

SEPTEMBER 2022

# Responsible Gaming

## *Regulations and Statutes Guide*



AMERICAN  
GAMING  
ASSOCIATION®

## About the American Gaming Association

As the national trade group representing the U.S. casino industry, the American Gaming Association (AGA) fosters a policy and business environment where legal, regulated gaming thrives. The AGA's diverse membership of commercial and tribal casino operators, sports betting and iGaming companies, gaming suppliers, and more lead the \$261 billion industry and support 1.8 million jobs across the country.

# Responsible Gaming

## *Regulations and Statutes Guide*

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# Introduction

Responsible gaming programs are a critical part of the U.S. gaming industry's everyday business. The central goal of these programs is to ensure that patrons responsibly enjoy gaming as a form of entertainment, while minimizing the potential for risky or problem gambling.

The American Gaming Association's (AGA) Responsible Gaming Statutes and Regulations Guide is a centralized collection of the statutes and regulations addressing responsible gaming in the 34 states and the District of Columbia with commercial casinos, sports betting or internet gaming as of August 31, 2022. It is intended as a reference guide for industry stakeholders, researchers, lawmakers and regulators. This document does not include regulations that apply to gaming operations taking place on sovereign tribal lands where local tribal gaming regulators have the exclusive right to regulate all aspects of gaming activity.

Importantly, the gaming industry's full efforts to promote responsible gaming and address problem gambling go well beyond the legal requirements identified in this resource. Industry responsible gaming programs operate in compliance and parallel with state laws and regulations on responsible gaming. The majority of gaming operators and suppliers voluntarily implement responsible gaming programs with measures that expand upon what is formally mandated by law or regulation.

The industry further devotes hundreds of millions of dollars each year to responsible gaming initiatives that include support for independent academic research, development of best practices and new technological solutions, distribution of educational campaigns and materials for customers, extensive and continuing employee training and funding for problem gambling services.

In addition to formal statutory and regulatory requirements, operators and suppliers also comply with self-regulatory standards and best practices. For example, AGA members are committed to compliance with the [AGA Code of Conduct for Responsible Gaming](#),

regardless of whether the provisions of the code are mandated by regulations in the jurisdictions where they are licensed. In addition, the AGA developed the [Responsible Marketing Code for Sports Wagering](#) that establishes guidelines for the advertising and promotion of sports betting. Most recently updated in 2021, the code goes beyond the advertising regulations applicable to sports betting and includes self-imposed restrictions on target audiences, outlets and materials' branding, while also mandating the inclusion of responsible gaming messaging in all traditional and digital marketing activities.

Since the Responsible Gaming Statutes and Regulations Guide was last updated in September 2019, 16 states have adopted legislation and regulations for sports betting that include various responsible gaming provisions. Similarly, land-based commercial casino gaming has been approved in Nebraska and Virginia, while internet gaming has been legalized in Connecticut and Michigan.

Beyond the expansion of new states, this guide provides insight into the changes and evolution of responsible gaming during this period. In recent years, responsible gaming regulations have evolved to include a greater emphasis on self-limit tools that empower players to control their time and budget—resources made possible by the account-based nature of online sports betting, iGaming or digital wallet wagering in some casinos. More than two-thirds of commercial gaming jurisdictions now require operators to offer self-limit tools compared to half in 2019.

The expansion of sports betting has coincided with a proliferation of responsible gaming rules related to advertising and led to more regulations in this area than have historically applied to land-based casino

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gaming. Several states, including Colorado, Indiana, New York and Ohio, prevent certain words or phrases such as “risk-free” from being used in conjunction with sports betting marketing and promotions. New York has also replicated a provision of New Jersey regulations that requires operators to suspend each patron’s account once they reach a threshold of \$2,500 in lifetime deposits for online sports betting, until the patron acknowledges awareness of responsible gaming information.

Arizona, Connecticut, Virginia and Wyoming are among states that have established statewide self-exclusion lists since 2019 for sports betting or other forms of gaming. In addition, state statutes for sports wagering have set aside additional annual funding for responsible gaming research and prevention.

While each state determines their own responsible gaming regulations, there are many similarities across jurisdictions. The most prevalent elements of states’ responsible gaming frameworks include providing for the ability of players to exclude themselves from either land-based or online gaming, or both, for defined periods of time, if not permanently. Other central tenets of state statutes and regulations are an obligation for operators to make responsible gaming information readily available to players and ensure relevant employees are adequately trained.

Although responsible gaming laws and regulations vary greatly between the 35 commercial gaming jurisdictions, many fit into the following broad categories:

- **Responsible gaming plan required** – 21 jurisdictions mandate that land-based and online gaming operators prepare and submit for approval a wide-ranging plan for addressing responsible gaming issues. Required elements of the plan often include employee training and public awareness efforts. For jurisdictions that require an overall plan, readers should examine the specific elements that must be included in each plan.
- **Self-exclusion program** – 34 jurisdictions require gaming or sports betting operators to adopt self-exclusion programs that enable patrons to exclude themselves from a casino or online/mobile gaming site and operators to expel self-excluded patrons

if they are found gambling or wagering. The length of the self-exclusion periods available and the procedures for reversing self-exclusions vary by jurisdiction. A majority of jurisdictions establish a central self-exclusion register that includes enlisted patrons from all gaming venues and platforms. Some state laws specify that casinos and online operators must also eliminate direct promotional outreach to self-excluded individuals and deny them complimentary – commonly known as “comps” – or access to credit.

- **Property signage and responsible gaming disclosure** – 31 jurisdictions have requirements around on-property signage and/or disclosures related to responsible gaming. In some cases, that includes mandating the availability of brochures identifying the risks of problem gambling, requiring disclosure of toll-free helpline numbers and other resources for counseling and assistance, or that gaming advertising (print, billboards or electronic media) include responsible gaming messaging or a toll-free helpline number.
- **Advertising restrictions** – 30 jurisdictions establish specific restrictions on the types of, or content of, advertising that is permitted. Many jurisdictions require that gaming advertising not be deceptive or target minors.
- **Wager/time limits** – 25 jurisdictions with account-based online gaming, sports betting or digital wallet wagering in casinos require operators to provide a mechanism through which patrons may self-limit deposits, losses, wagering amounts and/or time spent gambling.
- **Restrictions on extension of house credit** – 28 jurisdictions block or limit the use of house credit in land-based and/or online casino gaming and sports betting. This may include outright bans on credit advances from gaming operators to patrons.
- **Financial instruments restrictions** – 17 jurisdictions restrict the ability of casinos or online gaming operators to accept credit card deposits, government issued checks or stored-value cards that represent public benefits, among other things.
- **Treatment and research funding** – 28 jurisdictions have codified commitments to support treatment

for individuals with a gambling problem, education services concerning disordered or problem gambling, or research related to problem gambling. Most of those states earmark certain state revenues from gaming for these programs.

- **Employee training** – 20 jurisdictions specify that casino employees who work on the gaming floor or those who otherwise interact with customers must receive responsible gaming training. Some states require the training to include instruction on how to identify players demonstrating problematic or risky behavior on the gaming floor.
- **Alcoholic beverage restrictions** – 18 jurisdictions require casinos to limit alcoholic beverage service on the gaming floor or to limit access to gambling services for patrons who are visibly intoxicated.

Beyond the overarching categories outlined above, states regularly implement other laws or regulations related to responsible gaming. These may include the creation of statewide responsible gaming programs, mandating research on the effectiveness of responsible gaming provisions, or requirements that operators verify gambling winners do not owe child support.

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## Overview of Statutes and Regulations *(as of August 2022)*

	Responsible Gaming Plan Required	Self-Exclusion	Property Signage and Responsible Gaming Disclosure	Advertising Restrictions	Wager/Time Limits
AZ		✓	✓	✓	✓
AR		✓	✓	✓	✓
CO	✓	✓	✓	✓	✓
CT	✓	✓	✓	✓	✓
DE		✓	✓	✓	✓
DC	✓	✓	✓	✓	✓
FL	✓	✓	✓	✓	
IL		✓	✓	✓	✓
IN		✓	✓	✓	
IA	✓	✓	✓	✓	✓
KS	✓	✓	✓	✓	✓
LA	✓	✓	✓	✓	✓
ME	✓	✓	✓	✓	
MD	✓	✓	✓	✓	✓
MA	✓	✓	✓	✓	✓
MI		✓	✓	✓	✓
MS		✓	✓	✓	
MO		✓		✓	✓
MT		✓		✓	
NE	✓	✓			
NV		✓ <sup>1</sup>	✓	✓	✓
NH	✓	✓	✓		✓
NJ		✓	✓	✓	✓
NM	✓	✓	✓	✓	
NY	✓	✓	✓	✓	✓
OH	✓	✓	✓	✓	✓
OK	✓				
OR		✓	✓	✓	✓
PA	✓	✓	✓	✓	✓
RI	✓	✓	✓		✓
SD		✓	✓		✓
TN	✓	✓	✓	✓	✓
VA	✓	✓	✓	✓	✓
WV		✓	✓	✓	✓
WY	✓	✓	✓	✓	

<sup>1</sup> Applies only to promotional marketing, credit and check-cashing.

<sup>2</sup> Not earmarked to gaming tax revenue; requires legislative appropriation.

<sup>3</sup> Complimentaries prohibited.

Overview of Statutes and Regulations (as of August 2022, continued)

	Restrictions on Extension of House Credit	Financial Instruments Restrictions	Treatment and Research Funding	Employee Training	Alcoholic Beverage Restrictions
AZ	✓				
AR	✓			✓	✓
CO	✓		✓		✓
CT		✓	✓	✓	
DE	✓		✓	✓	✓
DC	✓		✓	✓	✓
FL	✓	✓	✓ <sup>2</sup>	✓	✓ <sup>3</sup>
IL			✓ <sup>2</sup>		
IN	✓		✓		
IA		✓	✓	✓	✓
KS	✓	✓	✓		✓
LA	✓	✓	✓	✓	✓
ME	✓	✓	✓	✓	
MD	✓	✓	✓ <sup>2</sup>		✓ <sup>3</sup>
MA	✓	✓	✓		✓
MI	✓	✓	✓		
MS	✓			✓	✓
MO	✓		✓ <sup>2</sup>		✓
MT		✓			
NE	✓	✓	✓	✓	
NV	✓	✓	✓	✓	✓
NH			✓		
NJ	✓		✓	✓	
NM	✓	✓	✓	✓	✓ <sup>3</sup>
NY	✓	✓	✓ <sup>2</sup>	✓	✓
OH	✓		✓		
OK	✓			✓	
OR		✓			
PA	✓	✓	✓	✓	
RI	✓		✓ <sup>2</sup>	✓	✓
SD	✓		✓		✓
TN	✓		✓	✓	
VA	✓		✓	✓	
WV	✓	✓	✓	✓	✓
WY					

<sup>1</sup> Applies only to promotional marketing, credit and check-cashing.

<sup>2</sup> Not earmarked to gaming tax revenue; requires legislative appropriation.

<sup>3</sup> Complimentaries prohibited.

# Arizona



Prior to 2021, Arizona's responsible gaming framework was largely limited to tribal gaming operations. Following the legalization of land-based and online sports wagering in April 2021, Arizona enacted a number of new responsible gaming measures. Such regulations include implementing a statewide self-exclusion list, creating a state-wide toll-free helpline telephone number and updating advertising standards with the legalization of sports betting.

## Self-Exclusion

### **Statute: Ariz. Rev. Stat. § 5-1320(A)-(F). Problem gambling; self-exclusion list; program; liabilities**

- A. A licensee shall develop a procedure to inform players that help is available if a Person has a problem with gambling and, at a minimum, provide the statewide toll-free helpline telephone number, text message and website information established by the Department.
- B. The Department and licensees shall comply with the following requirements to allow problem gamblers to voluntarily exclude themselves from Event Wagering statewide:
  1. The Department shall establish a list of Persons who, by acknowledging in a manner to be established by the Department that they are problem gamblers, voluntarily seek to exclude themselves from Event Wagering statewide. The Department shall establish procedures for the placement on and removal from the list of self-excluded Persons. A Person other than the Person seeking voluntary self-exclusion may not include that Person's name on the self-exclusion list of the Department.
  2. Event Wagering Operators, Commercial Sports License Holders and Limited Event Wagering Operators shall establish procedures for advising Persons who inquire about self-exclusion and offer self-exclusion application forms provided by the Department to those Persons when requested.
  3. The Department shall compile identifying information concerning self-excluded Persons. Such information shall contain, at a minimum, the full name and any aliases of the Person, a photograph of the Person, the social security or driver's license number of the Person and the current physical and electronic contact information, including mailing address, of the Person.
  4. The Department shall provide the compiled information to Event Wagering Operators, Commercial Sports License Holders and Limited Event Wagering Operators on a weekly basis. Event Wagering Operators, Commercial Sports License Holders and Limited Event Wagering Operators shall treat the information received from the Department under this Section as confidential, and the information shall not be disclosed except to vendors approved by the Department for purposes of complying with this Section, appropriate law enforcement agencies if needed in conducting an official investigation or unless ordered by a court of competent jurisdiction.
  5. Event Wagering Operators, Commercial Sports License Holders and Limited Event Wagering Operators shall check the most recent self-excluded Persons list provided by the Department before creating a Player Account. The Event Wagering Operator, Commercial Sports License Holder or Limited Event wagering Operator shall revoke a Player Account and remove all self-excluded Persons from all mailing lists of the Event Wagering Operator, Commercial Sports License Holder or Limited Event wagering Operator.
  6. Event Wagering Operators, Commercial Sports License Holders and Limited Event Wagering Operators shall take commercially reasonable steps to ensure that Persons on the Department's list of self-excluded Persons are denied access to all Event Wagering.

7. Event Wagering Operators, Commercial Sports License Holders and Limited Event Wagering Operators shall take commercially reasonable steps to identify self-excluded Persons. If a self-excluded person participates in Event Wagering, the Event Wagering Operator, Commercial Sports License Holder and Limited Event wagering Operator shall report to the Department, at a minimum, the name of the self-excluded person, the date of participation, the amount or value of any monies, prizes or awards forfeited, if any, and any other action taken. The report shall be provided to the Department within twenty-four hours of discovery.
- C. Event Wagering Operators, Commercial Sports License Holders and Limited Event Wagering Operators may not pay any prize or award to a Person who is on the Department's self-exclusion list. Any prize or award won by a Person on the self-exclusion list shall be forfeited and shall be donated by the Event Wagering Operator, Commercial Sports License Holder or Limited Event wagering Operator to the Department's Division of Problem Gambling on a quarterly basis by the twenty-fifth day of the following month.
- D. Notwithstanding any other provision of this chapter, the Department's list of self-excluded Persons is not open to public inspection.
- E. Event Wagering Operators, Commercial Sports License Holders and Limited Event Wagering Operators shall develop and maintain a program to mitigate problem gambling and curtail compulsive gambling, which may be in conjunction with the Department.
- F. Before paying a Person a payout of winnings that triggers the licensee's obligation to file a form W-2g or a substantially equivalent form with the united states internal revenue service, the event wagering Facility Operator shall check to determine if the Person is identified as having a past-due, setoff obligation in the information provided to the department of gaming on a weekly basis by the administrative office of the courts or in the information provided on a monthly basis by the Department of Economic Security division of Child Support Enforcement, Department of Economic Security supplemental nutrition assistance program and Assistance Overpayment and the Arizona Health Care Cost Containment System administration. The department of gaming shall provide to the event wagering facility operator information of persons with outstanding obligations. Subsequent to statutory state and federal tax withholding, if a Person receives a payout of winnings that triggers the licensee's obligation to file a form w-2g or a substantially equivalent form with the united states internal REVENUE service and is identified, the event wagering Facility Operator shall withhold the full amount of the winnings or such portion of the winnings that satisfies the Person's past-due, setoff obligation and forward those monies to the identifying agency. The event wagering Facility Operator shall disburse to the Person only that portion of the prize, if any, remaining after the Person's identified obligations have been satisfied. If the identified Person is also self-excluded, tax liabilities and setoff obligations are to be satisfied before any monies are donated to the Department's Division of Problem Gambling. If the identified Person has multiple liabilities, they shall be satisfied in this order:
1. Child Support Enforcement.
  2. Supplemental nutrition assistance program and Assistance Overpayment.
  3. The courts.
  4. The Arizona Health Care Cost Containment System administration.
- G. This Section does not waive an Indian Tribe's sovereign immunity from a suit by a Person listed and whose winnings are withheld for an identified obligation.

## ARIZONA

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### **Regulation: Ariz. Admin. Code § 19-4-150(B). Self-Exclusion and Responsible Gaming**

- B. The self-exclusion list shall not be provided to any licensed supplier without the written approval of the Department. Approval shall only be granted by the Department when sharing of the list is deemed necessary to effectuate the terms of the Act and this Article.

## Property Signage and Responsible Gaming Disclosures

### **Regulation: Ariz. Admin. Code § 19-4-150(A)(1-3). Self-Exclusion and Responsible Gaming**

- A. As part of their procedures and programs to mitigate problem gaming and curtail compulsive gambling, responsible parties shall:
  - 1. Post at all public entrances and exits of the retail wagering area signage in English and Spanish stating that help is available if a person has a problem with gambling, to include the statewide toll-free helpline telephone number, text message, website information established by the Department, and any other information as directed by the Department.
  - 2. Display on each event wagering platform and/or kiosk, obvious and easily accessible messaging stating that help is available if a person has a problem with gambling, to include the statewide toll-free helpline telephone number, text message, website information established by the Department, and any other information as directed by the Department.
  - 3. Include a responsible gaming message with the Department's statewide toll-free crisis helpline telephone number, or another toll-free crisis helpline telephone number as approved by the Department, on all advertisements for event wagering, including on television, radio, internet, printed advertisements, and billboards.

## Advertising Restrictions

### **Regulation: Ariz. Admin. Code § 19-4-110(A)-(G). Responsible Advertising**

- A. Advertising, marketing, and promoting of event wagering shall not target, or otherwise be of a kind that specifically appeals to persons under twenty-one (21) years of age.
- B. Advertising, marketing, and promoting of event wagering shall not be misleading or contain false information.
- C. Advertising, marketing, and promotion of event wagering shall not promote irresponsible or excessive participation in event wagering, or suggest that social, financial, or personal success is guaranteed by engaging in event wagering.
- D. Advertising, marketing, and promoting of event wagering shall not occur at event venues where most of the audience at most of the events at the venue is reasonably expected to be under twenty-one (21) years of age.
- E. Event wagering messages, including logos, trademarks, or brands, shall not be used, or licensed for use, on clothing, toys, games, or game equipment intended primarily for persons under twenty-one (21) years of age.
- F. Event wagering shall not be promoted or advertised in college or university-owned news assets, including digital news assets.

- G. Event wagering shall not be promoted or advertised on college or university campuses, except for generally available advertising, including television, radio, and digital Advertising.

## Wager/Time Limits

### Regulation: Ariz. Admin. Code § 19-4-132(A)(2). House Rules

- A. The house rules shall be conspicuously displayed in the retail wagering area and/or on the event wagering platform. House rules shall address:
  - 2. Minimum and maximum event wager amounts accepted

## Restrictions on Extension of House Credit

### Statute: Ariz. Rev. Stat. § 5-1311(B)(2). License restrictions; prohibited licensees; violation; classification

- B. A licensee may not:
  - 2. Offer, accept or extend credit to a bettor.

# Arkansas



Arkansas' responsible gaming regulatory framework was established through a 2018 state constitutional amendment that authorized land-based casino gaming and sports betting at the state's licensed casinos. Arkansas' responsible gaming framework includes employee training on self-exclusion, advertising and credit restrictions, and requirements for operators to permit patrons to set wager and time limits. Following the introduction of mobile sports betting in 2021, new regulations were promulgated to require operators to train employees on policies and procedures pertaining to self-exclusion enforcement.

