



Ohio Revised Code

Section 3775.041 Licensing preferences and suitability factors.

Effective: [March 23, 2022](#)

Legislation: [House Bill 29 - 134th General Assembly](#)

(A) In issuing initial and renewed type A and type B sports gaming proprietor licenses, the Ohio casino control commission shall give preference to applicants that are professional sports organizations, casino operators, or video lottery sales agents, subject to the factors described in divisions (B) and (C) of this section, as applicable. The commission shall give equal preference to professional sports organizations, casino operators, and video lottery sales agents for that purpose.

(B) In issuing initial and renewed sports gaming proprietor, mobile management services provider, management services provider, and sports gaming supplier licenses, the commission shall consider all of the following factors, in addition to all other requirements for licensure specified under this chapter and in the rules of the commission:

- (1) The reputation, experience, and financial integrity of the applicant and any person that controls the applicant, as determined under division (C) of section 3775.03 of the Revised Code;
- (2) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond;
- (3) The past and present compliance of the applicant and its affiliates or affiliated companies with gambling-related licensing requirements in this state or any other jurisdiction, including whether the applicant has a history of noncompliance with those requirements;
- (4) Whether the applicant has been charged with, indicted for, or convicted of any felony or misdemeanor criminal offense under the laws of any jurisdiction, not including any traffic violation;
- (5) Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy, or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt;



(6) Whether the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years;

(7) Whether the applicant is or has been a defendant in litigation involving its business practices;

(8) Whether awarding a license would undermine the public's confidence in the sports gaming industry in this state.

(C) In the case of a sports gaming proprietor license, the Ohio casino control commission also shall consider all of the following:

(1) The nature of the applicant's current or intended physical presence in this state, including any expenditures for physical infrastructure;

(2) The length of time, if any, for which the applicant has been doing any kind of business in this state;

(3) The total amount of taxable income the applicant pays, or will pay, to its employees in this state;

(4) The applicant's current or intended local and statewide economic involvement in this state;

(5) The applicant's other current or intended contributions to this state, including promoting tourism.

(D) Notwithstanding any contrary provision of division (A), (B), or (C) of this section, the Ohio casino control commission shall not give preference to an applicant for a sports gaming proprietor license on the basis that any of the following persons currently contract, or have contracted, with the state lottery commission or any other agency of this state:

(1) The applicant;

(2) A person that has control over the applicant, as determined under division (C) of section 3775.03 of the Revised Code;



(3) A person over which the applicant has control, as determined under that division.