



## Ohio Administrative Code Rule 3772-50-25 Approval and testing.

Effective: April 23, 2018

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(A) Except as provided in paragraph (B) of this rule, no type-B or type-C skill-based amusement machine or game-related technology shall be used to conduct or to participate in conducting skill-based amusement machine gaming unless a certified independent skill-based amusement machine testing laboratory concludes that the item at issue complies with Chapters 2915. and 3772. of the Revised Code and the rules adopted thereunder and the type-B or type-C skill-based amusement machine or game-related technology has been approved by the commission.

(B) Prior to seeking testing of a type-B or type-C skill-based amusement machine or game-related technology in accordance with this rule, a skill-based amusement machine vendor may certify to the commission that the skill-based amusement machine complies with the technical standards adopted by the commission under rule 3772-50-24 of the Administrative Code. The certification shall include, at a minimum:

- (1) An identification of the skill-based amusement machine, including version number or issuance date;
- (2) An attested statement by a key employee of the skill-based amusement machine vendor confirming the skill-based amusement machine complies with technical standards adopted by the commission;
- (3) Documentation detailing the function and operation of the skill-based amusement machine;
- (4) Documentation demonstrating compliance with the technical standards adopted by the commission; and
- (5) Any other information requested by the commission.

(C) After receipt of the certification and supporting documentation submitted pursuant to paragraph



(B) of this rule, the commission shall, within a reasonable time, either:

(1) Approve the type-B or type-C skill-based amusement machine or game-related technology if the commission is satisfied that the skill-based amusement machine or game-related technology complies with the technical standards adopted by the commission; or

(2) Notify the skill-based amusement machine vendor that the commission cannot determine, based on the documents submitted, that the skill-based amusement machine complies with the technical standards adopted by the commission, and the skill-based amusement machine vendor shall seek testing from an independent skill-based amusement machine testing laboratory in accordance with this rule.

(D) Submission of a false or misleading certification under paragraph (B) of this rule will result in a notification under paragraph (C)(2) of this rule and may result in administrative action, pursuant to rule 3772-50-28 of the Administrative Code, against the skill-based amusement machine vendor or skill-based amusement machine key employee that submitted the certification.

(E) A skill-based amusement machine vendor seeking testing or technical evaluation of any type-B or type-C skill-based amusement machine or game-related technology must comply with the following:

(1) Submit a written request to a certified independent skill-based amusement machine testing laboratory that, at a minimum, specifically references the scientific testing and technical evaluation necessary under Chapters 2915. and 3772. of the Revised Code and this chapter and identifies the particular skill-based amusement machine or game-related technology at issue;

(2) Submit all necessary items and information to the certified independent skill-based amusement machine testing laboratory;

(3) Pay all costs associated with the scientific testing and technical evaluation performed by the certified independent skill-based amusement machine testing laboratory; and

(4) Engage no more than one certified independent skill-based amusement machine testing



laboratory to perform scientific testing and technical evaluation of any particular device, version of software, hardware, or other technology to be used in Ohio without prior written authorization from the commission, executive director of the commission, or his or her designee.

(F) A skill-based amusement machine vendor that purchases or otherwise obtains a type-B or type-C skill-based amusement machine in accordance with paragraph (A)(1) of rule 3772-50-16 of the Administrative Code shall comply with the requirements of this rule.

(G) In the event a skill-based amusement machine vendor is unable or unwilling to comply with the requirements under this rule, a skill-based amusement machine operator may seek the requisite approval in accordance with paragraph (B) of this rule, or testing, in accordance with paragraph (E) of this rule. For purposes of this rule, a skill-based amusement machine operator that seeks approval or testing of a type-B or type-C skill-based amusement machine is subject to the same requirements of a skill-based amusement machine vendor.

(H) Before selling or otherwise providing any type-B or type-C skill-based amusement machine or game-related technology used to conduct or participate in conducting type-B or type-C skill based amusement machine gaming in Ohio, a skill-based amusement machine vendor shall provide notice of the results described in paragraph (A) of this rule or commission approval described in paragraph (C) of this rule to each skill-based amusement machine operator to whom the vendor sells or otherwise provides such skill-based amusement machine or technology for use in Ohio.

(I) The commission shall maintain a database of all type-B and type-C skill-based amusement machines or game-related technology that have been approved by the commission under paragraphs (A) and (C) of this rule. A licensed skill-based amusement machine vendor or operator may sell or use in this state any skill-based amusement machine or game-related technology approved by the commission under this rule without seeking additional testing or commission approval.

(J) Notwithstanding any of the other requirements under this rule, a skill-based amusement machine vendor that has submitted a skill-based amusement machine vendor registration pursuant to rule 3772-50-09 of the Administrative Code shall seek approval of a type-B or type-C skill-based amusement machine, available for play at any location, pursuant to this rule within ninety days of the issuance of its first skill-based amusement machine vendor license.