



Pamela Goshay

*Final Analysis*  
*Legislative Service Commission*

## **H.B. 477**

125th General Assembly  
(As Passed by the General Assembly)

**Reps. Flowers, Collier, Schlichter, Miller, Cirelli, Harwood, Allen, McGregor, Clancy, S. Patton, Brown, Aslanides, Callender, Carano, Carmichael, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Hughes, Key, Latta, Martin, Mason, Olman, Otterman, T. Patton, Perry, Price, Reidelbach, Schmidt, G. Smith, J. Stewart, Strahorn, Wagner, Walcher, Wolpert**

**Sens. Roberts, Goodman, Schuring, Austria, Fedor, Schuler, Spada**

**Effective date: \***

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### **ACT SUMMARY**

- Requires the Director of the Ohio Lottery Commission to enter into an agreement with the Department of Alcohol and Drug Addiction Services (DADAS) for the operation of a program of gambling addiction services, and requires the Commission to pay for the operation of that program.
- Requires DADAS to provide that program of gambling addiction services and to promote, assist in developing, and coordinate or conduct programs of education and research for the prevention of gambling addiction and the treatment (including intervention) of persons with gambling addictions.
- Transfers from the Commission to DADAS the administration of any pending agreements to assist organizations that deal with problem gambling, and requires the Commission to pay any costs that DADAS incurs because of these transfers.

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*\* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

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## CONTENT AND OPERATION

### State agency authority regarding gambling addiction services

#### Lottery Commission

Among other statutory duties, the Director of the Ohio Lottery Commission formerly could enter into agreements to assist organizations that deal with problem gambling (sec. 3770.02(G)). The act eliminates this authority and instead requires the Director to enter into an agreement with the Department of Alcohol and Drug Addiction Services (DADAS) under which DADAS must provide a program of gambling addiction services on the Commission's behalf. The Commission must pay the costs of the program DADAS provides pursuant to the agreement. (Sec. 3770.02(K).)

#### Department of Alcohol and Drug Addiction Services

Under former and continuing law, DADAS generally is responsible for promoting, assisting in developing, and coordinating or conducting programs of education and research dealing with alcohol and drug addiction prevention and treatment (sec. 3793.02(A)). Former law, however, did not authorize DADAS to provide gambling addiction services.

The act requires DADAS to promote, assist in developing, and coordinate or conduct programs of education and research for the prevention of gambling addiction and the treatment, including "intervention" (see "Definitions," below), of persons with gambling addictions. (Sec. 3793.02(A) and (D).) And, in addition to its other duties, DADAS must do all of the following under the act (sec. 3793.02(B)):

- Promote and coordinate efforts in the provision of gambling addiction services by other state agencies, courts, hospitals, clinics, physicians in private practice, public health authorities, boards of alcohol, drug addiction, and mental health services, alcohol and drug addiction programs, law enforcement agencies, gambling addiction programs, and related groups.
- Provide for education and training in the prevention, diagnosis, treatment, and control of gambling addiction for medical students, physicians, nurses, social workers, professional counselors, psychologists, and other persons who provide gambling addiction services.

- Provide training and consultation for persons who supervise gambling addiction programs and facilities.
- Develop measures for evaluating the effectiveness of gambling addiction services and for increasing the accountability of gambling addiction programs.
- Provide a program of gambling addiction services on behalf of the Ohio Lottery Commission, pursuant to an agreement entered into with the Commission's Director.

### **Transfer of existing agreements**

Once the act takes effect, any uncompleted business commenced by the Ohio Lottery Commission or the Commission's Director under the former authority to enter into agreements to assist organizations that deal with problem gambling must be completed by DADAS or its Director as if that business were completed by the Commission or the Commission's Director. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer of that pending business, and the validation, cure, right, privilege, remedy, obligation, or liability must be administered by DADAS. Also, all of the Commission's rules, orders, and determinations with respect to the agreements must continue in effect as rules, orders, and determinations of DADAS until it modifies or rescinds them. (Section 3(A).)

The act also specifies that, whenever the Commission or the Commission's Director is referred to in any law, contract, or other document with respect to the agreements, the reference must be deemed to refer to DADAS or its Director, whichever is appropriate. The transfer of the agreements does not affect any action or proceeding that is pending on the act's effective date with respect to any of them, and the action or proceeding must be prosecuted or defended in the name of DADAS or its Director, with the substitution of parties occurring upon application to the court. (Section 3(A).)

The Ohio Lottery Commission must pay any costs DADAS incurs under the transferred agreements (Section 3(B)).

### **Definitions**

Although former law permitted the Director of the Ohio Lottery Commission to enter into agreements to assist organizations that deal with problem gambling, "problem gambling" was undefined. The act eliminates this term and instead defines "gambling addiction" as the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital,

legal, or other difficulties endangering the health, safety, or welfare of the individual or others (secs. 3770.02(G) and 3793.01(A)(6)).

"Gambling addiction services" is defined by the act as services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction (sec. 3793.01(A)(7)). The act relatedly requires DADAS to adopt a rule under the Administrative Procedure Act defining the term "intervention," as it is used in the Alcohol and Drug Addiction Services Law, in connection with gambling addiction services (sec. 3793.02(D)).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-27-04	p. 1791
Reported, H. State Government	11-09-04	p. 2201
Passed House (94-0)	11-10-04	pp. 2220-2250
Reported, S. State & Local Gov't & Veterans Affairs	11-23-04	p. 2311
Passed Senate (28-0)	12-01-04	p. 2359

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