## Self-Exclusion

### Regulation: Rule 5.130. Self-Exclusion

1. Operators must have and put into effect policies and procedures for self-exclusion and take all reasonable steps to immediately refuse service or to otherwise prevent an individual who has self-excluded from participating in interactive gaming. These policies and procedures include without limitation the following:
  - (a) The maintenance of a register of those individuals who have self-excluded that includes the name, address and account details of self-excluded individuals;
  - (b) The closing of the interactive gaming account held by the individual who has self-excluded;
  - (c) Employee training to ensure enforcement of these policies and procedures; and
  - (d) Provisions precluding an individual who has self-excluded from being allowed to again engage in interactive gaming until a reasonable amount of time of not less than 30 days has passed since the individual self-excluded.
2. Operators must take all reasonable steps to prevent any marketing material from being sent to an individual who has self-excluded.

## Property Signage and Responsible Gaming Disclosures

### Regulation: Rule 4.225. Wagering Accounts

- 17 (b) Licensees shall conspicuously display and make available to patrons, upon access to their wagering account, the following responsible gambling message:

[Licensee's name] encourages you to gamble responsibly. If you or someone you know has a gambling problem, assistance is available by calling or texting 1-800-522-4700, chatting online via <http://www.ncpgambling.org/help-treatment/chat/> or visiting the National Council on Problem Gambling Services website at <http://ncpgambling.org>.

The Licensee may modify the foregoing message by inserting any other problem gambling hotline number and/or website approved for such purpose by the Commission.

If either the helpline number or website address changes, the Commission may administratively approve the use of an alternative helpline number or website address.

### Regulation: Rule 5.150. Information Displayed on Website

Operators must provide for the prominent display of the following information on a page which, by virtue of the construction of the website, authorized players must access before beginning a gambling session:

1. The full name of the operator and address from which it carries on business;
2. A statement that the operator is licensed and regulated by the Commission;
3. The operator's license number;
4. A statement that persons under the age of 21 are not permitted to engage in interactive gaming;
5. A statement that persons located in a jurisdiction where interactive gaming is not legal are not permitted to engage in interactive gaming; and
6. Active links to the following:
  - (a) Information explaining how disputes are resolved;
  - (b) A problem gambling website that is designed to offer information pertaining to responsible gaming;
  - (c) The Commission's website;
  - (d) A website that allows for an authorized player to choose to be excluded from engaging in interactive gaming; and
  - (e) A link to the house rules adopted by the operator.

## Advertising Restrictions

### Regulation: Rule 5.155. Advertising and Promotions

An operator, including its employees or agents, shall be truthful and non-deceptive in all aspects of its interactive gaming advertising and promotions. An operator which engages in any promotion related to interactive gaming shall clearly and concisely explain the terms of the promotion and adhere to such terms.

### Regulation: Rule 4.011. Grounds for disciplinary action

The Commission may deem any activity on the part of any licensee, the licensee's agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Arkansas, or that would reflect or tend to reflect discredit upon the State of Arkansas or the gaming industry, to be an unsuitable method of operation and shall be grounds for disciplinary action by the Commission in accordance with the Amendment and the Rules of the Commission. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

4. Failure to conduct advertising and public relations activities in accordance with decency, dignity, good taste, honesty and inoffensiveness, including, but not limited to, advertising that is false or materially misleading.

## Wager/Time Limits

### Regulation: Rule 4.225. Wagering Accounts

- 18 (a) Licensees shall ensure that its patrons have the ability to select responsible gambling options associated with their wagering account that include deposit limits establishing the amount of total deposits a patron can make to their wagering account within a specified period of time.

### Regulation: Rule 5.120. Interactive Gaming Accounts

- 4 An operator shall ensure that an authorized player has the ability, through the authorized player's interactive gaming account, to select responsible gambling options that include without limitation:

## ARKANSAS

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- (a) Loss limits establishing the net loss that can occur within a specified period of time;
- (b) Deposit limits establishing the amount of total deposits an authorized player can make to his or her interactive gaming account within a specified period of time;
- (c) Tournament limits establishing the total dollar amount of tournament entries a patron can purchase within a specified period of time;
- (d) Buy in limit establishing the total amount of funds an authorized player can allocate for the play of poker within a specified period of time, exclusive of tournament entries purchased;
- (e) Play time limits establishing the total amount of time available for play during a specified period of time; and
- (f) Time based exclusion from gambling settings.

## Restrictions on Extension of House Credit

### Regulation: Rule 5.120. Interactive Gaming Accounts

- 3. Notwithstanding subsection 9 of Rule 4.225, an operator shall neither extend credit to an authorized player for use in interactive gaming nor allow the deposit of funds into an interactive gaming account for use in interactive gaming that are derived from the extension of credit by affiliates or agents of the operator. For purposes of this subsection, credit shall not be deemed to have been extended where, although funds have been deposited into an interactive gaming account, the operator is awaiting actual receipt of such funds in the ordinary course of business.

### Regulation: Rule 20.155(9). Business entity wagering

- 9. A book shall not extend credit to a business entity.

## Employee Training

### Regulation: Rule 5.130. Self Exclusion

- 1. Operators must have and put into effect policies and procedures for self-exclusion and take all reasonable steps to immediately refuse service or to otherwise prevent an individual who has self-excluded from participating in interactive gaming. These policies and procedures include without limitation the following:
  - (c) Employee training to ensure enforcement of these policies and procedures.

## Alcoholic Beverage Restrictions

### Regulation: Rule 4.011. Grounds for disciplinary action

The Commission may deem any activity on the part of any licensee, the licensee's agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Arkansas, or that would reflect or tend to reflect discredit upon the State of Arkansas or the gaming industry, to be an unsuitable method of operation and shall be grounds for disciplinary action by the Commission in accordance with the Amendment and the Rules of the Commission. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

- 3. Complimentary service of intoxicating beverages in the casino area to persons who are visibly impaired by alcohol or any other drug.

**Constitution: §7. Other operational provisions**

Casino licensees shall be permitted to sell intoxicating liquor or provide complimentary servings of intoxicating liquor, only for on-premises consumption at the casinos, during all hours in which the casino licensees conduct casino gaming. To that extent, casino licensees shall not be subject to Ark. Code Ann. § 3-3-211, which prohibits the sale of intoxicating liquor on Christmas Day, and Ark. Code Ann. § 3-9-201, et seq. and other applicable Arkansas law requiring the residents of a dry county or city to vote to approve the sale of intoxicating liquor. Casino licensees shall purchase all intoxicating liquor from a Wholesaler. Casino licensees shall be subject to all other applicable Arkansas laws involving the distribution and sale of intoxicating liquor that do not conflict with any provision of this Amendment.

# Colorado



The 1991 Colorado Limited Gaming Act, which authorized land-based casino gaming in Colorado, established the state's responsible gaming regulatory framework. The state adopted new requirements following the expansion of gaming in 2019 through a constitutional amendment on types of games allowed and in 2020 following a referendum that authorized land-based and mobile sports betting. Colorado's responsible gaming framework now includes a requirement for sports betting operators to provide a responsible gaming plan, wager and time limits, and imposes credit restrictions applicable to land-based casinos.

Since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019, responsible gaming efforts in the state have centered on strengthening sports betting-specific provisions.

## Responsible Gaming Plan Required

### Regulation: 7.5 Internal Control Procedures

Prior to beginning sports betting activity, a Sports Betting Operation must submit for approval internal controls for the following:

- (22) detailed problem gambling program procedures;
- (23) Secure method for implementing an online and on location responsible gaming and self-exclusion program, including what account limits may be set by patrons

## Self Exclusion

### Regulation: 9.2 Sports Betting Operations self-exclusion

Each Sports Betting Operation shall establish and maintain a self-exclusion program for patrons specific to that Sports Betting Operator.

## Property Signage and Responsible Gaming Disclosure

### Regulation: 9.1 Display of responsible gaming logo

- (1) Each sports betting website, mobile application, and self-service gaming device (kiosk) shall display a responsible gaming logo in a manner approved by the Director or Director's designee to direct a patron to the Sports Betting Operator's responsible gaming webpage. Master, Sports Betting Operator, and Internet Sports Betting Operator licensees shall operate under the same responsible gaming guidelines as detailed in these Rules, where applicable. The responsible gaming webpage shall be accessible to a patron during a sports betting patron session and shall contain, at a minimum, the following:
  - (a) A prominent message, which states, "Gambling Problem? Call 1-800-522-4700";
  - (b) A direct link to the website and other internet resources dedicated to helping people with potential gambling problems as directed by the Commission;
  - (c) A clear statement of the Sports Betting Operation's policy and commitment to responsible gaming along with a link to the Sports Betting Operator's specific self-exclusion program.

- (3) Sports Betting Operations with brick-and-mortar locations must make information available promoting responsible gaming and where to find assistance, including a toll-free help line number. This information shall be available and visible in sports betting areas and at cash access devices.

## Advertising Restrictions

### Regulation: 6.12. Advertising

No licensee shall allow, conduct, or participate in any false or misleading advertising concerning its Sports Betting Operations.

### Regulation: 9.4. Responsible advertising and promotions

- (1) All offers and bonuses must:
  - (a) Include terms and conditions that are full, accurate, clear, concise, transparent, and do not contain misleading information;
  - (b) Have advertising materials that include any material terms and conditions for that offer or bonus and have those material terms in close proximity to the headline claim of the offer or bonus and in reasonably prominent size;
  - (c) Not be described as free unless they absolutely are free. If the customer has to risk or lose their own money or has conditions attached to their own money, then the offer or bonus must disclose those terms;
  - (d) Not be described as risk free if the customer needs to incur any loss or risk their own money to use or withdraw winnings from the risk-free bet; and
  - (e) Not restrict the customer from withdrawing their own funds or withdrawing winnings from bets placed using their own funds.

### Regulation: 30-416. Advertising

No licensee shall allow, conduct, or participate in any false or misleading advertising concerning its limited gaming operations.

## Wager/Time Limits

### Constitution: Article XVIII, §9(7)

- (a) Through local elections, the voters of the cities of Central, Black Hawk, and Cripple Creek are authorized to revise limits on gaming that apply to licensees operating in their city’s gaming district to extend:
  - (III) Single bets.

### Statute: CRS § 44-30-816. Maximum Amount of Bets

The amount of a bet made pursuant to this article 30 shall not be more than one hundred dollars on the initial bet or subsequent bet, subject to rules promulgated by the commission.

## Restrictions on Extension of House Credit

### **Statute: CRS § 44-30-815. Extension of Credit Prohibited**

No person licensed under this article 30 may extend credit to another person for participation in limited gaming.

## Treatment and Research Funding

### **Statute: CRS §44-30-1301. Local government limited gaming impact fund-rules-definitions-repeal**

- (1) (a) There is hereby created in the office of the state treasurer the local government limited gaming impact fund, referred to in this part 13 as the “fund”, and within the fund, there is created the limited gaming impact account and the gambling addiction account. Of the money transferred to the fund pursuant to section 44-30-701 (2) (a) (III), ninety-eight percent shall be allocated to the limited gaming impact account and two percent shall be allocated to the gambling addiction account. Money in the limited gaming impact account shall be used to provide financial assistance to eligible local government entities for documented gaming impacts, and, except as provided in subsection (1) (b) of this section, money in the gambling addiction account shall be used to award grants for the provision of gambling addiction counseling, including prevention and education, to Colorado residents. For the purposes of this part 13, “documented gaming impacts” means the documented expenses, costs, and other impacts, and the provision of gambling addiction counseling, including prevention and education, to Colorado residents, incurred directly as a result of limited gaming permitted in the counties of Gilpin and Teller and on Indian lands.
- (2) (b) (I) For the 2008-09 fiscal year and each fiscal year thereafter, the executive director of the department of human services shall use the money in the gambling addiction account to award grants for the purpose of providing gambling addiction counseling services to Colorado residents. The department of human services may use a portion of the money in the gambling addiction account, not to exceed ten percent in the 2008–09 fiscal year and five percent in each fiscal year thereafter, to cover the department’s direct and indirect costs associated with administering the grant program authorized in this subsection (2) (b). The executive director of the department of human services shall award grants to state or local public or private entities or programs that provide gambling addiction counseling services and that have or are seeking nationally accredited gambling addiction counselors. The executive director of the department of human services shall award ten percent of the money in the gambling addiction account in grants to addiction counselors who are actively pursuing national accreditation as gambling addiction counselors. In order to qualify for an accreditation grant, an addiction counselor applicant must provide sufficient proof that he or she has completed at least half of the counseling hours required for national accreditation. The executive director of the department of human services shall adopt rules establishing the procedure for applying for a grant from the gambling addiction account, the criteria for awarding grants and prioritizing applications, and any other provision necessary for the administration of the grant applications and awards. Neither the entity, program, or gambling addiction counselor providing the gambling addiction counseling services nor the recipients of the counseling services need to be located within the jurisdiction of an eligible local governmental entity in order to receive a grant or counseling services. At the end of a fiscal year, all unexpended and unencumbered money in the gambling addiction account remains in the account and does not revert to the general fund or any other fund or account.

**Statute: CRS §44-30-1702. Responsible gaming grant program – creation – rules - application process – cash fund created – repeal**

- (1) The Responsible Gaming Grant Program is hereby created in the Department to promote Responsible Gaming and address problem gambling in the State.
- (2)
  - (a) The Commission, in collaboration with the Behavioral Health Administration, shall administer the grant program and shall award grants as provided in this section. Grants shall be paid out of the fund.
  - (b) The Commission may seek, accept, and expend gifts, grants, and donations for the purposes of the grant program. Any money received as gifts, grants, and donations by the Commission shall be transferred to the State Treasurer, who shall credit the money to the fund.
- (3) The Commission, in collaboration with the Behavioral Health Administration, shall promulgate such rules as are required in this section and such additional rules as may be necessary to implement the Grant Program. At a minimum, the rules must specify the time frames for applying for grants, the form of the Grant Program application, and the time frames for distributing grant money.
- (4) To receive a grant, an eligible applicant must submit an application to the Commission in accordance with rules promulgated by the Commission. At a minimum, the application must include the following information:
  - (a) The amount of grant money requested by the eligible applicant;
  - (b) How the eligible applicant will spend the grant money to address problem gaming or increase awareness of responsible gaming;
  - (c) Information concerning any current or past projects in which the eligible applicant has participated and that addressed responsible gaming or problem gaming; and
  - (d) Any other information requested by rules promulgated by the Commission pursuant to subsection (3) of this section.
- (5) The Commission shall review the applications received pursuant to this section. In awarding grants, the Commission, in collaboration with the Behavioral Health Administration, shall consider the following criteria:
  - (a) The current needs of the state relating to responsible or problem gaming;
  - (b) The overall impact that a proposed grant may have on responsible or problem gaming;
  - (c) The amount of money available in the fund;
  - (d) The amount of grant money requested by each eligible applicant;
  - (e) Whether the eligible applicant intends to use grant money for any of the following purposes:
    - (i) Prevention or education services concerning gambling addiction;
    - (ii) Certification of gambling addiction counselors;
    - (iii) Public awareness of services concerning gambling addiction;
    - (iv) Treatment of gambling addiction disorders;
    - (v) Recovery services; or
    - (vi) Data reporting and data systems; and
- (6) Any other criteria established by rules promulgated by the Commission pursuant to subsection (3) of this section.
- (7) Grantees shall use grant money only for the purposes for which the grant money is awarded.

(8)

- (a) On or before September 1, 2023, and on or before September 1 each year thereafter through the year following the year after which a grantee fully expends its grant money, each grantee shall submit a report to the commission. At a minimum, the report must include the following information:
  - (i) An indication of whether the grantee achieved the objectives that the grantee described in its application for a grant;
  - (ii) An evaluation of the results of the grantee's grant-funded project;
  - (iii) A description of the impact of the grantee's use of grant money on the community with regard to responsible or problem gaming;
  - (iv) The total amount of grant money received and the total amount of grant money expended by the grantee; and
  - (v) Any other information that is required by rules promulgated by the Commission pursuant to subsection (3) of this section.
- (b) On or before December 1, 2023, and on or before December 1 each year thereafter for the duration of the grant program, the Commission shall submit a summarized report to the public and behavioral health and human services committee of the Senate, or to any successor committees, and to the behavioral health administration concerning the grant program. At a minimum, the report must include the following information:
  - (i) The total number of grants, and the total amount of grant money, awarded by the grant program in the preceding state fiscal year;
  - (ii) The identity of each grantee and the total amount of grant money awarded to each grantee in the preceding state fiscal year;
  - (iii) The information reported by each grantee pursuant to subsections (7)(a)(ii) and (7)(a)(iii) of this section; and
  - (iv) Financial statements concerning the status of, and activities concerning, the fund.
- (c) Notwithstanding Section 24-1-136(11)(a)(i), the reporting requirement set forth in subsection (7)(b) of this section continues until the grant program repeals pursuant to subsection (9) of this section.

(9)

- (a) The Responsible Gaming Grant Program Cash Fund is hereby created in the State Treasury. The fund consists of:
  - (i) Money transferred to the fund from the wagering revenue recipients hold-harmless fund pursuant to section 44-30-1509(2)(c)(iv);
  - (ii) Money transferred to the fund from the Limited Gaming Fund pursuant to section 44-30-701(2)(a)(vi.5);
  - (iii) Any gifts, grants, and donations received pursuant to subsection (2)(b) of this section; and
  - (iv) Any other money that the General Assembly may appropriate or transfer to the fund.
- (b) The State Treasurer shall credit any interest and income derived from the deposit and investment of money in the fund to the fund. Any money remaining in the fund at the end of a fiscal year remains in the fund.
- (c) Money in the fund is annually appropriated to the Department for use by the commission for the purposes described in this section. Any money that is awarded as a grant to any state agency is further annually appropriated to the state agency for use by the state agency consistent with this section.

- (d) The commission may expend money from the fund to pay the direct and indirect administrative expenses incurred by the commission in administering the grant program; except that the total amount of money expended by the commission pursuant to this subsection 8(d) in a state fiscal year may not exceed five percent of the total amount of grant money awarded by the commission in that state fiscal year.
- (e) On August 31, 2032, the State Treasurer shall transfer all unexpended and unencumbered money in the fund on that date to the General Fund.
- (10) This section is repealed, effective September 1, 2032. Before the repeal, the grant program is scheduled for review in accordance with section 24-34-104.

## Alcoholic Beverage Restrictions

### Regulation: 30-415 Visibly Intoxicated Persons

- (1) No licensee shall permit:
  - (a) Persons who are visibly intoxicated to participate in gaming activity; or
  - (b) Service of alcoholic beverages in the licensed premises to persons who are visibly intoxicated.
- (2) No person shall participate in a limited gaming activity when such person is intoxicated.

## Other

### Statute: CRS 24-35-602. Gambling Payment Intercept Act

As of July 1, 2008, casinos are required to check an online database of persons who are delinquent in child support payments prior to awarding cash jackpot prizes that require an IRS form. If the winner of the cash prize is listed on the database, the casino is required to withhold the amount of the child support delinquency and submit it to the State. The withheld funds are directed to the Colorado Department of Human Services to be applied toward the delinquency. If the delinquency is less than the cash prize, the remainder is paid to the winner.

### Statute: CRS 44-40-111. Lottery fund - creation - definitions

- 1.5 For the 2022-23 State Fiscal Year, and for each State Fiscal Year thereafter, the General Assembly shall appropriate two hundred thousand dollars from the Lottery Fund to the Division to cover expenses relating to the Division's efforts to promote responsible gaming in the state.

# Connecticut



Connecticut's responsible gambling framework was largely limited to tribal gaming operations prior to 2021. Through the legalization of sports betting and internet gaming in 2021, Connecticut enacted several new responsible gaming measures, including a requirement that online gaming operators offer customers the option to self-impose both time and wager-based restrictions. Regulations adopted in 2021 also require each licensee to train all employees that may have direct contact with patrons, whether in-person, by phone, electronic mail, electronic chat, or other channels, on problem gambling and gambling disorder. Operators must also commit \$500,000 a year to support problem gambling programs through the state fund or other non-profit contribution.

## Responsible Gaming Plan Required

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-27. Policies and Procedures**

- (d) Within thirty days of offering online wagering or retail sports wagering to patrons, the online gaming operator and sports wagering retailer shall create and approve the following internal administrative procedures that shall not be subject to department approval but shall be available to the department upon request:
  - (10) Detailed responsible gaming measures.

