



REQUEST FOR PUBLIC COMMENT Ohio Concession/Game Rules – Five Year Rule Review

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. The comment period will remain open through October 21, 2016. Comments may be emailed to ecomments@agri.ohio.gov or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068

The rules in Chapter 901:9-2 of the Ohio Administrative Code (“OAC”) regulate “concessions” at fairs and expositions operated by county and independent agricultural societies. Concessions are defined as shows, games, or novelty stands which take place at these county fairs. Classic examples of these games can be found at a fairs “Midway” such as the milk bottle ball game, pop bottle ball game, and the bank-a-ball game.

Pursuant to Chapter 1711 of the Ohio Revised Code (“ORC”), it is the Department’s regulatory mission to protect the public from dishonest and fraudulent dealings with regards to concessions. In order to accomplish this mission, the Department has created a specific set of administrative code rules which outline the way each game shall be played, the manner in which prizes are offered and displayed, and the signage requirements for each game.

The rules have been reviewed by both the Department and the rule’s stakeholders. After several months of discussion, the rules as outlined below represent a compromise between industry and the Department. The rules are more specifically outlined below:

OAC 901:9-2-01 outlines the definitions that are used in the chapter. The rule is being amended to make several stylistic changes which help to clear up any potential ambiguity in interpreting the rule. Substantively, the definition “concession” has been amended to reflect the statutory definition of “concession” as found in ORC 1711.11. Further, a definition of the term “trade up games” has been added to the list of definitions. This definition is necessary for the interpretation and understanding of OAC 901:9-2-06.

OAC 901:9-2-02 sets forth the general provisions that apply to all concessions. The rule has been amended to make stylistic changes which ensure that the correct terminology is being used throughout Chapter 901:9-2. No substantive changes to the rule have been made.

OAC 901:9-2-03 outlines the licensure requirement for all concessions. Formatting changes have been made to the rule which should make the rule easier to read. Further, at the request of industry, the requirement that the price of the concession be listed on the license has been removed from this rule.

OAC 901:9-2-04 has been rescinded and replaced with a new rule. Currently, OAC 901-9-2-04 outlines rules regarding signage and prize requirements. Signage requirements have been moved



to a new administrative code rule, OAC 901:9-2-05. Due to the Legislative Service Commission's rule that requires all administrative rules which undergo 50% amendment to be rescinded and a new rule be drafted in its place. Therefore, new OAC 901:9-2-04 has been drafted and it outlines specific requirements for the prizes offered at the concessions. Many of the original provisions in OAC 901:9-2-04 have been retained.

OAC 901:9-2-05 is a new administrative code rule which outlines the signage requirements for each concession. The signage requirements were a result of a compromise between the Department and Industry. Specifically, the Department removed the requirement that the price of play be listed on the license of the game in return for signage requirements. These new requirements standardize the size, shape, and content of the game signs. The signs alert the game patron to the specific rules and cost of play thereby ensuring a common understanding of what it takes to play the game and leveling the playing field.

OAC 901:9-2-06 is a new administrative code rule which regulates "trade up games." Trade up games are games which allow a player to accumulate up to three wins in order to win a prize of his/her choice. The rules for these types of games were originally found in OAC 901:9-2-08 however, a new rule was created to ensure that these rules were clearly understood. There are no new requirements in this rule; rather, the new rule was explicitly created for formatting and stylistic reasons.

OAC 901:9-2-07 outlines the prohibitions of all concessions. No new prohibitions have been added to this rule. There were small stylistic and grammatical changes made to the rule which do not affect the substance of the rule.

OAC 901:9-2-08 sets forth the requirement that all rules of play must be followed by the concession operators. The rule has been amended to remove the "trade up games" language from this rule. As previously stated above, this language has been moved into a new OAC provision, 901:9-2-06. Further, the rule has been clarified to allow leaning over physical lines/barriers and a restriction that concessions may not force players to stand straight while playing.

OAC 901:9-2-09 outline rules of play for ball and bag tossing games. The rules outline the rules of play for basketball, basketball-type, and football toss games, etc. The rules specifically state how each game is played. Substantively, the rule has been amended to require the ball's air pressure must be within the manufacturer's recommended air pressure – or – if a ball does not have a recommended air pressure, the ball must be within 7.0 to 9.0 psi at the time of play. This new requirement only applies to basketball and basketball-type games.

OAC 901:9-2-10 outlines the rules of play for ring games. Ring games are games in which rings are thrown over blocks or prizes. The rules state that at a minimum, rings must be round and unwarped. Further, the target must be vertically and horizontally level, as well as vertically straight. The rule has been amended to make stylistic changes which should help with comprehension. No substantive changes have been made.



OAC 901:9-2-11 outlines the rules of play for shooting games. The rules outline requirements on the guns, targets, and bullets used in the games. The rule has been amended to require manufacturer's verification on all paper targets used in the "shoot out the star" games.

OAC 901:9-2-12 outlines the rules of play for coin or washer pitch games. The rules outline that in any game in which washers, disks, or coins are thrown, the target must be level horizontally as well as other, more specific game rules. There have been no substantive changes made to this rule.

OAC 901:9-2-13 outlines the rules of play for dart games. The rule has been amended to make a formatting change which should allow for easier comprehension of the rule. There have been no substantive changes made to this rule.

OAC 901:9-2-14 outlines the rules of play for miscellaneous games. The rule has been amended to make formatting changes which should allow for easier comprehension of the rule. There have been no substantive changes made to this rule.

OAC 901:9-2-15 outlines the rules of play for group games. The rule has been amended to make formatting changes which should allow for easier comprehension of the rule. Additionally, the rule has been amended to make grammatical changes to the rule. There have been no substantive changes made to this rule.

OAC 901:9-2-16 outlines the rules of play for electronic amusement games. No changes have been made to this rule.

OAC 901:9-2-18 outlines the rules of play for the "fish-o-rama" game. The rule has been amended to make a formatting change to ensure compliance with the Legislative Service Commissions guide on administrative rule drafting.

OAC 901:9-2-19 outlines the rules of play for the "Gun ball" game. The rule has been amended to make a formatting change to ensure compliance with the Legislative Service Commissions guide on administrative rule drafting.

OAC 901:9-2-20 outlines the rules of play for the "Tee Pool" game. The rule has been amended to make a formatting change to ensure compliance with the Legislative Service Commissions guide on administrative rule drafting.

OAC 901:9-2-21 outlines rules of play for the game known as "Crazy bike." No changes have been made to this rule. Pursuant to Chapter 927 of the Revised Code the rules contained in Chapter 901:5-52 of the Ohio Administrative Code (OAC) establish a quarantine against the highly destructive insect *Lymantria dispar*, more commonly known as the gypsy moth. The Ohio Department of Agriculture (Department) established this quarantine to prevent the gypsy moth's artificial spread in the state of Ohio in order to protect Ohio's forest, timber and wildlife resources from this destructive pest.

