor or operator.

~~(U)~~ (U) “Type-A skill-based amusement machine” means a skill-based amusement machine that does not enable or entitle a player to receive tickets, tokens, vouchers, coupons, merchandise, or any other thing of value, however delivered. Points or any other score-keeping mechanism cannot be exchanged for anything of value, at any time, including a merchandise prize or redeemable voucher.

(1) For purpose of paragraph (V) of this rule, a type-A skill-based amusement machine may entitle or enable a player to replay the game without additional consideration; and

(2) An unused free replay cannot be exchanged for anything of value, at any time, including a merchandise prize or redeemable voucher.

~~(W)~~(V) “Type-B skill-based amusement machine” means a stand-alone, fully-enclosed skill-based amusement machine that entitles or enables a person to receive a merchandise prize, not to exceed a wholesale value of ten dollars, automatically and directly from the machine, and that has the following characteristics:

- (1) The merchandise prize awarded automatically and directly from the machine is not redeemable and must constitute the sole prize available to a player;
- (2) The merchandise prize is not a card for the purchase of gasoline;
- (3) The machine does not employ a payout percentage function, regardless of whether the function is turned off or on;
- (4) The claw, crane, or other mechanism, which is used to receive a merchandise prize, must be capable of being manipulated by a player to receive the merchandise prize;
- (5) The machine is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations; and
- (6) The machine does not simulate, display, or utilize rolling or spinning reels or wheels.

~~(X)~~(W) “Type-B skill-based amusement machine operator” means any skill-based amusement machine operator of type-B skill-based amusement machines, but not type-C skill-based amusement machines.

~~(Y)~~(X) “Type-C skill-based amusement machine” means a skill-based amusement machine that is not a type-A skill-based amusement machine or type-B skill-based amusement machine.

~~(Z)~~(Y) “Type-C skill-based amusement machine location” means a skill-based amusement machine location where one or more type-C skill-based amusement machines are made available to a player. A franchisee of a type-C skill-based amusement machine operator is a type-C skill-based amusement machine location.

~~(AA)~~(Z) “Type-C skill-based amusement machine operator” means any skill-based amusement machine operator of one or more type-C skill-based amusement machines.

Effective: 9/1/2023

Five Year Review (FYR) Dates: 4/28/2023 and 09/01/2028

CERTIFIED ELECTRONICALLY

Certification

08/17/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3772.03
Rule Amplifies: 3772.03, 2915.01
Prior Effective Dates: 04/23/2018