## Self-Exclusion

### **Statute: Chapter 229a, Section 12-863. Requirements for conducting sports wagering, online casino gaming, and fantasy contests. Electronic wagering platform requirements. Independent review of operations. Advertising Restrictions**

- (c) A master wagering licensee and a licensed online gaming operator, online gaming service provider and sports wagering retailer shall each, where applicable based on the services provided:
  - (5) Establish a voluntary self-exclusion process to allow a person to (A) exclude himself or herself from establishing an account, (B) exclude himself or herself from placing wagers through an account, or (C) limit the amount such person may spend using such an account;

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-12. Age and Identity Verification**

- (h) Online gaming operators shall check the self-exclusion database established pursuant to section 12-865-23 of the Regulations of Connecticut State Agencies to confirm that a patron is not an excluded person prior to opening an internet gaming account and shall refuse to open the account if such patron is an excluded person.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-13. Electronic Wagering Platform Requirements**

- (q) An electronic wagering platform shall implement automated procedures to identify and prevent the following individuals from placing a wager:

- (3) Individuals on the self-exclusion list;

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-23. Voluntary Self-Exclusion Procedures**

- (a) The department shall create and maintain a voluntary self-exclusion list for all gaming under the act. Any individual may have the individual's name included on the self-exclusion list by submitting a request in the manner and form prescribed by the department.
- (b) Online gaming operators may create a voluntary self-exclusion portal, incorporated into their electronic wagering platform and made conspicuously available through the internet website and mobile application, where individuals may request inclusion on the list. The department shall require specific information to be collected from and disclosed to individuals for the purpose of the online gaming operator's voluntary self-exclusion list.
- (c) An individual requesting placement on the self-exclusion list shall submit a completed request for self-exclusion online, in a form and method prescribed by the commissioner, or at a location approved by the department.
- (d) The voluntary self-exclusion form utilized by an online gaming operator or sports wagering retailer shall be approved in writing by the department. At the time of requesting self-exclusion through the online gaming operator or sports wagering retailer, an individual may be required, as prescribed by the department, to provide the following information:
  - (1) Name, including any aliases or nicknames;
  - (2) Social Security number or other government issued identification number;
  - (3) Date of birth;
  - (4) Address of current residence;
  - (5) Telephone number;
  - (6) Electronic mail address or addresses, or such other information as needed to exclude such individual from targeted advertising;
  - (7) A copy of a valid government-issued photo identification containing the individual's signature and photograph;
  - (8) Acknowledgement that the request for self-exclusion has been made voluntarily;
  - (9) Acknowledgement that the request for self-exclusion will prohibit the individual from all forms of internet games and retail sports wagering authorized pursuant to the act and the individual will be subject to forfeiture of any winnings, or other things of value obtained as a result of engaging in gaming;
  - (10) Acknowledgement that the individual will remain on the self-exclusion list until a request for removal pursuant to this section is approved, which request shall not be considered until the period of self-exclusion has lapsed;
  - (11) Release that indemnifies and holds harmless the State, the gaming entity licensee and any licensee from and against any claims, damages, losses, expenses or liability arising out acts or omissions related to the oversight of or implementation of the self-exclusion list;
  - (12) Certification that the information provided in the request is true and accurate; and
  - (13) Such other information as the department may request to effectively identify an excluded person and implement the self-exclusion list.
- (e) The duration of self-exclusion may be:

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- (1) One year;
  - (2) Five years; or
  - (3) Lifetime.
- (f) Online gaming operators and sports wagering retailers shall submit a list of all requests made during the last thirty-six hour period by individuals for inclusion on the voluntary self-exclusion list to the department on a daily basis at a time specified by the department. Such list shall be sent in a format and manner prescribed by the department. The voluntary self-exclusion list shall be maintained in a secure database that is encrypted, copies of which will be made available to online gaming operators and sports wagering retailers to view and retrieve data from.
- (g) Any information submitted by any individual to a gaming entity licensee or the state regarding such individual's participation in the voluntary self-exclusion process shall be treated as confidential information that would constitute an invasion of personal privacy if disclosed and shall not be distributed by any person beyond what is necessary to implement sections 12-865-1 to 12-865-34, inclusive, of the Regulations of Connecticut State Agencies and achieve the purposes of the voluntary self-exclusion list. Gaming entity licensees shall take all commercially reasonable actions to safeguard the information in the voluntary self-exclusion list from unauthorized distribution or release.
- (h) The online gaming operator shall compare the operator's internet gaming accounts with the department's centralized voluntary self-exclusion list at least once daily. The online gaming operator shall suspend any account associated with an excluded person within four hours of retrieving the department's daily updated voluntary self-exclusion list or upon written notification from the department that such person has been included on the voluntary self-exclusion database, whichever is earlier.
- (i) Online gaming operators and sports wagering retailers shall compare their internet gaming accounts with the voluntary self-exclusion list prior to sending any communications to patrons, other than communications solely related to account close-out, withdrawals, and security, to verify whether any of their patrons or targeted audience are included on the voluntary exclusion database. Where an online gaming operator or sports wagering retailer uses a third-party to send such communications, the third party shall sign a confidentiality agreement and affidavit affirming the third party's obligation to maintain the confidentiality of the information in the database prior to the third party's use of the database and prior to the third party's dissemination of any communication or other marketing material. Prior to contracting with any third-party communication service provider, the gaming entity licensee shall ensure that the third-party complies with the requirements of section 12-865-32 of the Regulations of Connecticut State Agencies.
- (j) An individual requesting removal from the self-exclusion list shall be required to verify the individual's identity in a manner comparable to the verification performed when the request for inclusion on the list was made.
- (k) If a patron has suspended his or her account or is on the voluntary self-exclusion list, a licensee shall not send gaming-related communications, advertisements or notices, other than communications solely related to account close-out, withdrawals, and security, to such patron while the internet gaming account is suspended or inactive.
- (l) Compensation received from a fantasy contest, prizes or winnings received by an individual on the excluded persons list shall be forfeited and shall be dispensed to the patron or patrons who were the next runner- or runners-up and to each next eligible patron, for compensation related to a fantasy contest, if possible to determine, or the amounts deposited and won shall be dispensed to the chronic gamblers treatment rehabilitation account, established under section 17a-713 of the Connecticut General Statutes.
- (m) In the event a patron has a pending sports wager and then self-excludes, the wager shall be cancelled, and the funds returned to the patron according to approved internal controls.

## Property Signage and Responsible Gaming Disclosure

### **Statute: Chapter 229a, Section 12-863. Requirements for conducting sports wagering, online casino gaming, and fantasy contests. Electronic wagering platform requirements. Independent review of operations. Advertising Restrictions**

- (c) A master wagering licensee and a licensed online gaming operator, online gaming service provider and sports wagering retailer shall each, where applicable based on the services provided:
  - (6) Provide responsible gambling and problem gambling information to participants; and
  - (7) Conspicuously display on each applicable Internet web site or mobile application:
    - (A) A link to a description of the provisions of this subsection;
    - (B) A link to responsible gambling information;
    - (C) A toll-free telephone number an individual may use to obtain information about problem gambling;
    - (D) A link to information about the voluntary self-exclusion process described in subdivision (5) of this subsection;

### **Statute: Chapter 226, Section 12-563a. Information materials re programs for prevention, treatment and rehabilitation of chronic gamblers**

The Commissioner of Consumer Protection shall, within available resources, prepare and distribute informational materials designed to inform the public of the programs available for the prevention, treatment and rehabilitation of compulsive gamblers in this state. The commissioner shall require any casino gaming facility and any person or business organization which is licensed to sell lottery tickets, operate an off-track betting system or conduct wagering on racing events or jai alai games, to display such informational materials at the casino gaming facility and each licensed premise, respectively.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-11. Internet Gaming Account Management**

- (s) Patron protection information shall be readily accessible to the patron. The patron protection information shall contain at a minimum:
  - (1) Information about potential risks associated with excessive participation in gaming, and where to get help related to responsible gaming education and compulsive gaming support;
  - (2) Self-imposed limitations invoked by the patron;
  - (3) A list of the available patron protection measures that can be invoked by the patron, such as self-imposed limits and self-exclusion, and information on how to invoke those measures; and
  - (4) Mechanisms available to the patron to detect unauthorized use of the patron's account, such as reviewing credit card statements against known deposits and for unknown charges.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-24. Problem Gambling Requirements**

- (a) Each online gaming operator shall include the following information in a prominent place on the internet gaming log on screen and on the log off screen whenever the electronic wagering system detects a log off:
  - (1) The message "If you or someone you know has a gambling problem and wants help, call (888) 789-7777 or visit ccpg.org/chat," or the equivalent of such message in a language other than English. The

department may update the required phone number or web address to be displayed by providing ten days' notice to each licensee, after which time the licensee shall display the new number and address. The department shall consult with the Department of Mental Health and Addiction Services prior to revising the required problem gambling message and shall provide ten days' notice to each licensee, after which time the licensee shall display the new message;

- (2) Procedures for patrons to self-exclude themselves;
- (3) Procedures in accordance with sections 12-865-11 and 12-865-13 of the Regulations of Connecticut State Agencies for the patron to impose limits on the patron's gaming activities;
- (4) The date, time and duration of the patron's previous log on; and
- (5) A notification that if the individual is on the self-exclusion list, the individual shall be barred from collecting any winnings or prizes if the individual participated in gaming for which the individual self-excluded.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-24. Problem Gambling Requirements**

- (b) Each sports wagering retail facility shall include a sign of at least 12" x 12" at the entrance, near every automatic teller machine or other machine where cash may be withdrawn or advanced, and at the location where wagers are placed that prominently displays the following information:
  - (1) "If you or someone you know has a gambling problem and wants help, call (888) 789-7777 or visit [ccpg.org/chat](http://ccpg.org/chat)," or the equivalent of such message in a language other than English. The department may update the required phone number or web address to be displayed by providing ten days' notice to each licensee, after which time the licensee shall display the new number and address. The department shall consult with the Department of Mental Health and Addiction Services prior to revising the required problem gambling message and shall provide ten days' notice to each licensee, after which time the licensee shall display the new message.
  - (2) Where within the retail facility the patron can go to place himself or herself on the self-exclusion list.
  - (3) A notification that if the individual is on the self-exclusion list, the individual shall be barred from collecting any winnings or prizes if the individual participated in gaming for which the individual self-excluded.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-30. Consumer Disclosure**

- (d) Licensees shall display the information in this subsection on an easily accessible patron protection page which shall be accessible to a patron during a patron session. The patron protection page shall contain, at a minimum, the following:
  - (1) A prominent message, which states "If you or someone you know has a gambling problem and wants help, call 1-888-789-7777 or visit [ccpg.org/chat](http://ccpg.org/chat)," or the equivalent of such message in a language other than English;
  - (2) Direct links to the Department of Mental Health and Addiction Services problem gambling website, the state's voluntary self-exclusion list, and the Connecticut Council on Problem Gambling website; and
  - (3) A clear statement of the online gaming operator's policy and commitment to responsible gaming;
  - (4) Information regarding the following subjects, or a direct link to information regarding the following subjects, if available, from an organization based in the United States dedicated to helping people with potential gambling problems:

- (A) Practical tips to stay within safe limits;
  - (B) Myths associated with gambling;
  - (C) Information regarding the risks associated with gambling; and
  - (D) The potential signs of a gambling problem;
- (5) Rules governing self-imposed responsible gaming limits;

## Advertising Restrictions

### **Statute: Chapter 229a, Section 12-863. Requirements for conducting sports wagering, online casino gaming, and fantasy contests. Electronic wagering platform requirements. Independent review of operations. Advertising Restrictions**

- (e) No advertisement of online casino gaming, online sports wagering or retail sports wagering may: (1) Depict an individual under twenty-one years of age, unless such individual is a professional athlete or a collegiate athlete who, if permitted by applicable law, is able to profit from the use of his or her name and likeness; or (2) be aimed exclusively or primarily at individuals under twenty-one years of age.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-24. Problem Gambling Requirements**

- (d) If an individual is on the self-exclusion list or is otherwise barred from participating in gaming, a licensee shall not market gaming related activities or businesses to that individual in any way, including phone, mail, text, electronic mail, through social media or by knowingly directing any form of advertisement or marketing material to that individual.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-25. Marketing and Advertising Standards**

- (a) Each licensee shall be responsible for the content and conduct of all gaming related advertising or marketing developed by, placed or disseminated on its behalf or to its benefit whether by the licensee, an employee or agent of the licensee, an affiliated entity or a third party pursuant to contract, regardless of whether the licensee participated directly in its preparation, placement or dissemination.
- (b) For the purposes of this section, advertising and marketing shall include, but not be limited to:
  - (1) Mail, including electronic mail;
  - (2) Telemarketing, including text messaging;
  - (3) Broadcast media;
  - (4) Billboards and signage;
  - (5) Internet advertising;
  - (6) Play-for-free versions of internet games;
  - (7) Social media;
  - (8) Sponsorships; and
  - (9) Patron acquisition, referral, rewards and retention programs.
- (c) Each gaming entity licensee shall retain a copy of all advertising, marketing and other promotional materials intended to promote any gaming, including a log of when, how, and with whom, those materials

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have been published, aired, displayed, or disseminated. A gaming entity licensee shall also grant the department access to all social media platforms utilized by the licensee.

- (d) All gaming related advertising, marketing and other promotional materials and the publication log shall be made available to the department on request.
- (e) All advertising, marketing and other promotional materials published, aired, displayed, or disseminated by or on behalf of any licensee shall:
  - (1) Include the message “If you or someone you know has a gambling problem and wants help, call (888) 789-7777 or visit [ccpg.org/chat](http://ccpg.org/chat),” or the equivalent of such message in a language other than English. The department may update the required phone number or web address to be displayed by providing ten days’ notice to each licensee, after which time the licensee shall display the new number and address. The department shall consult with the Department of Mental Health and Addiction Services prior to revising the required problem gambling message and shall provide ten days’ notice to each licensee, after which time the licensee shall display the new message;
  - (2) Not directly advertise or promote gaming, parimutuel wagering or casino gaming on or off of the reservations to individuals that are (A) excluded persons, or (B) under twenty-one years of age, or, if pertaining exclusively to keno, online lottery and fantasy contests, individuals under eighteen years of age;
  - (3) State that patrons shall be eighteen or twenty-one years of age or older, as applicable, to participate;
  - (4) Not contain images, symbols, celebrity or entertainer endorsements, or language designed to appeal specifically to those under twenty-one years of age, or if pertaining exclusively to keno, online lottery and fantasy contests, individuals under eighteen years of age;
  - (5) Not contain inaccurate or misleading information that would reasonably be expected to confuse and mislead patrons in order to induce them to engage in gaming;
  - (6) Not feature anyone who is, or appears to be, under twenty-one years of age, or, if pertaining exclusively to online keno, online lottery and fantasy contests, anyone who is, or appears to be, under eighteen years of age;
  - (7) Not be published, aired, displayed, or disseminated in media outlets, including social media, that appeal primarily to individuals under twenty-one years of age, or, if pertaining exclusively to online keno, online lottery, and fantasy contests, individuals under eighteen years of age;
  - (8) Not be placed before any audience where the majority of the viewers or participants is presumed to be under twenty-one years of age, or, if pertaining exclusively to online keno, online lottery and fantasy contests, under eighteen years of age;
  - (9) Not imply greater chances of winning versus other licensees;
  - (10) Not imply greater chances of winning based on wagering in greater quantity or amount, except for online keno and online lottery that include game features approved by the department that increase the chances of winning;
  - (11) Not contain claims or representations that gaming will guarantee an individual’s social, financial, or personal success;
  - (12) Not use any type, size, location, lighting, illustration, graphic, depiction or color resulting in the obscuring of any material fact; and
  - (13) If a direct advertising, marketing, or promotion, include a clear and conspicuous link that allows patrons to unsubscribe by clicking on one link.
- (f) Play-for-free versions of internet games shall not be marketed to individuals under the legal age permitted to place wagers on the corresponding play-for-money internet games.

- (g) All play-for-free versions of internet games offered by an online gaming operator shall comply with the following:
- (1) The online gaming operators shall ask an individual to verify the individual's age before allowing the individual to play.
  - (2) The play-for-free version of an internet game shall follow the same game rules as the corresponding play-for-money internet game.
  - (3) Online gaming operators shall ensure that play-for-free versions of internet games accurately represent the likelihood of winning and prize distribution in the play-for-money internet game.
  - (4) Play-for-free versions of internet games shall use the same random number generator as the corresponding play-for-money internet game.
  - (5) The distribution of winnings or prizes in play-for-free versions of internet games shall accurately represent the play-for-money internet game. For example, where a play-for-free version of an internet game uses virtual cash, the virtual cash payouts shall be the same as the corresponding play-for-money internet game, and where tokens are used, the allocation of tokens as winnings or prizes shall be proportionate to the stakes and winnings or prizes in the play-for-money internet game.
- (h) Where videos are used to advertise an internet game's features, the online gaming operator shall make it clear to consumers where footage has been edited or sped-up for promotional purposes. Where an online gaming service provider's website is demonstrating an internet game with higher than normal returns the online gaming service provider shall make it clear to consumers that it is a demonstration internet game specifically designed to demonstrate the bonus features.
- (i) No master wagering licensee or online gaming operator may enter into an agreement with a third party to conduct advertising or marketing on behalf of, or to the benefit of, the licensee when compensation is dependent on, or related to, the volume of patrons or wagers placed, or the outcome of wagers.
- (j) Each gaming entity licensee shall ensure that excluded persons do not receive advertising, marketing or other promotional materials relating to gaming.
- (k) Advertising, marketing, or promotional materials may not be placed on any website or printed page or medium devoted primarily to responsible gaming.
- (l) Licensees shall provide the requirements of this section to advertising, marketing, and promotions personnel, contractors, agents, and agencies and shall require, and be held responsible for, compliance with the same.
- (m) The following notices and communications shall not be deemed advertising, marketing, or other promotional materials for purposes of this act: Any sign, notice, or other information required to be provided by the act or sections 12-865-1 to 12-865-34, inclusive, of the Regulations of the Connecticut State Agencies, including, without limitation, the following:
- (1) Notice regarding the terms and conditions or official procedures of the internet games; and
  - (2) The posting of information about rules of games, payoffs of winning wagers and odds.
- (n) A licensee shall discontinue as expeditiously as possible the use of a particular advertisement in this state or directed to residents in this state upon receipt of written notice that the department has determined that the use of the particular advertisement in this state could adversely impact the public or the integrity of gaming. The licensee may appeal a determination by the department that a particular advertisement must be removed by requesting a hearing before the commissioner in accordance with chapter 54 of the Connecticut General Statutes. Such request for hearing shall be made in writing to the commissioner within fifteen days of receipt from the department of the notice requiring such advertisement be removed and discontinued.

- (o) If an online gaming operator offers complimentary to patrons that are subject to conditions in order to redeem the complimentary, such as expiration dates or engagement in multiple internet games, the online gaming operator shall clearly disclose all such conditions or limitations to the patron through the following methods:
  - (1) In any advertisement or inducement where complimentary are advertised;
  - (2) If being added to an internet gaming account while a patron is logged into the patron's account, through the use of a pop-up message; and
  - (3) If the offer requires the patron to wager a specific dollar amount to receive the complimentary, the amount that the patron is required to wager of the patron's own funds shall be disclosed in the same size and style of font as the amount of the complimentary.

### Wager/Time Limits

#### **Statute: Chapter 229a, Section 12-863. Requirements for conducting sports wagering, online casino gaming, and fantasy contests. Electronic wagering platform requirements. Independent review of operations. Advertising Restrictions**

- (c) A master wagering licensee and a licensed online gaming operator, online gaming service provider and sports wagering retailer shall each, where applicable based on the services provided:
  - (3) Allow a person to limit the amount of money that may be deposited into an account, and spent per day through an account;

#### **Statute: Chapter 229a, Section 12-863. Requirements for conducting sports wagering, online casino gaming, and fantasy contests. Electronic wagering platform requirements. Independent review of operations. Advertising Restrictions**

- (c) A master wagering licensee and a licensed online gaming operator, online gaming service provider and sports wagering retailer shall each, where applicable based on the services provided:
  - (7) Conspicuously display on each applicable Internet web site or mobile application:
    - (E) A clear display or periodic pop-up message of the amount of time an individual has spent on the operator's Internet web site or mobile application;

#### **Regulation: Regulations of Connecticut State Agencies Section 12-865-11. Internet Gaming Account Management**

- (t) Patrons shall be provided an easy and obvious method to impose limitations for gaming parameters including, but not limited to, deposit caps, individual and cumulative wager maximums, and time-based limitations. Online gaming operators that offer fantasy contests may request a hardship exemption to the requirement to impose time-based limitations for fantasy contest activity, and the commissioner may waive this requirement, if the online gaming operator can demonstrate that such waiver will not detrimentally impact problem gambling or consumer protections. The self-imposed limitation method shall provide the following functionality:
  - (1) Upon receiving any self-imposed limitation order, the online gaming operator shall ensure that all specified limits are correctly implemented immediately or at the point in time that was clearly indicated by the patron;

- (2) The self-imposed limitations set by a patron shall not override more restrictive operator imposed limitations. The more restrictive limitations shall take priority; and
- (3) Once established by a patron and implemented by the online gaming operator, it shall only be possible to reduce the severity of self-imposed limitations upon twenty-four hours' notice, or as required by the department.
- (u) The electronic wagering platform shall either clearly display the amount of time, or provide a periodic pop-up message at least once every thirty minutes if a patron has not logged out of the patron's account during such thirty minute period, that states the amount of time a patron has spent on the electronic wagering platform during that patron session.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-11. Internet Gaming Account Management**

- (w) An electronic wagering platform shall employ a mechanism that places an internet gaming account in a suspended mode under any of the following conditions:
  - (1) When requested by the patron for a specified period of time, if time-based limitations are required pursuant to subsection (t) of this section, which period shall be no less than seventy-two hours;

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-13. Electronic Wagering Platform Requirements**

- (p) An electronic wagering platform shall allow a patron to establish responsible gaming limits. Any change making the limits more restrictive shall be effective no later than the patron's next log in. Any change making the limits less restrictive shall become effective only after the time limit previously established by the patron has expired and the patron reaffirms the requested change. Responsible gaming limit options offered to patrons shall include, but are not limited to, the following:
  - (1) A deposit limit shall be offered on a daily, weekly, and monthly basis and shall specify the maximum amount of money a patron may deposit into his or her internet gaming account during a particular period of time.
  - (2) A spend limit shall be offered on a daily, weekly, and monthly basis and shall specify the maximum amount of patron deposits that may be put at risk during a particular period of time.
  - (3) A time-based limit shall be offered on a daily basis and shall specify the maximum amount of time, measured hourly from the patron's log in to log off, a patron may spend playing on an electronic wagering platform, provided, however, that if the time-based limit is reached a patron will be permitted to complete any round of play.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-13. Electronic Wagering Platform Requirements**

- (u) When a patron's lifetime deposits exceed \$2,500, the electronic wagering platform shall prevent any wagering until the patron acknowledges the following:
  - (1) The patron has met the department's lifetime gaming deposit threshold of \$2,500;
  - (2) The patron has the capability to establish responsible gaming limits or close the patron's account;
  - (3) The message "If you or someone you know has a gambling problem and wants help, call (888) 789-7777 or visit [ccpg.org/chat](http://ccpg.org/chat)," or the equivalent of such message in a language other than English. The department may update the phone number or web address to be displayed by providing ten days'

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notice to each licensee, after which time the licensee shall display the new number and address. The department shall consult with the Department of Mental Health and Addiction Services prior to revising the required problem gambling message and shall provide ten days' notice to each licensee, after which time the licensee shall display the new message; and

- (4) The acknowledgements prescribed in subdivisions (2) and (3) of this subsection shall be required every six months after the patron has met the department's lifetime gaming deposit threshold of \$2,500.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-13. Electronic Wagering Platform Requirements**

- (1) Software utilized for gaming shall either:
  - (A) Continuously display the current time in the state of Connecticut and the time elapsed that a patron has been in the current patron session, or
  - (B) Cause a pop-up notification, at least every thirty minutes, to be prominently displayed on the remote patron device advising the patron of the current time and the amount of time elapsed since the patron's log on.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-13. Electronic Wagering Platform Requirements**

- (cc) Communication standards.
  - (E) An electronic wagering platform shall maintain an internal clock that reflects the current date and time that shall be used to synchronize the time and date among all components that comprise the electronic wagering platform. The electronic wagering platform date and time shall be visible to a patron when logged on.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-24. Problem Gambling Requirements**

- (c) An electronic wagering platform shall either:
  - (1) Continuously and prominently display the current time in the State of Connecticut and the time elapsed while in the current patron session; or
  - (2) Cause a pop-up notification, at least every half-hour, to be prominently displayed that advises the patron of the current time, the amount of time elapsed, and amount wagered since his or her log on.

## Financial Instruments Restrictions

### **Statute: Chapter 229a, Section 12-863. Requirements for conducting sports wagering, online casino gaming, and fantasy contests. Electronic wagering platform requirements. Independent review of operations. Advertising Restrictions**

- (c) A master wagering licensee and a licensed online gaming operator, online gaming service provider and sports wagering retailer shall each, where applicable based on the services provided:
  - (2) Limit a person to the use of only one debit card or only one credit card for an account, and place a monetary limit on the use of a credit card over a period of time;

## Treatment and Research Funding

### **Statute: Chapter 229a, Section 12-871. Contributions to support problem gambling programs**

Each holder of a master wagering license under section 12-852 shall contribute, in each fiscal year that such holder has such license, five hundred thousand dollars to support problem gambling programs in this state, any portion of which may be made to the state for deposit in the chronic gamblers treatment rehabilitation account created pursuant to section 17a-713 or to a nonprofit entity or nonprofit entities with programs to support problem gambling. Such contribution shall be reduced pro rata in any fiscal year that the licensee did not hold such license for the entirety of the fiscal year. Each licensee shall submit to the department, on an annual basis and as a condition of continued licensure, information regarding the recipients of the contribution required by this section.

### **Statute: Chapter 229a, Section 12-818. Funding for chronic gamblers treatment rehabilitation account**

- (b) In addition to the amount transferred pursuant to subsection (a) of this section, the Connecticut Lottery Corporation shall transfer one million dollars of the revenue received from retail sports wagering, online sports wagering and fantasy contests to the chronic gamblers treatment rehabilitation account created pursuant to section 17a-713 in each fiscal year that the corporation is licensed to operate retail sports wagering, online sports wagering or fantasy contests pursuant to section 12-853. The corporation may reduce the amount pro rata in any fiscal year that the corporation did not operate such wagering or contests for the entirety of the fiscal year.

### **Statute: Chapter 226, Sec. 12-578g. Payments by MMCT Venture, LLC**

- (d) Not later than the date the casino gaming facility is operational and annually thereafter while such casino gaming facility is operational, MMCT Venture, LLC, shall contribute three hundred thousand dollars to the chronic gamblers treatment and rehabilitation account created pursuant to section 17a-713.

### **Statute: Chapter 319j, Section 17a-713. Chronic gamblers treatment and rehabilitation program. Account**

- (a) The Department of Mental Health and Addiction Services shall establish a program for the treatment and rehabilitation of compulsive gamblers in the state. The program shall provide prevention, treatment and rehabilitation services for chronic gamblers. The department may enter into agreements with subregional planning and action councils and nonprofit organizations to assist in providing these services, provided not less than twenty-five per cent of the amount received pursuant to section 12-818 annually shall be set aside for contracts with subregional planning and action councils established pursuant to section 17a-671 and nonprofit organizations and not less than five per cent of the amount received pursuant to section 12-818 annually shall be set aside for a contract with the Connecticut Council on Problem Gambling. The department may impose a reasonable fee, on a sliding scale, on those participants who can afford to pay for any such services. The department shall implement such program when the account established under subsection (b) of this section is sufficient to meet initial operating expenses. As used in this section, “chronic gambler” means a person who is chronically and progressively preoccupied with gambling and the urge to gamble, and with gambling behavior that compromises, disrupts or damages personal, family or vocational pursuits.

- (b) The program established by subsection (a) of this section shall be funded by imposition of: (1) A fee of one hundred thirty-five dollars on each association license, for each performance of jai alai or dog racing conducted under the provisions of chapter 226, provided no such licensee shall contribute more than forty-five thousand dollars in any one year; (2) a fee of twenty-five dollars for each teletheater performance on each operator of a teletheater facility; and (3) the amount received from the Connecticut Lottery Corporation pursuant to section 12-818. The Commissioner of Consumer Protection shall collect the fee from each association licensee or such operator on a monthly basis. The receipts shall be deposited in the General Fund and credited to a separate, nonlapsing chronic gamblers treatment and rehabilitation account which shall be established by the Comptroller. All moneys in the account are deemed to be appropriated and shall be expended for the purposes established in subsection (a) of this section.

## Employee Training

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-24. Problem Gambling Requirements**

- (f) Each licensee shall train all employees that may have direct contact with patrons, whether in-person, by phone, electronic mail, electronic chat or others means, on problem gambling and gambling disorder. The training program shall comply with the following:
- (1) The training shall occur before the employee begins employment, or begins working in a position where the employee may interact with patrons, and shall occur at regular intervals thereafter of not less than once per year.
  - (2) Such training shall include training on the licensee's policies, best practices and resources for identifying and assisting individuals who may be exhibiting problem gambling behavior, including:
    - (A) Recognizing the nature and symptoms of problem gambling behavior and how to assist players in obtaining information regarding help for a gambling problem and self-exclusion programs;
    - (B) Responding to patrons who may disclose that they have a gambling problem; and
    - (C) Responding to reports from third parties, such as family members, about patrons who may have a gambling problem.
  - (3) The training provided by the licensee shall consist of a program or programs approved by the Department of Mental Health and Addiction Services.

## Other

### **Statute: Chapter 229a, Section 12-863. Requirements for conducting sports wagering, online casino gaming, and fantasy contests. Electronic wagering platform requirements. Independent review of operations. Advertising Restrictions**

- (d) At least every five years, each master wagering licensee shall be subject to an independent review of operations conducted pursuant to such license for responsible play, as assessed by industry standards and performed by a third party approved by the department, which review shall be paid for by the licensee.

 **Statute: Chapter 229a, Section 12-863. Requirements for conducting sports wagering, online casino gaming, and fantasy contests. Electronic wagering platform requirements. Independent review of operations. Advertising Restrictions**

- (c) A master wagering licensee and a licensed online gaming operator, online gaming service provider and sports wagering retailer shall each, where applicable based on the services provided:
  - (7) Conspicuously display on each applicable Internet web site or mobile application:
    - (F) A means to initiate a break in play to discourage excessive play; and
    - (G) A clear display of the amount of money available to the individual in his or her account.

**Statute: Chapter 226, Section 12-564. Annual reports. Studies**

- (b) The commissioner shall conduct studies concerning the effect of legalized gambling on the citizens of this state including, but not limited to, studies to determine the types of gambling activity engaged in by the public and the desirability of expanding, maintaining or reducing the amount of legalized gambling permitted in this state. Such studies shall be conducted as often as the commissioner deems necessary, except that no studies shall be conducted before the fiscal year ending June 30, 2009, and thereafter studies shall be conducted at least once every ten years. The joint standing committees of the General Assembly having cognizance of matters relating to legalized gambling shall each receive a report concerning each study carried out, stating the findings of the study and the costs of conducting the study.

 **Regulation: Regulation of Connecticut State Agencies Section 12-865-11. Internet Gaming Account Management**

- (j) Electronic wagering platforms shall provide an account statement with account details to a patron immediately on demand, which shall include detailed account activity for at least the twelve months preceding the request unless the patron requests a shorter period. In addition, an electronic wagering platform shall, upon request, be capable of providing a summary statement of all patron activity since the internet gaming account was established. Information to be provided on the summary statement shall include, at a minimum, the following:
  - (1) Deposits to the internet gaming account;
  - (2) Withdrawals from the internet gaming account;
  - (3) Win or loss statistics, including monetary amount won or lost;
  - (4) Beginning and ending account balances; and
  - (5) Self-imposed responsible gaming limit history, if applicable.

 **Regulation: Regulations of Connecticut State Agencies Section 12-865-11. Internet Gaming Account Management**

- (v) The electronic wagering platform shall clearly display to the patron the amount of funds available in the patron's internet gaming account.

 **Regulation: Regulations of Connecticut State Agencies Section 12-865-13. Electronic Wagering Platform Requirements**

- (aa) Additional electronic wagering platform and internet game technical standards.

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- (2) An electronic wagering platform shall not induce a patron to continue placing wagers when play is in session, when the patron attempts to stop wagering, when the patron closes the app or program, or when the patron wins or loses a wager.
- (3) No auto play feature will be permitted in an electronic wagering platform, unless otherwise provided in subdivision (kk)(6) of this section.

### **Regulation: Regulations of Connecticut State Agencies Section 12-865-13. Electronic Wagering Platform Requirements**

- (kk) Electronic wagering platforms shall include the following patron protections:
  - (6) Auto play of internet games shall be prohibited. Internet game play shall be initiated only after a patron has affirmatively placed a wager and activated play. An auto play feature is not permitted in interactive online game software unless the department determines that the auto play feature will not cause substantial financial harm to patrons, nor a security or gaming integrity concern for the department, and the department provides written approval of such feature. If an auto play feature is authorized by the department, it shall be possible for a patron to turn auto play off at any time during game play.

# Delaware



Delaware's responsible gaming regulatory framework was established through the legislation that created Delaware's State Lottery in 1974. New regulations were adopted regarding internet gaming in 2012. Delaware's responsible gaming framework includes a statewide self-exclusion program from gaming activity, employee training and treatment and research funding.

Since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019, Delaware's responsible gaming efforts have primarily focused on limiting minors' exposure to gaming advertisements within the state.

## Self-Exclusion

### Statute: 29 Del. C. §4834. List of Persons Self-Excluded From Gaming Activity

- (a) The Director shall provide by regulation for the establishment of a list of persons self-excluded from gaming activity at video lottery facilities or through the Internet lottery. A person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the Director that the person is a problem gambler and by agreeing that, during the period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at a video lottery facility or through the Internet lottery.
- (b) A person may request placement on the list of self-excluded persons for any of the following periods:
  - (1) Lifetime;
  - (2) Five years;
  - (3) One year.
- (c) The Director shall establish procedures for placements on and removals from the list of self-excluded persons and procedures for the transmittal to operators of a video lottery facility of identifying information concerning self-excluded persons.
- (d) The Director shall require licensed agents of video lottery facilities to establish procedures designed to:
  - (1) Prevent self-excluded persons from engaging in any gaming activity;
  - (2) Remove them from any forms of advertising or promotions; and
  - (3) Deny self-excluded persons access to credit, complimentaries, check cashing privileges, and similar benefits.
- (e) The list of self-excluded persons shall be confidential and not open to public inspection under Chapter 100 of this title.
- (f) A licensed video lottery agent and the directors, officers and employees of a video lottery agent shall not be liable to any self-excluded person or any other party in any judicial proceeding for any harm, monetary or otherwise, that may arise as a result of the failure of the video lottery facility to withhold gaming privileges to a self-excluded person.
- (g) A licensed video lottery agent and the directors, officers and employees of a licensed video lottery agent shall not be liable to any self-excluded person or any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of disclosure in any manner, other than a willfully unlawful disclosure, of the identity of any self-excluded person.

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### **Statute: 29 Del. C. §4836. Penalties for wagering by excluded persons**

- (a) Any person whose name has been placed on the list of persons to be excluded from the Internet lottery or excluded or ejected from video lottery facilities, except for persons whose name has been placed on the self-exclusion list, who thereafter knowingly enters the premises of a video lottery facility, is guilty of a class A misdemeanor.
- (b) Any person whose name has been placed on the self-exclusion list, who thereafter knowingly enters a gaming area or engages in the Internet lottery, is guilty of a class A misdemeanor.

### **Statute: 29 Del. C. §4826. Internet Lottery**

- (c) The Director shall have the duty to promulgate such rules and regulations governing the Internet lottery as the Director deems necessary and desirable in order that the Internet lottery be initiated at the earliest feasible time in a manner that provides for the security and effective administration of such games, including but not limited to:
  - (6) Mechanisms to exclude from the Internet lottery persons not eligible to play by reason of age, inclusion on a list of self-excluded persons in § 4834 of this title, or inclusion by the Director on a list for exclusion pursuant to § 4835 of this title.

## Property Signage and Responsible Gaming Disclosures

### **Statute: 29 Del. C. § 4826. Internet lottery**

- (d) The Director shall cause each Internet site on which the Internet lottery is conducted to include an advertisement for and link to additional information for services for the treatment, education and assistance of compulsive gamblers and their families.

## Advertising Restrictions

### **Regulation: 10 Del. Admin. Code 204-6.0. Agents Duties**

- 6.1 The following duties are required of all agents:
  - 6.1.13 Conduct agency approved advertising and promotional activities related to sports lottery operations.
  - 6.1.14 Install, post and display prominently at locations within or about the premises signs, redemption information and other promotional material as may be required by the agency.

### **Regulation: 10 Del. Admin. Code 204-10.0. Standards for Advertising, Marketing and Promotional Materials**

- 10.1 All advertising, marketing and promotional materials, related to the sports lottery or referencing the sports lottery, to be utilized by an agent or person acting on behalf of the agent shall be submitted to the agency for review and approval prior to use, except that such materials need not be submitted for review and approval if identical materials have been previously submitted and approved. Materials are not identical for purposes of this provision if they vary in any respect, such as in the size of a billboard.
- 10.2 The agency shall review any materials submitted pursuant to this section and approve their use unless in the judgment of the agency such materials, if used, would result in an appearance which reflects adversely

on the agency, would reasonably be expected to offend a substantial number of people, contain inaccurate or misleading information, or otherwise be inappropriate.

### **Statute: 6 Del. C. §1204C. Prohibitions on online marketing or advertising to a child**

- (a) An operator of an internet website, online or cloud computing service, online application, or mobile application directed to children may not market or advertise a product or service described in subsection (f) of this section on that internet website, online or cloud computing service, online application, or mobile application.
- (b) An operator of an internet website, online or cloud computing service, online application, or mobile application who has actual knowledge that a child is using its internet website, online or cloud computing service, online application, or mobile application, and which user is that child, may not market or advertise a product or service described in subsection (f) of this section to that child, if the marketing or advertising is directed to the child based upon information specific to that child, including the child's profile, activity, address, or location sufficient to establish contact with the child, and excluding internet protocol (IP) address and product identification numbers for the operation of a service. The operator shall be deemed to be in compliance with this subsection if the operator takes reasonable actions in good faith designed to avoid marketing or advertising a product or service described in subsection (f) of this section.
- (c) An operator of an internet website, online or cloud computing service, online application, or mobile application directed to children or an operator of an internet website, online or cloud computing service, online application, or mobile application who has actual knowledge that a child is using its internet website, online or cloud computing service, online application, or mobile application shall not knowingly use, disclose, or compile, or allow another to use, disclose, or compile, the personal information of the child if that operator has actual knowledge that the child's personally identifiable information will be used for the purpose of marketing or advertising to the child a product or service described in subsection (f) of this section.
- (d) An operator of an internet website, online or cloud computing service, online application, or mobile application directed to children, in which marketing or advertising is provided by an advertising service, need not comply with subsection (a) of this section with respect to such marketing or advertising and instead shall notify the advertising service, in a manner directed by the advertising service, that the internet website, online or cloud computing service, online application, or mobile application is directed to children.
- (f) The marketing or advertising prohibitions described in this section shall apply to the following products or services:
  - (9) Lottery, internet lottery, internet table games, internet ticket games, internet video lottery, sports lottery, table game, video lottery, or video lottery facility as defined in § 4803 of Title 29.

## Wager/Time Limits

### **Statute: 29 Del. C. §4826. Internet Lottery**

- (c) The Director shall have the duty to promulgate such rules and regulations governing the Internet lottery as the Director deems necessary and desirable in order that the Internet lottery be initiated at the earliest feasible time in a manner that provides for the security and effective administration of such games, including but not limited to:
  - (5) Mechanisms by which the Office or persons playing Internet lottery games may place limits on the amount of money being wagered per game or during any specified time period, or the amount of losses incurred during any specified time period.

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### **Regulation: 10 Del. Admin. Code 204- 7.0. Sports Lottery**

- 7.12 The Director will determine:
  - 7.12.3 The maximum wager limit amount that can be wagered on a single sports lottery wager, whether it is head-to-head or parlay betting.

## Restrictions on Extension of House Credit

### **Regulation: 10 Del. Admin. Code 204- 6.0. Agents Duties**

- 6.1 The following duties are required of all agents:
  - 6.1.10 Exercise caution and good judgment in extending credit for sports lottery play if the agent is a licensed video lottery agent authorized to extend such credit and comply with all applicable federal and state laws.

## Treatment and Research Funding

### **Statute: 29 Del. C. §4815. State Lottery Fund**

- (b) (3) a Proceeds returned to the State. — Except as otherwise provided by this paragraph, of amounts remaining after all payments under paragraphs (b) (1) and (b) (2) of this section, there shall be returned to the State 42 1/2%. For licensees which conducted 40 or fewer (but at least 1) days of live harness horse races during 1992, should such licensees' video lottery proceeds, net of proceeds returned to players, at the end of any fiscal year fall below \$107,500,000, then, in the subsequent fiscal year, there shall be returned to the State 41 1/2% of amounts remaining after all payments under paragraphs (b)(1) and (b)(2) of this section.
- (c) Application of funds retained by the state lottery. — The funds retained by the state lottery shall be applied as follows: first, to the administrative costs and expenses in respect of the video lottery including, but not limited to, administrative expenses including payroll and other employment costs attributable to the operation of the video lottery by the State Lottery Office, law-enforcement and security expenses, including payroll and other employment costs of the state lottery, the Office of the Attorney General and the Delaware State Police, attributable to the operation by the state lottery of a video lottery; second, \$1,000,000 or 1%, whichever is greater, of the proceeds returned to the State under this paragraph (b)(3), to the Division of Substance Abuse and Mental Health of the Department of Health and Social Services for funding programs for the treatment, education and assistance of compulsive gamblers and their families; third, costs of the Administrator of Racing and racing inspectors referenced in Chapters 100 and 101 of Title 3; fourth, the State's contribution to the Delaware Standardbred Breeder's Program and Delaware Certified Thoroughbred Program (DCTP); and fifth, the remainder shall be paid into the State's General Fund.
- (d) (1) Proceeds returned to the State. —
  - a. Except as otherwise provided by this paragraph, of gross table game revenue, there shall be returned to the State 15.5%.
  - b. The funds retained by the State shall be applied as follows: first, to the administrative costs and expenses of the Office, including, but not limited to, administrative expenses including payroll and other employment costs, and law-enforcement and security expenses, including payroll and other employment costs of the state lottery, the Office of the Attorney General, the Division of Gaming Enforcement, and the Delaware State Police; second, \$250,000 or 1%, whichever is greater, of the proceeds returned to the State under this paragraph, to the Division of Substance Abuse and Mental

Health of the Department of Health and Social Services to be used exclusively for funding programs for the treatment, education and assistance of compulsive gamblers and their families; third, costs of the Administrator of Racing and racing inspectors referenced in Chapters 100 and 101 of Title 3; and fourth, the remainder shall be paid into the State's General Fund.

## Employee Training

### **Statute: 29 Del. C. § 4805. Director — Powers and duties**

- (a) The Director shall have the power and the duty to operate and administer the state lottery and to promulgate such rules and regulations governing the establishment and operation of the lottery as the Director deems necessary and desirable in order that the lottery be initiated at the earliest feasible time and in order that the system shall produce the maximum amount of net revenues consonant with the dignity of the State and the general welfare of the people. The rules shall provide for all matters necessary or desirable for the efficient and economical operation and administration of the system and for the convenience of the purchasers of lottery tickets and the holders of winning tickets, and the players of all state lottery games including, but not limited to, the following:
- (29) The regulations and procedures for the display and presentation of messages concerning responsible gaming and the regulations, procedures and training for identification of and assistance to compulsive gamblers;

## Alcoholic Beverage Restrictions

### **Statute: 29 Del. C. § 706. Sale or service of alcoholic liquors to intoxicated person**

Any licensee, or employee of a licensee, or person in charge of a licensed premises shall refuse to sell or serve alcoholic liquors to any individual if such individual is intoxicated or appears to be intoxicated. Such licensee, employee of a licensee or person in charge of the licensed premises shall not be liable to any individual for damages claimed to arise from the refusal to sell alcoholic liquors if such refusal is based upon this section.

## Other

### **Statute: 29 Del. C. § 4838. Delinquent child support**

- (a) The Director of the Division of Child Support Services, Department of Health and Social Services shall enter into a cooperative agreement with the Director and the operator of each video lottery or charitable gaming organization facility within this State whereby the Director of the Division of Child Support Services shall provide information regarding individuals with a qualified child support obligation for the purpose of satisfying such obligation in part or in whole with any qualified video lottery prizes won by such individuals. Prior to awarding any qualified video lottery prize, an operator of a video lottery facility shall determine if the winner of such prize owes a qualified child support obligation. In the event that a qualified child support obligation is owed, such prize shall be reduced by:
- (1) One hundred percent in the event that qualified video lottery prize is less than or equal to the qualified child support obligation; or
  - (2) By the amount of the qualified child support obligation in the event that the qualified video lottery prize exceeds the qualified child support obligation.
- Any remaining amounts shall be awarded to the qualified video lottery prize winner.

# District of Columbia



The District of Columbia's responsible gaming framework stems from legislation authorizing sports betting that was enacted in 2019. Sports betting operators in D.C. are subject to several responsible gaming requirements, including property signage and responsible gaming disclosures, an option for bettors to set wager and time limits, as well as a requirement that operators train their employees on the topic of compulsive and problem gambling.

## Responsible Gaming Plan Required

### Regulation: 30 DCMR §2128. Responsible Gaming Plan

- 2128.1 Operators and Management Services Providers shall submit a Responsible Gaming Plan to the Office at the time of first application. The plan must be approved by the Office prior to the commencement of gaming activity. The Plan shall include, at a minimum, the following:
- (a) The goals of the plan, procedures and deadlines for implementation of the plan;
  - (b) The identification of the individual(s) who will be responsible for the implementation and maintenance of the plan;
  - (c) Procedures for compliance with the office's self-exclusion program set forth in this chapter;
  - (d) Procedures for implementation of a self-limitation program, allowing gamblers to set budgets for time and money expended on gambling activity offered by the licensee; and
  - (e) The applicant's plans for creating and disseminating promotional material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The Applicant shall provide examples of the materials to be used as part of its plan, including signs, brochures and other material and a description of how the material will be disseminated...
  - (f) Procedures to prohibit an Operator, Management Services Provider, or any of their directors, officers, owners, and employees from extending credit to an individual, group of individuals or entity that places wagers with the Operator Management Services Provider or seeks to place wagers with the Operator or Management Services Provider;
  - (g) Procedures to prohibit an individual, group of individuals or entity that places wagers with the Operator or Management Services Provider from establishing more than one active account with the Operator;
  - (h) Procedures to permit an individual, group of individuals or entity that places wagers with the Operator or Management Services Provider to terminate their Account at any time and for any reason and without penalty;
  - (i) Details of the Applicant's plan for responsible gaming training for its employees;
  - (j) The duties and responsibilities of the key employees and gaming employees designated to implement or participate in the plan;
  - (k) Procedures to prevent underage gambling;
  - (l) Procedures to prevent intoxicated or impaired patrons from gambling;
  - (m) An estimation of the cost of development, implementation and administration of the Responsible Gaming Plan; and
  - (n) Other policies and procedures as determined by the Office to prevent problem gambling and encourage responsible gambling.

- 2128.2 Operators and Management Services Providers shall resubmit their Responsible Gaming Plan for approval within ten (10) days of any changes to the plan and at license renewal.
- 2128.3 All sports wagering websites and mobile applications must include a description of the possible repercussions for an underage player who circumvents or attempts to circumvent controls to prevent underage play, such as immediate stoppage of play, account closure, and confiscation of winnings.

## Self-Exclusion

### **Statute: D.C. Code § 36–621.02. Rules and regulations governing conduct of sports wagering**

- (a) To ensure fair and honest play in sports wagering and to protect the economic welfare and interests of the District and participants of sports wagering, the CFO, or delegate, shall adopt rules and regulations governing the conduct of sports wagering, which shall include the following:
- (9) Player exclusion requirements.

### **Statute: D.C. Code § 36–621.07. Duties of an operator**

- (c) An operator shall:
- (11)(B) Prohibit an individual from sports wagering over the limit the individual has set or from sports wagering if the individual is on a list provided by the Office of the individuals who have requested to be excluded from sports wagering.
- (13) Establish a system to allow individuals to self-identify as problem gamers to the Office and request to be excluded from any gaming regulated by the Office;
- (14) Establish a system to enable the Office to provide to the operator a daily list of players who have requested to be excluded from sports wagering.

### **Regulation: 30 DCMR § 2129. Self-Exclusion Program**

- 2129.1 The Self-Excluded Program shall consist of those persons who have complied with the applicable provisions of this section and have been placed on such list by the Office. The voluntary Self-Exclusion Program is established for the purpose of allowing persons who wish to refrain from sports wagering and other types of gambling offered by the Office, to notify the Office that they will accept responsibility for refraining from engaging in sports wagering and other gambling activities offered by the Office and its Licensees. Each person seeking placement in the voluntary Self-Exclusion Program acknowledges that it is his or her responsibility to refrain from engaging in sports wagering and other gambling activities under the jurisdiction of the Office.
- 2129.2 An individual may request to have their name placed in the voluntary Self-Exclusion Program by completing the application and following the procedure outlined in the Office’s website or printed material available from the Office, at designated locations on and off the premises of licensed sports wagering establishments as determined by the Office.
- 2129.3 An application for placement on the voluntary Self-Exclusion List may only be accepted, and an intake performed, by a designated agent approved by the Office.
- 2129.4 Failure to provide any information or to execute any forms deemed necessary by the Office may result in a denial of a request for placement in the Self-Exclusion Program.

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- 2129.5 Self-Exclusion List application forms may include a request to waive the liability of the Office and its agents, a sports wagering Licensees and its agents, the District and any person licensed pursuant to the Act, or other such persons as deemed necessary by the Office, for any damages that may arise out of any act or omission related to placement in the Self-Exclusion Program.
- 2129.6 Upon the filing of an application for placement in the Self-Exclusion Program, the Office may file a Notice of Placement in the Self-Exclusion Program and such application and notice may be disclosed to Sports Wagering Operator Licensees, Management Services Providers and their agents and employees, as approved by the Office.
- 2129.7 Upon submission of an application, a designated agent shall review with the Applicant the contents and statements contained in the application. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
- 2129.8 A designated agent may not sign an application if (a) any required information is not provided or (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the Self-Exclusion List.
- 2129.9 The designated agent shall forward the signed application for voluntary Self-Exclusion to the Office within forty-eight (48) hours of completion in a manner directed by the Office.
- 2129.10 Upon receipt of an application, the Office, or its designee, shall review it for completeness. If the application meets all requirements of this chapter, the application shall be approved, and the individual's name shall be added to the voluntary Self-Exclusion list. If the application is incomplete, the Office, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
- 2129.11 If the Licensee of the Office utilizes an internal management system to track individuals on the Self-Exclusion List, they shall update that system at least every seventy-two (72) hours with names of individuals being added or removed from the Self-Exclusion List.
- 2129.12 The Office, or its designee, shall add to the list of voluntarily self-excluded persons the name of any individual provided from a gaming jurisdiction outside of the District, with which the Office has entered into an interstate compact, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.
- 2129.13 A person does not have to admit they are a problem gambler when placing themselves in the Self-Exclusion Program.
- 2129.14 If the applicant has elected to seek services available within the District, the Office, or its designee, shall contact the designated coordinating organization for the provision of requested services. The Executive Director shall determine the information and forms to be required of a person seeking placement on the Self-Exclusion List. Such information shall include, but not be limited to, the following:
- (a) Name, home address, email address, telephone number, date of birth, and social security number of the applicant;
  - (b) A passport-style photo of the applicant without headwear;
  - (c) A statement from the applicant that one or more of the following apply:
    - (1) They identify as a "problem gambler," meaning an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in their life or on the lives of their family, friends, or co-workers;
    - (2) They feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or (3) There is some other reason why they wish to add their name to the list.

- (d) Election of the duration of the exclusion in accordance with Subsection 2127.03 of this chapter;
- (e) An acknowledgment by the applicant that the individual will not be participating in sports wagering or any other form of gambling offered by the Office and that it is their sole responsibility to refrain from doing so;
- (f) An acknowledgment by the applicant that the applicant shall not collect any winnings or recover any losses resulting from any gambling activity under the jurisdiction of the Office for the duration of the exclusion period;
- (g) An acknowledgment by the applicant that the individual will forfeit all rewards or points earned through any player reward or another promotional program they engage in sports wagering while on the self-exclusion list;
- (h) An offer by the Office or the designated agent completing the self-exclusion application to assist the applicant to access information about gambling disorders, self-guided help or counseling services with a clinician approved by the District of Columbia Department of Behavioral Health;
- (i) An acknowledgment of understanding by the applicant that by placing their name on the Self-Exclusion List, the prohibitions identified in § 2127 apply to all sports wagering or gambling activities offered by the Office or its Licensees or affiliates, whether within the District or another jurisdiction, and that the Office may share the list with other domestic or international gaming jurisdictions resulting in placement on those lists;
- (j) An acknowledgment by the applicant that the individual is submitting the application freely, knowingly, and voluntarily;
- (k) A statement that the individual is not under the influence of a substance or suffering from a mental health condition that would impair their ability to make an informed decision;
- (l) An acknowledgment by the applicant that if they knowingly violate their agreement to refrain participating in any gambling activity offered by the Office or its Licensees or affiliates during the exclusion period, the applicant shall notify the Office of such violation within twenty-four (24) hours of such gambling activity; and releasing the District, the Office and all affiliated employees, entities and persons licensed by the Office and their affiliates, from any claims associated with their breach of the agreement;
- (m) An affidavit verifying that the applicant wishes to be placed on the Self-Exclusion List, that the Office is specifically authorized and requested to release all contents of the person's application to persons who, in the sole discretion of the Office, are necessary to implement the policies and procedures contained in this chapter. Such persons shall be subject to terms of confidentiality prescribed by the Office, which shall be contained in the application. Such persons shall include, but not be limited to the following:
  - (1) Employees or contractors of the Office involved in the administration, supervision or activities related to the administration or supervision of this chapter;
  - (2) Licensees of the Office or their affiliates, agents and employees;
  - (3) Designated agents; and
  - (4) Law enforcement personnel involved in the administration, supervision or investigation of activities contained in this chapter.
- (n) An acknowledgment by the applicant that once their name is placed on the Self-Exclusion List they may be refused entry or ejected from areas specifically devoted to sports wagering or other forms of gambling under the jurisdiction of the Office by a person licensed by the Office, an agent of the Office, or law enforcement personnel.

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- 2129.15 The Office may provide procedures permitting online self-exclusion if it determines that the goals, objectives and protections of the in-person self-exclusion process can be accomplished online. The Office may require any Licensee offering mobile or online sports wagering to offer self-exclusion and self-limitation options to customers as a condition of its license. The full cost of such self-exclusion and self-limitation system shall be the responsibility of the Licensee.
- 2129.16 As part of the request for self-exclusion, the individual must select the duration for which they wish to be excluded. An individual may select any of the following time periods as a minimum length of exclusion:
- (a) One (1) year;
  - (b) Eighteen (18) months;
  - (c) Three (3) years;
  - (d) Five (5) years; or
  - (e) Lifetime (an individual may only select the lifetime duration if their name has previously appeared on the Self-Exclusion List for at least six (6) months).
- 2129.17 An individual on the Self-Exclusion List may not apply to decrease the duration of exclusion. An individual who is on the list may submit a request to increase the minimum length of exclusion.
- 2129.18 Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the list or petition for exclusion for a new duration. Individuals shall remain on the list after the expiration of the selected duration of exclusion until such time as they submit a petition for removal and it is approved by the Office or its designee.
- 2129.19 At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the voluntary Self-Exclusion List by submitting a petition for removal on a form approved by the Office. The petition shall include confirmation from a designated agent that the individual completed an exit session. Any petition for removal received by the Office prior to the expiration of the duration of the selected exclusion period shall be denied.
- 2129.20 The Office shall approve a completed petition for removal. An individual who has selected a lifetime duration may not submit a petition for the removal of their name from the list. An incomplete application, including one that fails to demonstrate completion of an exit session shall be denied until such time as the application is completed.
- 2129.21 To be eligible for removal from the Self-Exclusion List the petitioner shall participate in an exit session with a designated agent. The exit session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should the petitioner wish to seek them. Upon completion of the exit session, the designated agent shall sign the individual's petition for removal from the list attesting to the fact that the exit session was conducted.
- 2129.22 Upon approval of a petition for removal from the Self-Exclusion List, a written notice of removal from the list shall be forwarded by the Office, or its designee, to each gaming Licensee and to the petitioner. Notice may be forwarded to the petitioner by email or first-class mail to the email address or home address provided by the petitioner in the petition. The petitioner shall be deemed to be removed from the voluntary Self-Exclusion List when the notice is sent by the Office or its designee.
- 2129.23 If a petitioner does not meet the eligibility requirements for removal from the list, the petition shall be denied. The petitioner shall be notified of the denial by email or first-class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual shall remain on the voluntary Self-Exclusion List until such time as the eligibility requirements have been satisfied.
- 2129.24 An individual whose name has been removed from the Self-Exclusion List may reapply for placement on the list at any time by submitting an application in accordance with this chapter.

- 2129.25 An individual whose name was added to the Self-Exclusion List in the District in accordance with this chapter shall be removed from the list upon receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.
- 2129.26 The Office shall maintain an up-to-date database of the Self-Exclusion List. Licensees designated by the Office shall be afforded access to the voluntary Self-Exclusion List. The Self-Exclusion List may only be accessed by individuals authorized in accordance with the Licensee's approved system of internal controls. All information contained in approved applications for voluntary exclusion may be disclosed to a designated Licensee.
- 2129.27 The Office's list of self-excluded persons shall be kept confidential. Except as required by this chapter, Sports Wagering Operators and Management Services Providers shall not disclose the names included in the Self-Exclusion Program.
- 2129.28 The self-exclusion list shall not be publicly disclosed by a Licensee, agent, affiliate or other person authorized to access the list. However, a Licensee may share the list with other designated Licensees in the District or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible gaming programs operated by affiliated sports wagering or lottery retailer establishments.
- 2129.29 The Office may disclose de-identified information from the Self-Exclusion List to one or more research entities selected by the Office for the purpose of evaluating the effectiveness and ensuring the proper administration of the self-exclusion program.
- 2129.30 Any person placed on the Self-Exclusion List pursuant to this chapter is deemed ineligible to place a wager at any Sports Wagering Facility or licensed Lottery retailer under the jurisdiction of the Office. Persons on the voluntary Self-Exclusion List shall not be entitled to recover losses resulting from their gambling activity since the wager was void from its beginning.
- 2129.31 Sports Wagering Licensees and Lottery retailers shall have the following responsibilities relative to the administration of the voluntary Self-Exclusion Program:
- (a) Verify that any person seeking to place a sports wager or enter the designated sports wagering area is on the self-exclusion list;
  - (b) To refuse to accept a wager or to allow the purchase of any gambling product approved by the Office to any individual that the Licensee or retailer has identified as being on the Self-Exclusion List or a person such Licensee or retailer suspects of being on the voluntary Self-Exclusion List;
  - (c) To promptly notify the Office, or its designee, if an individual on the Self-Exclusion List attempts to place or is discovered to have placed a sports wager or purchased or attempted to purchase a lottery product;
  - (d) Remove self-excluded persons from player loyalty or reward card programs and targeted print, online or other forms of advertising or promotions;
  - (e) Refrain from marketing to individuals on the Self-Exclusion List;
  - (f) Deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the list;
  - (g) Deny a person on the self-exclusion list from any winnings derived from gambling. Winnings derived from gambling shall include, but not be limited to, such things as proceeds derived from a sports wagering or from the purchase of any gambling product approved by the Office. Where reasonably possible, the Licensee or retailer shall confiscate from the individual in a lawful manner, or shall notify an Office agent who shall confiscate, or shall refuse to pay any such winnings derived from gambling or any money or thing of value that the individual has converted or attempted to convert into a gambling instrument whether actually wagered or not. A wagering instrument shall include, but not be limited to, tickets, vouchers, prizes, non-complimentary pay vouchers, electronic credits on a mobile wagering

system or any other implement of value representing a prize won from gambling. The monetary value of the confiscated winnings and wagering instrument shall be paid to the Office within forty-five (45) days;

- (h) If an individual on the Self-Exclusion List wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the Office within fifteen (15) days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. A hearing shall be conducted to determine whether the subject funds were properly forfeited in accordance with this chapter;
- (i) In cooperation with the Office, and where reasonably possible, the Licensee or retailer shall determine the amount wagered and lost by an individual who is prohibited from gambling. The monetary value of the losses shall be paid to the Office within forty-five (45) days; and
- (j) A Sports Wagering Licensee shall submit a written policy for compliance with the voluntary Self-Exclusion Program for Office approval with its license application. The Office shall review the plan for compliance with his chapter. If approved, the plan shall be implemented and followed by the Licensee.

2129.32 Programs and policies created by this chapter are intended to prevent problem gambling, treat problem gamblers and promote responsible gaming. The sole remedy for failure to comply with this chapter shall be disciplinary actions imposed by the Office. The Office, its Licensees and retailers, or employees thereof will not be liable for damages in any civil action, which is based on the following:

- (a) Compliance or noncompliance with this chapter or a plan adopted pursuant to this chapter;
- (b) An action or failure to take action under this chapter or a plan adopted under this chapter;
- (c) Failure to withhold gambling privileges from an individual; or
- (d) Permitting an individual to gamble.

### Regulation: 30 DCMR § 2114. Self-Limiting Program

- 2114.3 Operators and Management Services Providers shall prohibit an individual from wagering over the limit they have set or from sports wagering if they are on a list provided by the Office of the individuals who have requested to be excluded from sports wagering.
- 2114.4 Operators and Management Services Providers shall implement and maintain reasonable security procedures and practices that are appropriate to the nature of the personal information of individuals who place a wager with the Operator from unauthorized access, use, modification or disclosure.
- 2114.5 Operators and Management Services Providers shall establish procedures to evaluate requests made by third parties to exclude an individual from sports wagering, including requests to exclude an individual from placing sports wagers when the requestor provides documentary evidence of sole or joint financial responsibility for the source of funds deposited with an Operator by the individual or a court order requiring the individual to pay unmet child support obligations.
- 2114.6 Operators and Management Services Providers shall establish a system to exclude from sports wagering individuals who are on the Office's self-exclusion list.
- 2114.7 Operators shall submit a monthly report to the Office that includes the total number of authorized sports bettors that requested to exclude themselves from sports wagering. 2114.8 Operators and Management Service Providers shall establish reasonable procedures designed at a minimum to prevent entry of a self-excluded person into the sportsbook area of a Sports Wagering Facility.
- 2114.9 Any person may request placement on the list of self-excluded persons, and the person during any period of voluntary exclusion may not collect any winnings or recover any losses resulting from any sports wagering or lottery gaming activity.

- 2114.10 Unless the suspension was a result of a player’s self-exclusion, the Operator or Management Services Provider shall notify the sports wagering account holder via email, certified or registered mail, or other method approved by the Office, whenever his or her Account has been closed or placed in a suspended mode. Such notification shall include the restrictions placed on the Account and any further course of action needed to remove the restriction.
- 2114.11 Operators and Management Service Providers shall abide by all requirements issued by the Office pertaining to training employees about compulsive and problem gambling.,

## Property Signage and Responsible Gaming Disclosures

### Statute: D.C. Code § 36–621.02. Rules and regulations governing conduct of sports wagering

- (a) To ensure fair and honest play in sports wagering and to protect the economic welfare and interests of the District and participants of sports wagering, the CFO, or delegate, shall adopt rules and regulations governing the conduct of sports wagering, which shall include the following:
- (15) Requirements for training the employees of an operator concerning compulsive and problem gambling, and for displaying on an operator’s website and sports wagering facility information about available programs to prevent, treat, or monitor compulsive or problem gambling.

### Statute: D.C. Code § 36–621.07. Duties of an operator

- (c) An operator shall:
- (10) (D) Include on its website a description of the possible repercussions for an underage players, such as immediate stoppage of play, account closure, and confiscation of winnings.

### Regulation: 30 DCMR § 2128. Responsible Gaming Plan

- 2128.1 Operators and Management Services Providers shall submit a Responsible Gaming Plan to the Office at the time of first application. The plan must be approved by the Office prior to the commencement of gaming activity. The Plan shall include, at a minimum, the following:
- (e) The applicant’s plans for creating and disseminating promotional material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The Applicant shall provide examples of the materials to be used as part of its plan, including signs, brochures and other material and a description of how the material will be disseminated. The Licensee shall, at a minimum, implement the following communications:
- (1) Display signage and written materials, in conspicuous places in their Sports Wagering Facility, and on their websites and mobile applications information on the availability of problem gambling treatment or counseling, procedures for self-exclusion, and promotion of a problem gambling hotline;
  - (2) Provide information on all print, billboard, sign, online, or broadcast advertisements, information about available programs to prevent, treat, or monitor compulsive or problem gambling, procedures for self-exclusion, and promotion of a problem gambling hotline;
  - (3) Post in every designated area approved for sports wagering, on their websites and mobile applications, a statement approved by the Office referring customers to a toll-free helpline and other information as may be required by the Office.

### **Regulation: 30 DCMR § 2110. Posting**

- 2110.1 The following shall be conspicuously posted at the sports wagering facility:
- (d) A sign that shall include the statement that is similar to “It is unlawful for any individual who is under 18 years of age or is noticeably intoxicated or impaired to engage in sports wagering.”; and
  - (e) A sign which shall contain information preventing, treating, and monitoring compulsive gambling, as well as the National Council on Problem Gambling’s 24 hour toll-free confidential National Helpline —1- 800-522-4700 (call or text).
- 2110.2 Online sports wagering websites and mobile applications shall display the following:
- (a) Notice that shall include the statement that is similar to “It is unlawful for any individual who is under 18 years of age or is noticeably intoxicated or impaired to engage in sports wagering.”; and
  - (b) Responsible gaming logo or information to direct players to the site’s Office-approved responsible gaming page, which shall include, at a minimum:
    - (1) Prominent display of the National Council on Problem Gambling’s 24 hour toll-free confidential National Helpline—1-800-522-4700 (call or text) and helpline chat—ncpgambling.org/chat;
    - (2) A direct link to the National Council on Problem Gambling’s resources dedicated to helping persons with potential gambling problems;
    - (3) A clear statement of the online Operator’s policy and commitment to responsible gaming;
    - (4) Information governing self-imposed responsible gaming limits and the ability for the player to establish those limits; and
    - (5) Any other information about available programs to prevent, treat, or monitor compulsive or problem gambling.

## Advertising Restrictions

### **Statute: D.C. Code § 36–621.02. Rules and regulations governing conduct of sports wagering**

- (a) To ensure fair and honest play in sports wagering and to protect the economic welfare and interests of the District and participants of sports wagering, the CFO, or delegate, shall adopt rules and regulations governing the conduct of sports wagering, which shall include the following:
  - (16) Advertising guidelines, including specific language concerning minors.

### **Statute: D.C. Code § 36–621.04. Unlawful acts; action by Attorney General**

- (b) (1) No operator, or director, office, owner, or employee of an operator, may intentionally make a false or misleading representation concerning the operator’s services or business, including relating to the probability of winning or the number of winners for a wager accepted by an operator.

### **Regulation: 30 DCMR § 2131. Advertising**

- 2131.1 Operators and Management Services Providers shall not advertise sports wagering in any area prohibited by federal law.
- 2131.2 Operators and Management Services Providers shall ensure that all advertising, public relations activities and marketing campaigns do not:
- (a) Contain false or misleading information;

- (b) Fail to disclose conditions or limiting factors associated with the advertisement;
  - (c) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting factors associated with the advertisement;
  - (d) Consist of indecent or offensive graphics or audio, or both;
  - (e) Target players which have been excluded from play;
  - (f) Target, either via content or placement, those under the legal age of betting;
  - (g) Target moderate and high-risk groups;
  - (h) Encourage players to chase their losses or re-invest their winnings; or
  - (i) Suggest that betting is a means of solving financial problems.
- 2131.3 Advertisements, public relations activities and marketing campaigns shall meet the following requirements:
- (a) Provide information on compulsive gambling treatment or counseling, procedures for self-exclusion, and promotion of a problem gambling hotline;
  - (b) Be socially responsible;
  - (c) Give a balanced message with regard to winning and losing;
  - (d) Include language demonstrating the Operator is licensed by the Office of Lottery and Gaming.
- 2131.4 As directed by the Office, Operators and Management Services Providers shall delete or modify any advertisement which does not conform to the requirements of this chapter or is necessary for the immediate preservation of the public peace, health, safety, and welfare of District residents.
- 2131.5 Class B Operators shall not place or caused to be placed, physical advertising within a two (2) block radius of any of the designated Class A Sports Wagering Facilities.

## Wager/Time Limits

### **Statute: D.C. Code § 36–621.02. Rules and regulations governing conduct of sports wagering**

- (a) To ensure fair and honest play in sports wagering and to protect the economic welfare and interests of the District and participants of sports wagering, the CFO, or delegate, shall adopt rules and regulations governing the conduct of sports wagering, which shall include the following:
  - (2) Maximum wagers that may be accepted by an operator from any one individual on a sports event.

### **Statute: D.C. Code § 36–621.07. Duties of an operator**

- (c) An operator shall:
  - (11) (A) Allow individuals to set limits with the operator, including limits on the time spent betting and the amounts to be wagered, and take reasonable steps to prevent those individuals from overriding their self-imposed limits, including, at the request of the individual, sharing the requested limitations with the Office for the sole purpose of disseminating the request to other operators;
  - (B) Prohibit an individual from sports wagering over the limit the individual has set or from sports wagering if the individual is on a list provided by the Office of the individuals who have requested to be excluded from sports wagering.

### **Regulation: 30 DCMR § 2114. Self-Limiting Program**

- 2114.1 Operators and Management Services Providers shall implement a system to allow individuals to set limits with the Operator or Management Services Provider, including responsible gaming limits set forth below. Any decrease to these limits shall be effective no later than the player's next log in. Any increase to these limits shall become effective only after the time period of the previous limit has expired and the player reaffirms the requested increase.
- (a) A deposit limit, which shall be offered on a daily, weekly and monthly basis and shall specify the maximum amount of money a player may deposit into his or her sports wagering account during a particular period of time;
  - (b) A spending limit, which shall be offered on a daily, weekly and monthly basis and shall specify the maximum amount of player funds that may be put at risk during a particular period of time; and
  - (c) A time-based limit, which shall be offered on a daily basis and shall specify the maximum amount of time, measured hourly from the player's log in to log off, a player may spend playing on a sports wagering system.
- 2114.2 Operators and Management Services Providers shall take reasonable steps to prevent individuals from overriding their self-imposed limits, including, at the request of the individual, sharing the requested limitations with the Office for the sole purpose of disseminating the request to other operators.

## Restrictions on Extension of House Credit

### **Statute: D.C. Code § 36–621.02. Rules and regulations governing conduct of sports wagering**

- (a) To ensure fair and honest play in sports wagering and to protect the economic welfare and interests of the District and participants of sports wagering, the CFO, or delegate, shall adopt rules and regulations governing the conduct of sports wagering, which shall include the following:
  - (12) Use of credit and checks.

### **Statute: D.C. Code § 36–621.07. Duties of an operator**

- (c) An operator shall:
  - (16) Prohibit an operator, director, office, owner, and employee of the operator from extending credit to an individual, group of individuals, or entity that places wagers with the operator or seeks to place wagers with the operator.

### **Regulation: 30 DCMR § 2128. Responsible Gaming Plan**

- 2128.1 Operators and Management Services Providers shall submit a Responsible Gaming Plan to the Office at the time of first application. The plan must be approved by the Office prior to the commencement of gaming activity. The Plan shall include, at a minimum, the following:
- (f) Procedures to prohibit an Operator, Management Services Provider, or any of their directors, officers, owners, and employees from extending credit to an individual, group of individuals or entity that places wagers with the Operator Management Services Provider or seeks to place wagers with the Operator or Management Services Provider.

## Treatment and Research Funding

### Statute: D.C. Code § 36–621.15. Taxation of Sports Wagering

- (c) The increased revenue realized from the tax imposed under subsection (a) of this section shall be directed as follows:
  - (1) The first \$200,000 of revenue shall be used to fund programs through the Department of Behavioral Health to prevent, treat, and research gambling addiction.

## Employee Training

### Statute: D.C. Code § 36–621.02. Rules and regulations governing conduct of sports wagering

- (a) To ensure fair and honest play in sports wagering and to protect the economic welfare and interests of the District and participants of sports wagering, the CFO, or delegate, shall adopt rules and regulations governing the conduct of sports wagering, which shall include the following:
  - (15) Requirements for training the employees of an operator concerning compulsive and problem gambling, and for displaying on an operator’s website and sports wagering facility information about available programs to prevent, treat, or monitor compulsive or problem gambling.

### Regulation: 30 DCMR § 2114. Self-Limiting Program

- 2114.11 Operators and Management Service Providers shall abide by all requirements issued by the Office pertaining to training employees about compulsive and problem gambling.

### Regulation: 20 DCMR § 2128. Responsible Gaming Plan

- 2128.1 Operators and Management Services Providers shall submit a Responsible Gaming Plan to the Office at the time of first application. The plan must be approved by the Office prior to the commencement of gaming activity. The Plan shall include, at a minimum, the following:
  - (i) Details of the Applicant’s plan for responsible gaming training for its employees

## Alcoholic Beverage Restrictions

### Statute: D.C. Code § 36–621.02. Rules and regulations governing conduct of sports wagering

- (b)(1) The Office shall establish internal controls for the administration of sports wagering, sports wagering equipment and systems, or other items used to conduct sports wagering, as well as maintenance of financial records and other required records.
  - (2) The Office shall solicit input from the Alcoholic Beverage Regulation Administration and the Alcoholic Beverage Control Board on suggestions for regulations to minimize underage drinking and sports wagering by visibly intoxicated patrons.

### **Regulation: 30 DCMR § 2128. Responsible Gaming Plan**

2128.1 Operators and Management Services Providers shall submit a Responsible Gaming Plan to the Office at the time of first application. The plan must be approved by the Office prior to the commencement of gaming activity. The Plan shall include, at a minimum, the following:

- (l) Procedures to prevent intoxicated or impaired patrons from gambling.

### **Regulation: 30 DCMR § 2109. Additional duties of operators and management service providers**

2109.1 In addition to the requirements set forth in § 2108, Operators and Management Services Providers shall:

- (d) Prevent intoxicated or impaired persons from participating in sports wagering or entering the approved designated areas for sports wagering on the licensed premises.
- (e) Prohibit an employee or agent who is serving alcoholic beverages to customers from taking sports wagers on the same day.

# Florida



Sports Betting Statute/Regulation



iGaming Statute/Regulation

Florida introduced the state's first set of responsible gaming regulations following voter approval of a 2004 state constitutional amendment that authorized electronic gaming devices at eligible pari-mutuel wagering facilities. The state's current framework includes a number of responsible gaming provisions, including a requirement that licensees offer training to employees on responsible gaming, as well as signage and responsible gaming disclosure requirements.

There have been no significant changes to Florida's responsible gaming regulations in recent years.

## Responsible Gaming Plan Required

### Statute: § 551.118, Fl. Stat. Compulsive or addictive gambling prevention program

- (1) The slot machine licensee shall offer training to employees on responsible gaming and shall work with a compulsive or addictive gambling prevention program to recognize problem gaming situations and to implement responsible gaming programs and practices.
- (2) The division shall, subject to competitive bidding, contract for provision of services related to the prevention of compulsive and addictive gambling. The contract shall provide for an advertising program to encourage responsible gaming practices and to publicize a gambling telephone help line. Such advertisements must be made both publicly and inside the designated slot machine gaming areas of the licensee's facilities. The terms of any contract for the provision of such services shall include accountability standards that must be met by any private provider. The failure of any private provider to meet any material terms of the contract, including the accountability standards, shall constitute a breach of contract or grounds for nonrenewal. The division may consult with the Department of the Lottery in the development of the program and the development and analysis of any procurement for contractual services for the compulsive or addictive gambling prevention program.

### Regulation: Rule 61D-14.019, F.A.C. Compulsive or Addictive Gambling Prevention Program

- (1) A slot machine licensee shall work with a compulsive or addictive gambling prevention program and provide training for its employees on responsible gaming in accordance with the requirements of Sections 551.104(4)(i)5., and 551.118(1), F.S. The compulsive gambling prevention program shall include, but is not limited to, the following elements:
  - (a) Identification of a program manager or other person responsible for ensuring that a program is implemented and administered by the slot machine licensee and monitored to maintain the minimum standards established by this rule;
  - (b) Printed materials to educate patrons about compulsive gambling and inform them of local and statewide resources available to compulsive gamblers and their families. The materials can include signs and posters located inside the licensed premises and brochures discussing compulsive gambling issues and sources of treatment and information. A plan shall also specify sources of the printed materials and proposed distribution methods;
  - (c) Completion of a log detailing employee names, dates, and training certifying that each employee required to obtain the training has done so within the time period specified by these regulations; and,
  - (d) An annual follow-up training program to reinforce employee training.

### Self-Exclusion

#### **Regulation: Rule 61D-14.019, F.A.C. Compulsive or Addictive Gambling Prevention Program**

- (4) The program shall provide for notification to compulsive or addictive gamblers of the availability to request voluntary exclusion from the slot machine licensee's facility.

#### **Regulation: Rule 61D-14.020, F.A.C. Excluded Persons**

- (1) The slot machine licensee's internal controls shall set forth the criteria for exclusion of individuals from the slot machine licensee's facility.

### Property Signage and Responsible Gaming Disclosures

#### **Statute: § 551.114, Fl. Stat. Slot machine gaming areas**

- (3) The division shall require the posting of signs warning of the risks and dangers of gambling, showing the odds of winning, and informing patrons of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

#### **Regulation: Rule 61D-14.016, F.A.C. Operational Requirements**

- (5) The slot machine licensee shall post separate signage throughout the designated slot machine gaming areas providing notice of the following:
  - (a) Warning of the risks and dangers of gambling.
  - (b) Informing of the toll-free number available to provide information and referral services regarding compulsive or problem gambling from the division's compulsive gambling prevention program contractor.

### Advertising Restrictions

#### **Statute: § 849.09, Fl. Stat. Lottery prohibited; exceptions**

- (1) It is unlawful for any person in this state to:
  - (c) Conduct any lottery drawing for the distribution of a prize or prizes by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circulars, posters, pamphlets, radio, telegraph, telephone, or otherwise;
  - (e) Attempt to operate, conduct, or advertise any lottery scheme or device.

### Restrictions on Extension of House Credit

#### **Statute: § 551.121, Fl. Stat. Prohibited activities and devices; exceptions**

- (2) A slot machine licensee may not make any loan, provide credit, or advance cash in order to enable a person to play a slot machine. This subsection shall not prohibit automated ticket redemption machines that dispense cash resulting from the redemption of tickets from being located in the designated slot machine gaming area of the slot machine licensee.

## Financial Instruments Restrictions

### Statute: § 551.121, Fl. Stat. Prohibited activities and devices; exceptions

- (3) A slot machine licensee may not allow any automated teller machine or similar device designed to provide credit or dispense cash to be located within the designated slot machine gaming areas of a facility of a slot machine licensee.
- (4) (a) A slot machine licensee may not accept or cash any check from any person within the designated slot machine gaming areas of a facility of a slot machine licensee.
  - (b) Except as provided in paragraph (c) for employees of the facility, a slot machine licensee or operator shall not accept or cash for any person within the property of the facility any government-issued check, third-party check, or payroll check made payable to an individual.

## Treatment and Research Funding

### Statute: § 551.118, Fl. Stat. Compulsive or addictive gambling prevention program

- (3) The compulsive or addictive gambling prevention program shall be funded from an annual nonrefundable regulatory fee of \$250,000 paid by the licensee to the division.

## Employee Training

### Statute: § 551.104, Fl. Stat. License to conduct slot machine gaming

- (4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:
  - (i) Create and file with the division a written policy for:
    - 5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

### Regulation: Rule 61D-14.019, F.A.C. Compulsive or Addictive Gambling Prevention Program

- (1) A slot machine licensee shall work with a compulsive or addictive gambling prevention program and provide training for its employees on responsible gaming in accordance with the requirements of Sections 551.104(4)(i)5., and 551.118(1), F.S. The compulsive gambling prevention program shall include, but is not limited to, the following elements:
  - (c) Completion of a log detailing employee names, dates, and training certifying that each employee required to obtain the training has done so within the time period specified by these regulations; and,
  - (d) An annual follow-up training program to reinforce employee training.
- (2) The employee training program shall include training and materials on the following topics:
  - (a) Characteristics and symptoms of compulsive gambling behavior;
  - (b) Identification of vulnerable populations, including women, low-income patrons, the elderly and persons who abuse drugs and alcohol;
  - (c) Techniques to be employed where a compulsive gambling problem is identified or suspected; and,

- (d) Assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a patron and give advice concerning access to available services.
- (3) Training shall be conducted within thirty (30) days of the employee's hire date. Certification of such training shall be maintained onsite.

## Alcoholic Beverage Restrictions

### **Statute: § 551.121, Fl. Stat. Prohibited activities and devices; exceptions**

- (1) Complimentary or reduced-cost alcoholic beverages may not be served to persons playing a slot machine. Alcoholic beverages served to persons playing a slot machine shall cost at least the same amount as alcoholic beverages served to the general public at a bar within the facility.

Illinois established its responsible gaming framework in 1990 following legislative approval of the Riverboat Gambling Act. Legislation approved in 2019 greatly expanded the market by authorizing new land-based casinos while also regulating land-based and mobile sports wagering for the first time. Following the introduction of sports betting in 2019, Illinois has adopted several new responsible gaming regulations, including a requirement that mobile wagering systems allow patrons the option to voluntarily impose limitations or restrictions on wagers.

## Self-Exclusion

### **Statute: 230 ILCS 45/25-100. Voluntary self-exclusion program for sports wagering**

Any resident, or non-resident if allowed to participate in sports wagering, may voluntarily prohibit himself or herself from establishing a sports wagering account with a licensee under this Act. The Board and Department shall incorporate the voluntary self-exclusion program for sports wagering into any existing self-exclusion program that it operates on the effective date of this Act.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.745. Voluntary Self-Exclusion Policy**

The Board shall provide a procedure whereby a person who acknowledges that he or she has a gambling problem may self-identify and self-exclude himself or herself from the area within the admission turnstiles of Illinois riverboat gaming operations. The procedure shall require self-excluded persons to agree not to enter the area within the admission turnstiles of any riverboat gaming operations and agree to be removed voluntarily from all mailing, marketing and promotional lists and databases.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.750. Establishment of a Self-Exclusion List**

- a) Any person who acknowledges that he or she has a gambling problem may request of the Board that he or she be excluded voluntarily from the area within the admission turnstiles of all riverboat gaming operations in Illinois on a permanent basis, except as limited by Section 3000.780. A person shall be placed on the Self-Exclusion List upon submission of all information and completion and execution of all forms required under Section 3000.755, as enforced by the Administrator.
- b) Any person placed on the Self-Exclusion List shall be prohibited for a minimum of 5 years from entering the area within the admission turnstiles of any riverboat gaming operation in the State of Illinois. Any gaming operation in the United States owned or operated by an affiliate of an Illinois riverboat gaming operation may, in its sole discretion, prohibit a person placed on the Self-Exclusion List from entering its affiliated gaming operations. Any gaming regulatory agency in any state with which the Board enters into an agreement to share confidentially the information contained in the Self-Exclusion List may, in its sole discretion, prohibit a person placed on the Self-Exclusion List from entering any gaming operation within its jurisdiction.
- c) The Administrator shall maintain the Self-Exclusion List in a confidential manner.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.751. Locations to Execute Self-Exclusion Forms**

Any person may seek placement on the Self-Exclusion List by contacting any agent of the Board on any riverboat gaming operation at any time when gaming is conducted, appearing at the offices of the Board in Chicago or

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Springfield, Illinois during regular business hours, or appearing before a designated registration agent. Persons who are unable to travel to a Board office due to employment, financial or medical reasons may request, in writing, a reasonable accommodation in a manner or at a site and time designated at the sole discretion of the Administrator. Nothing in this Section shall require that an accommodation be granted.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.755. Information Required for Placement on the Self-Exclusion List**

- a) The Administrator shall determine the information and forms to be required of a person seeking placement on the Self-Exclusion List. Such information shall include, but not be limited to, the following:
  - 1) Full name, including maiden name and alias information;
  - 2) Home Street Address and/or P.O. Box;
  - 3) Date of Birth;
  - 4) Social Security Number;
  - 5) A copy of his or her driver's license;
  - 6) A physical description; and
  - 7) A current photograph.
- b) Failure to provide any information or to execute any forms deemed necessary by the Administrator may result in a denial of a request for placement on the Self-Exclusion List.
- c) Such forms may include a request to waive the liability of the Board, its agents and the State of Illinois for any damages that may arise out of any act or omission related to placement on the Self-Exclusion List.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.756. Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion**

- a) A person seeking placement on the Self-Exclusion List shall, at the time of the request to be placed on the List, agree in writing that he or she will:
  - 1) Not enter the area within the admission turnstiles of any riverboat gaming operation in the State of Illinois; and
  - 2) Forfeit all claimed or unclaimed jackpots and winnings, and all chips, tokens, vouchers or electronic credits in play or in plain view in the possession or control of the self-excluded person, at the time he or she is apprehended, as a sanction for entering the area within the admission turnstiles of a riverboat gaming operation after voluntary placement on the Self-Exclusion List.
- b) A person shall designate, at the time of his or her request for placement on the Self-Exclusion List, the duly registered charitable or governmental agency on a list of gambling support service and/or treatment providers approved by the Department of Human Services that shall receive a donation of assets forfeited by the person as provided by this Section, if the self-excluded person enters the area within the admission turnstiles of a riverboat gaming operation.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.760. Distribution and Availability of Confidential Self-Exclusion List**

- a) The Board shall maintain and keep current the Self-Exclusion List. The List shall be updated and distributed in its entirety to each riverboat casino on a regular basis.

- b) Upon placement on the Self-Exclusion List by the Administrator, the name and identifying information of the self-excluded person shall be distributed to each riverboat gaming operation.
- c) No riverboat gaming operation may disclose the name of any person on the Self-Exclusion List to any third party unless specifically authorized by this Part or required by a court order specifically requiring the release of mental health records and information.
- d) No owner licensee, occupational licensee or applicant or approved Key Person or Key Person applicant who obtains identifying information about a person on the Self-Exclusion List from any source may disclose the name or identifying information of the self-excluded person, except as necessary to effectuate, or as specifically permitted by, this Part.
- e) Any licensee or applicant for license and any approved Key Person or Key Person applicant who knowingly discloses, authorizes disclosure, permits a disclosure, or otherwise assists in the disclosure of the identity of a person on the Self-Exclusion List shall be subject to discipline for each disclosure, including but not limited to any disclosure by any of its officers, directors, employees, attorneys, agents and contractors, unless the disclosure complies with the following provisions:
  - 1) The disclosure is made on the same need to know basis restriction applicable to mental health information to staff for the sole purpose of effectuating the approved Internal Control responsibilities.
  - 2) The disclosure is made for the sole purpose of effectuating the Self-Exclusion program and this Part as to any customer tracking system, customer identification system, chips and token exchange system, financial transactions system, or check and credit system.
  - 3) The disclosure is made in compliance with the approved Internal Controls.
- f) Disclosure may be made to affiliate gaming operations with the prior written approval of the Administrator. A licensee seeking such approval must provide to the Administrator an explanation of the manner in which the identity of the self-excluded persons will be maintained confidentially by the affiliate gaming operations.
- g) Nothing in this Section prohibits disclosure of the name of a person on the Self-Exclusion List to the Board or its staff or to a person authorized in writing by the self-excluded person on the Self-Exclusion List to receive such information.

### **Regulation: III. Admin. Code tit, 86 § 3000.770. Duties of Licensees**

- a) No licensee shall knowingly allow any person placed on the Self-Exclusion List pursuant to Section 3000.750 to enter the area within the admission turnstiles of, or engage in gambling at, the riverboat gaming operation. The riverboat gaming operation shall cause the name and address of any person on the Self-Exclusion List to be flagged on all mailing, marketing or promotional lists or databases, except as provided in this Part. No licensee shall knowingly send marketing or promotional materials to any person placed on the Self-Exclusion List.
- b) Owner licensees shall maintain, pursuant to Section 3000.760, a system designed to detect persons on the Self-Exclusion List so as to enforce this Part.
- c) Forfeiture
  - 1) A licensee must immediately notify a Board agent upon making a determination that a person listed on the Self-Exclusion List has entered the area within the admission turnstiles of a riverboat gaming operation and remove the person from the riverboat gaming operation.
  - 2) Upon ascertaining that a person on the Self-Exclusion List is present in the area within the admission turnstiles of a riverboat gaming operation, a licensee must inventory, in the presence of an IGB agent, all claimed or unclaimed jackpots and winnings, and all chips, tokens, vouchers or electronic credits in play or in plain view in the possession or control of the self-excluded person, at the time he or

she is apprehended. The owner licensee shall provide a receipt to the self-excluded person for all items inventoried.

- 3) Owner licensees shall refrain from knowingly paying out jackpots under \$1,200 and from paying out all jackpots in amounts of \$1,200 or over won by patrons on the Self-Exclusion List.
- d) The riverboat gaming operation shall cause the name and address of any person on the Self-Exclusion List to be flagged on all check-cashing, credit issuance, and other financial eligibility lists or databases utilized by the riverboat gaming operation for any purposes, except as authorized by this Part. Owner licensees shall not knowingly cash checks for, extend gaming operation credit to, or otherwise assist a person on the Self-Exclusion List to obtain funds for gambling purposes.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.780. Request for Removal from the Self-Exclusion List**

- a) Upon the expiration of 5 years from the date of placement on the Self-Exclusion List, any person who has been placed on the Self-Exclusion List may request the Administrator to remove his or her name from the Self-Exclusion List. The request must be in writing, state with specificity the reason for the request and be submitted to the Administrator at the Board's Chicago office. The request must be based on the elimination of a mental health or medical condition underlying the person's acknowledgment that he or she has been a problem gambler and unable to gamble responsibly. Information as to mental health or medical conditions will be maintained pursuant to the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and other applicable federal and State laws.
- b) If the Administrator approves the request, the Administrator shall inform all riverboat gaming operations of the removal no later than 10 days after approval. If the Administrator denies the request, the Administrator shall send to the person who has requested removal a Notice of Denial of Removal from the Self-Exclusion List by certified mail. Owner licensees may continue to deny gambling privileges to self-excluded persons who have been removed from the List.
- c) A decision whether to remove a person from the Self-Exclusion List shall be within the discretion of the Administrator, subject to the fulfillment of all requirements under Section 3000.782 and further subject to the process provided by Section 3000.785.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.782. Required Information, Recommendations, Forms and Interviews**

- a) A person requesting removal from the Self-Exclusion List must, in connection with the request, provide the Administrator with all of the following:
  - 1) Documentation as to treatment received for the person's gambling problem, length of treatment, and names and qualifications of treatment providers.
  - 2) A written recommendation, from a treating physician or qualified mental health professional who is a certified gambling counselor, as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling. For purposes of this Subpart, "certified gambling counselor" means an individual who has completed a specific course of study in the treatment of problem gambling and has been certified by a certification organization acceptable to the Board and listed on the Board's website.
  - 3) Upon request of the Administrator, a written recommendation, from a second or subsequent physician or qualified mental health professional who is a certified gambling counselor, as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling.

- 4) All information required under Section 3000.755(a).
  - 5) A statement informing the Administrator whether the person has been present at any riverboat gaming operations while on the Self-Exclusion List and, if so, the names of the riverboat operations at which the person was present and dates and times of attendance.
  - 6) A waiver of liability of the Board, its agents and the State of Illinois for any damages that may arise out of any act or omission committed by the person as a consequence of his or her removal from the Self-Exclusion List, including any monetary or other damages sustained in connection with the person's renewal of any gaming activities.
  - 7) A verified, written consent to the release of all of the person's medical and counseling records related to the proposed removal from the Self-Exclusion List.
  - 8) Any additional information, forms, recommendations, or other materials necessary, as determined by the Administrator, to demonstrate the elimination of the mental health or medical condition underlying the person's acknowledgement that he or she has been a problem gambler and unable to gamble responsibly.
- b) Upon request of the Administrator, a person seeking removal from the Self-Exclusion List shall appear for an interview at an office of the Board designated by the Administrator during regular business hours. Persons who are unable to travel to a Board office due to employment, financial or medical reasons may request, in writing, a reasonable accommodation in a manner or at a site and time designated at the sole discretion of the Administrator. Nothing in this Section shall require that an accommodation be granted.
  - c) The Administrator shall ascertain to the extent possible whether a person requesting removal from the Self-Exclusion List was ever present in the area within the admission turnstiles of a riverboat gaming operation while on the list.
  - d) The Administrator shall not rule on a request for removal from the Self-Exclusion List until all requirements of this Section have been fulfilled.

### **Regulation: Ill. Admin. Code tit, 86 § 3000.785. Appeal of a Notice of Denial of Removal**

- a) A denial by the Administrator of a request by a self-excluded person to be removed from the Self-Exclusion List pursuant to Section 3000.780 shall be subject to review by the Board upon a verified written petition submitted to the Board within 10 days after the issuance of the Notice of Denial of Removal.
- b) The petition shall state with specificity facts believed by the petitioner to constitute clear and convincing evidence for removal of his or her name from the Self-Exclusion List. The petition shall be notarized and shall include a certification in the following form:  
The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters in the petition stated to be on information and belief. As to matters stated to be on information and belief, the undersigned certifies that he or she believes these matters to be true and correct.
- c) The Board shall either deny the petition or set the petition for hearing. The Board may deny a petition if:
  - 1) The petition fails to comply with any of the requirements of subsection (a) or (b) of this Section;
  - 2) The facts contained in the petition are the same or substantially the same facts that the petitioner set forth in a previous petition filed under this Section; or
  - 3) The petition, assuming all facts contained in it are true and correct, does not establish a prima facie case.
- d) In the event the Board elects to set the petition for hearing, the procedures specified in Subpart D of this Part, with the exception of Section 3000.405(a), (b), (c) and (d), shall apply.

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- e) For purposes of hearings conducted under this Section, all information, recommendations, forms, records of interviews and other materials, formal and informal, obtained by the Administrator in accordance with Section 3000.782 shall be considered official Gaming Board records under Section 3000.430 and therefore admissible into evidence.
- f) All proceedings related to an administrative hearing on a Notice of Denial of Removal shall be closed to members of the public unless otherwise consented to in writing by the self-excluded person or allowed by federal or State law.
- g) The Board's denial of a petition brought under this Section is a final decision of the Board. Judicial review of the final order of the Board shall be conducted under the Administrative Review Law [735 ILCS 5/Art. III], in accordance with Section 17.1(b) of the Illinois Gambling Act [230 ILCS 10/17.1(b)].

### **Regulation: III. Admin. Code tit, 86 § 3000.786. Duties of Owner Licensees to Persons Removed from the Self-Exclusion List**

- a) Each owner and manager licensee shall establish its own policies and procedures for allowing or disallowing any person removed from the Self-Exclusion List to enter or game on its riverboat gaming operation subsequent to the person's removal from the Self-Exclusion List. The policies and procedures of owner and manager licensees developed in compliance with this Section shall not be subject to appeal under this Part.
- b) Nothing in this Part shall require any licensee under the Act to provide assistance to a person removed from the Self-Exclusion List.

### **Regulation: III. Admin. Code tit, 86 § 3000.787. Placement on the Self-Exclusion List Following Removal**

A person whose name has been removed from the Self-Exclusion List may subsequently request to be placed again on the list. The procedure for placement on the Self-Exclusion List under this Section shall be the same as that for a person requesting placement on the list for the first time. A placement of a person on the Self-Exclusion List under this Section shall be permanent, notwithstanding any other provision of this Subpart.

### **Regulation: III. Admin. Code tit, 86 § 3000.790. Duties of the Board**

The Board shall assist a person who acknowledges that he or she has, or has had, a gambling problem as provided in this Part. The Administrator shall provide to a person seeking placement on, or removal from, the Self-Exclusion List pertinent information about the Illinois Department of Human Services, including any information about problem gambling and post-treatment assistance, deemed appropriate for distribution by the Department of Human Services. The Administrator may refer any inquiries for assessment, evaluation, treatment or post-treatment assistance from a person seeking to be placed on, or removed from, the Self-Exclusion List to the Department of Human Services or another appropriate source of information.

### **Regulation: Administrative Code Section 1900.1120 Prohibited Wagering Activity**

- a) Persons Prohibited from Wagering
  - 4) No person enrolled in the self-exclusion program may place or redeem a wager.
- e) A master sports wagering licensee has an affirmative duty to actively prevent the placement or redemption of a wager by individuals under the age of 21 years or enrolled in the self-exclusion program.

### Regulation: Administrative Code Section 1900.1710 Self-Exclusion Program

- a) For the purposes of this Part, “Self-Exclusion List” means the list established pursuant to 86 Ill. Adm. Code 3000.750 and governed by 86 Ill. Adm. Code 3000.Subpart G.
- b) Any individual who acknowledges that he or she has a gambling problem may request of the Board that he or she be excluded from participation in sports wagering in Illinois by placing himself or herself on the Self-Exclusion List.
- c) Any individual on the Self-Exclusion List shall be subject to this Subpart Q.

### Regulation: Administrative Code Section 1900.1720 Distribution and Availability of Confidential Self-Exclusion List

- a) Upon placement on the Self-Exclusion List by the Administrator, the name and identifying information of the self-excluded person shall be distributed to each master sports wagering licensee and management services provider licensee.
- b) No licensee may disclose the name of any person on the Self-Exclusion List to any third party unless specifically authorized by rule or required by a court order specifically requiring the release of mental health records and information.
- c) No licensee, applicant, or key person who obtains identifying information about a person on the Self-Exclusion List from any source may disclose the name or identifying information of the self-excluded person, except as necessary to effectuate, or as specifically permitted by this Part.
- d) Any licensee, applicant, or key person who knowingly discloses, authorizes disclosure, permits a disclosure, or otherwise assists in the disclosure of the identity of a person on the Self-Exclusion List shall be subject to discipline for each disclosure, including but not limited to any disclosure by any of its officers, directors, employees, attorneys, agents and contractors, unless the disclosure complies with the following provisions:
  - 1) The disclosure is made on the same need to know basis restriction applicable to mental health information to staff for the sole purpose of effectuating the approved internal control responsibilities.
  - 2) The disclosure is made for the sole purpose of effectuating the Self-Exclusion program and this Part as to any customer tracking system, customer identification system, sports wagering system, internet wagering system, or any other financial transactions system.
  - 3) The disclosure is made in compliance with the approved internal controls.
- e) Disclosure may be made to affiliate gaming entities with the prior written approval of the Administrator. A licensee seeking such approval must provide to the Administrator an explanation of the manner in which the identity of the self-excluded persons will be maintained confidentially by the affiliate gaming operations.
- f) Nothing in this Section prohibits disclosure of the name of a person on the Self-Exclusion List to the Board or its staff or to a person authorized in writing by the self-excluded person on the Self-Exclusion List to receive that information.

### Regulation: Administrative Code Section 1900.1730 Duties of Licensees Regarding Self-Excluded Persons

- a) A master sports wagering licensee shall cause the name, address, and birthdate of any person on the Self-Exclusion List to be flagged on all mailing, marketing or promotional lists or databases.

- b) A master sports wagering licensee shall not send marketing or promotional materials to any person placed on the Self-Exclusion List.
- c) A master sports wagering licensee shall maintain a system designed to detect persons on the Self-Exclusion List so as to enforce this Part.
- d) A master sports wagering licensee shall not cash checks for, extend credit to, or otherwise assist a person on the Self-Exclusion List to obtain funds for gambling purposes.
- e) A master sports wagering licensee shall not accept a wager of greater than \$500 without first verifying the identity of the patron against the Self-Exclusion List, unless the wager is placed within the admissions turnstiles of a gaming operation or organization gaming facility.
- f) A master sports wagering licensee shall not redeem a wager for currency in an amount of greater than \$2,000 without first verifying the identity of the patron against the Self-Exclusion List, unless the wager is placed within the admissions turnstiles of a gaming operation or organization gaming facility.
- g) A master sports wagering licensee that holds an owners license or organization gaming license shall provide a means by which an individual on the Self-Exclusion List may turn in unredeemed tickets prior to the commencement of a sports event to obtain refunds pursuant to Section 1900.1740.
- h) For any master sports wagering licensee that conducts internet wagering:
  - 1) The licensee shall not allow an individual on the Self-Exclusion List to open a new sports wagering account;
  - 2) The licensee shall identify and suspend any sports wagering account of any individual on the Self-Exclusion List;
  - 3) The licensee shall void all outstanding wagers in accordance with Section 1900.1740; and
  - 4) The licensee shall refund any remaining balance to the patron in a manner consistent with the licensee's internal control system.

### Regulation: Administrative Code Section 1900.1740 Effect of Enrollment

- a) An individual on the Self-Exclusion List shall be prohibited from placing or redeeming wagers.
- b) Any wager placed by an individual on the Self-Exclusion List prior to enrollment in the self-exclusion program shall be deemed void.
- c) An individual who enrolls in the self-exclusion program may, at the time of enrollment or any time thereafter, return any in-person wagering ticket to the master sports wagering licensee that issued it to obtain a refund of the original wager amount, provided the refund occurs prior to the commencement of any event or series of events on which the outcome of the wager is dependent.
- d) If, after the commencement of any event or series of events on which the outcome of the wager is dependent, a wager is identified as having been placed by an individual on the Self-Exclusion list, that wager shall be deemed void. The original amount of the wager shall be deducted from the adjusted gross sports wagering receipts and forfeited by the individual, to be donated to the charitable or government agency identified by the individual at the time of his or her placement on the Self-Exclusion List.
- e) An individual on the Self-Exclusion List may not open a new sports wagering account.

## Property Signage and Responsible Gaming Disclosures

### Statute: 230 ILCS 10/13.1. Compulsive gambling

- a) Each licensed owner shall post signs with a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, at the following locations in each facility at which gambling is conducted by the licensed owner:
  - i) Each entrance and exit.
  - ii) Near each credit location.

The signs shall be provided by the Department of Human Services.

- b) Each licensed owner shall print a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, on all paper stock that the licensed owner provides to the general public.

### Statute: 230 ILCS 5/34.1. Compulsive gambling

- a) Each organization licensee shall post signs with a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, at the following locations in each race track at which horse race meetings are conducted by the organization licensee and in each inter-track wagering facility and inter-track wagering location operated by the organization licensee:
  - i) Each entrance and exit.
  - ii) Near each credit location.

The signs shall be no larger than 8 1/2 inches by 11 inches and shall be provided by the Department of Human Services.

- b) Each organization licensee shall print a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, on all official racing programs that the organization licensee provides to the general public.

### Statute: 230 ILCS 45/25-95. Compulsive gambling

Each master sports wagering licensee shall include a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, on the master sports wagering licensee's portal, Internet website, or computer or mobile application.

### Regulation: Administrative Code Section 1900.340 Advertising and Marketing

- e) All advertising and marketing materials published, aired, displayed, or distributed by or on behalf of any licensee shall comply with the following:
  - 2) Shall include problem gambling language materially consistent with the compulsive gambling text determined by rule by the Department of Human Services.

### Regulation: Administrative Code Section 1900.230 Duties of Master Sports Wagering Licensees

In addition to all other duties and obligations required by the Act and this Part, each master sports wagering licensee has an ongoing duty to comply with the following:

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- (h) Install, post and display signs as required by the Board, including signs indicating that sports wagering is limited to persons 21 years of age or older, and signs relating to problem gambling.

### **Regulation: Administrative Code Section 1900.1660 Signage**

- a) Problem Gambling
  - 1) Each master sports wagering licensee shall post signs with a statement regarding obtaining assistance with problem gambling.
  - 2) The text of the signs shall be submitted to the Administrator for approval.
  - 3) The text must at minimum include text materially consistent with Department of Human Services rules (see 77 Ill. Adm. Code 2059.103).
  - 4) The text must include instruction on accessing the Illinois Gaming Board self-exclusion program.
  - 5) The signs must be conspicuously posted and visible from any kiosk or wagering location not located within the admissions turnstiles of a gambling facility or organization gaming facility.
- b) Under 21
  - 1) Each master sports wagering licensee shall post signs stating individuals must be aged 21 years or older to place sports wagers.
  - 2) The text of the signs shall be submitted to the Administrator for approval.
  - 3) The signs must be conspicuously posted and visible from any kiosk or wagering location not located within the admissions turnstiles of a gambling facility or organization gaming facility.

## Advertising Restrictions

### **Regulation: Administrative Code Section 1900.1250 Responsible Gaming Limits**

- g) If a patron has imposed any limitations or restrictions under this Section, a master sports wagering licensee shall not send sports wagering related direct digital marketing or promotional materials to the patron, including but not limited to electronic mail or push notifications.

### **Regulation: Administrative Code Section 1900.340 Advertising and Marketing**

- a) Each licensee shall be responsible for the content and conduct of any and all advertising or marketing done on its behalf or to its benefit whether conducted by the licensee, an employee or agent of the licensee, an affiliated entity or a third party pursuant to contract.
- b) For the purposes of this Section, advertising and marketing includes, but is not limited to:
  - 1) Direct mail or electronic mail;
  - 2) Telemarketing;
  - 3) Broadcast media;
  - 4) Billboards or signage;
  - 5) Internet advertising; or
  - 6) Patron acquisition, referral, or retention programs.
- c) Each master sports wagering licensee and management services provider licensee shall retain a copy of all advertising and marketing materials intended to promote any sports wagering operation in the State of Illinois, including a log of when and how those materials have been published, aired, displayed,

or distributed. These materials and logs shall be retained in accordance with the retention schedule prescribed under Section 1900.330.

- d) All advertising and marketing materials and the publication log shall be made available to the Board or its agents upon request.
- e) All advertising and marketing materials published, aired, displayed, or distributed by or on behalf of any licensee shall comply with the following:
  - 1) Must not directly advertise or promote sports wagering to individuals under 21 years of age;
  - 2) Shall include problem gambling language materially consistent with the compulsive gambling text determined by rule by the Department of Human Services;
  - 3) Shall state patrons must be 21 years of age or older to wager;
  - 4) Shall not contain images, symbols, celebrity or entertainer endorsements, or language designed to appeal specifically to those under 21 years of age;
  - 5) Shall not feature anyone who is, or appears to be, under 21 years of age;
  - 6) Shall not be published, aired, displayed, or distributed in media outlets, including social media, that appeal primarily to individuals under 21 years of age;
  - 7) Shall not be placed before any audience where the majority of the viewers or participants is presumed to be under 21 years of age;
  - 8) Shall not imply greater chances of winning versus other licensees;
  - 9) Shall not imply greater chances of winning based on wagering in greater quantity or amount; and
  - 10) All direct marketing shall allow the option to unsubscribe.
- f) No licensee may enter into an agreement with a third party to conduct advertising or marketing on behalf of, or to the benefit of, the licensee when compensation is dependent on, or related to, the volume or outcome of wagers.

## Wager/Time Limits

### Regulations: Administrative Code Section 1900.1250 Responsible Gaming Limits

- a) An internet wagering system shall permit a patron to voluntarily impose limitations or restrictions on wagers that can be placed through the internet wagering system.
- b) The internet wagering system must allow a patron to implement prohibitions including, at minimum, prohibitions on:
  - 1) Dollar amount of wager;
  - 2) Prohibiting new deposits; or
  - 3) All wagering.
- c) Patrons shall be permitted to determine the length of time of the limitation, but no limitation shall be imposed for less than 72 hours or greater than one year.
- d) Limitations or restrictions imposed under this Section shall not be lifted prior to their expiration.
- e) Upon the expiration of a limitation or restriction, the client shall notify the patron. The internet wagering system shall not accept wagers from the patron until the patron has acknowledged the notification. The notification shall give the patron the option to renew or extend the limitation.

## Treatment and Research Funding

### **Statute: 230 ILCS 10/13. Wagering tax; rate; distribution**

- (c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Board (i) for the administration and enforcement of this Act and the Video Gaming Act, (ii) for distribution to the Illinois State Police and to the Department of Revenue for the enforcement of this Act and the Video Gaming Act, and (iii) to the Department of Human Services for the administration of programs to treat problem gambling, including problem gambling from sports wagering. The Board's annual appropriations request must separately state its funding needs for the regulation of gaming authorized under Section 7.7, riverboat gaming, casino gaming, video gaming, and sports wagering.

### **Statute: 230 ILCS 10/18.1. Distribution of certain fines**

If a fine is imposed on an owners licensee or an organization gaming licensee for knowingly sending marketing or promotional materials to any person placed on the self-exclusion list, then the Board shall distribute an amount equal to 15% of the fine imposed to the unit of local government in which the casino, riverboat, or organization gaming facility is located for the purpose of awarding grants to non-profit entities that assist gambling addicts.

### **Statute: 20 ILCS 301/5-20. Gambling disorders**

- a) Subject to appropriation, the Department shall establish a program for public education, research, and training regarding gambling disorders and the treatment and prevention of gambling disorders. Subject to specific appropriation for these stated purposes, the program must include all of the following:
  - 1) Establishment and maintenance of a toll-free "800" telephone number to provide crisis counseling and referral services to families experiencing difficulty as a result of gambling disorders.
  - 2) Promotion of public awareness regarding the recognition and prevention of gambling disorders.
  - 3) Facilitation, through in-service training and other means, of the availability of effective assistance programs for gambling disorders.
  - 4) Conducting studies to identify adults and juveniles in this State who have, or who are at risk of developing, gambling disorders.
- b) Subject to appropriation, the Department shall either establish and maintain the program or contract with a private or public entity for the establishment and maintenance of the program. Subject to appropriation, either the Department or the private or public entity shall implement the toll-free telephone number, promote public awareness, and conduct in-service training concerning gambling disorders.
- c) Subject to appropriation, the Department shall produce and supply the signs specified in Section 10.7 of the Illinois Lottery Law, Section 34.1 of the Illinois Horse Racing Act of 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1 of the Charitable Games Act, and Section 13.1 of the Illinois Gambling Act.

## Other

### **Statute: 230 ILCS 10/13.2. Withholding of delinquent child support; signs; statement**

- a) Each licensed owner may post signs with a statement regarding withholding of delinquent child support, the text of which shall be determined by rule by the Department of Healthcare and Family Services, at the following locations in each facility at which gambling is conducted by the licensed owner.

- 1) Each entrance and exit.
- 2) Near each credit location.
- 3) At each cashier's cage.

The signs shall be provided by the Department of Healthcare and Family Services.

- b) Each licensed owner may print a statement regarding withholding of delinquent child support, the text of which shall be determined by rule by the Department of Healthcare and Family Services, on all paper stock that the license owner provides to the general public.

### Regulation: Administrative Code Section 1900.1180 General Conduct of Wagering

- b) No employee or key person of any licensee shall advise or encourage an individual patron to place a specific wager of any specific type, kind, subject, or amount. This restriction does not prohibit general advertising or promotional activities.

### Regulation: Administrative Code Section 1900.1220 Sports Wagering Accounts

- j) The internet wagering system shall, both every six months and upon request, provide a summary statement of all of a patron's activity during at least the prior six months. When a statement is requested, it shall be transmitted no later than 24 hours after the request is made. The statement shall include, at minimum:
  - 1) Deposits to the sports wagering account;
  - 2) Withdrawals from the sports wagering account;
  - 3) Win or loss statistics;
  - 4) Beginning and ending account balances;
  - 5) Responsible gaming limit history, if applicable; and
  - 6) A statement regarding obtaining assistance with gambling problems, the text of which shall be determined under Department of Human Services rules (see 77 Ill. Adm. Code 2059.103).
- l) An internet wagering system shall provide a conspicuous and readily accessible method for a patron to close his or her sports wagering account. Any remaining balance in the sports wagering account shall be refunded pursuant to the master sports wagering licensee's internal control system.

# Indiana



Sports Betting Statute/Regulation



iGaming Statute/Regulation

Indiana established its responsible gaming regulatory framework following legislation authorizing riverboat casinos in 1993. New requirements were adopted following a legislative amendment in 2015 that permitted land-based casino facilities, and in 2019 following passage of legislation authorizing land-based and mobile sports betting. Indiana's responsible gaming framework includes a statewide exclusion program for all types of gaming, property signage provisions and credit restrictions.

There have been no substantial changes to Indiana's regulatory framework since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019.

## Self-Exclusion

### Statute: IC 4-35-4-2. Rules; violations; fees and penalties; voluntary exclusion program

- (a) The commission shall do the following:
  - (7) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).
- (c) Rules adopted under subsection (a)(7) must provide the following:
  - (1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a facility at which gambling games are conducted or another facility under the jurisdiction of the commission.
  - (2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.
  - (3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.
  - (4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.
  - (5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.
  - (6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

### Statute: IC 4-33-4-3. Additional duties of the commission

- (a) The commission shall do the following:
  - (9) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).
- (c) Rules adopted under subsection (a)(9) must provide the following:

- (1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat or other facility under the jurisdiction of the commission.
- (2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.
- (3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.
- (4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.
- (5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.
- (6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

### **Statute: IC 4-33-4-7. Ejection or exclusion from facilities**

- (a) The commission may eject or exclude or authorize the ejection or exclusion of a person from riverboat gambling facilities if:
  - (1) the person's name is on the list of persons voluntarily excluding themselves from all riverboats in a program established under the rules of the commission.

### **Statute: IC 4-29.5-10-7. Indiana gaming commission exclusion list**

The [Pokagon] Band [of Potawatomi Indians] shall eject or exclude a person from its Gaming Facility authorized under this compact if that person is placed on the Indiana Gaming Commission's Exclusion List pursuant to IC 4-33-4-7. The Indiana Gaming Commission shall as soon as practicable provide the Band with information necessary to ensure compliance with this subsection. The Band shall as soon as practicable provide to the state a list of any persons ejected or excluded from any Band facility where Class III gaming is authorized pursuant to Band law.

### **Regulation: 68 IAC 6-3-1. General provisions Authority**

- (a) This rule applies to: (1) casino licensees; (2) casino license applicants; (3) casino owners; and (4) persons in casinos where gambling operations are conducted.
- (b) The following definitions apply throughout this rule:
  - (1) "Request for removal" means a request submitted by a voluntarily excluded person stating that the voluntarily excluded person wishes to be removed from the VEP.
  - (2) "Request for voluntary exclusion" means a request, on a form that the commission prescribes, completed by an individual to enroll in the VEP.
  - (3) "Voluntarily excluded person" means a person who has enrolled in the VEP.

- (4) “Voluntary exclusion program” or “VEP” means the system outlined in this rule whereby persons commit to refrain from entering the gaming areas of all casinos.
- (c) Nothing in this rule shall prohibit a voluntarily excluded person from accessing the gaming area of a casino for the purpose of carrying out employment duties. A voluntarily excluded person who is hired by a casino must notify the commission office in Indianapolis prior to starting the job. The voluntarily excluded person must provide the following information:
  - (1) Name.
  - (2) Date of birth.
  - (3) Name of the casino that will employ the voluntarily excluded person.
- (d) Nothing in this rule shall prohibit a casino licensee from following the procedures outlined in 68 IAC 6-2 to evict a voluntarily excluded person.

### **Regulation: 68 IAC 6-3-2. Request for voluntary exclusion**

- (a) Except as provided in section 1(c) of this rule, a voluntarily excluded person agrees to refrain from entering the gaming area of all casinos.
- (b) Any person requesting voluntary exclusion may make a request for voluntary exclusion by following the procedures set forth in this section. The request for voluntary exclusion may be made only by the person requesting voluntary exclusion and not by any other person. A person requesting voluntary exclusion must not be under the influence of alcoholic beverages, controlled substances, or prescription drugs at the time he or she makes a request for voluntary exclusion.
- (c) Any person requesting voluntary exclusion must submit a completed request for voluntary exclusion as outlined in subsection (d). The person requesting voluntary exclusion must appear in person at a commission office or another location designated by the executive director to complete the request for voluntary exclusion. Commission offices are located on the property of each casino in addition to an office located in Indianapolis.
- (d) A request for voluntary exclusion must be on a form prescribed by the commission.
- (e) The personal information of a voluntarily excluded person is confidential. A voluntarily excluded person must agree that in order to enforce the VEP, casinos must have access to the individual’s personal information. A voluntarily excluded person shall authorize the commission staff to provide any identifying information contained in the person’s request for exclusion to the casinos to be able to enforce the exclusion.
- (f) A voluntarily excluded person shall have the following ongoing obligations:
  - (1) Refrain from entering the gaming area of casinos until the commission has approved a request for removal.
  - (2) Each time the personal information of a voluntarily excluded person changes, he or she must provide the commission with the updated information.
  - (3) Notify the commission if direct mailing items from a casino are received addressed to a voluntarily excluded person at his or her residence.
- (g) A voluntarily excluded person who enters the gaming area of a casino agrees to forfeit any jackpot or thing of value won as a result of a wager made at a casino. The forfeited jackpots or items will be withheld by the casino licensee and remitted to the commission. The commission shall collect the items and funds. Voluntarily excluded persons may appeal a forfeiture under this rule by following the procedures outlined in 68 IAC 7.

- (h) Voluntarily excluded persons agree to forfeit all points or complimentaries earned on or before the request for voluntary exclusion. Points or complimentaries refer to credits earned by a person under the terms of a casino licensee's marketing program as approved by the commission and shall include, but not be limited to:
  - (1) food coupons;
  - (2) coupons or vouchers for chips;
  - (3) hotel complimentaries; or
  - (4) other similar non cash benefit owing to the individual. However, if at the time an individual makes a request for voluntary exclusion he or she is owed a cash amount from a casino licensee, the individual shall have the right to receive that amount from the casino licensee after enrollment in the VEP. To the extent that complimentaries or points described above may be redeemed for cash under the casino licensee's marketing program, the individual shall be entitled to receive that amount.
- (i) Nothing in this rule shall prohibit a casino licensee from alerting local law enforcement authorities of a voluntarily excluded person's presence in a casino to effect an arrest for trespassing.

### **Regulation: 68 IAC 6-3-3. Voluntary exclusion program or VEP**

- (a) The executive director or his or her designee shall administer the VEP, which shall contain the names and personal information of all voluntarily excluded persons. Voluntarily excluded persons shall be excluded from gaming areas at casinos. The executive director or his or her designee shall notify each casino licensee of each addition to the VEP or removal from the VEP in a timely manner.
- (b) The VEP is confidential, and the names of voluntarily excluded persons may be disseminated only to a casino licensee for purposes of enforcement or to another entity designated by statute.

### **Regulation: 68 IAC 6-3-4. Rights and duties of casino licensees**

- (a) Each casino licensee and casino license applicant shall establish internal control procedures for compliance with this rule, which shall be submitted and approved under 68 IAC 11.
- (b) The internal controls must, at a minimum, address the following:
  - (1) Provide a plan for distributing the names and personal information of voluntarily excluded persons to appropriate personnel of the casino. The plan must allow, to a reasonable extent, appropriate employees of a casino licensee to identify a voluntarily excluded person when that person is present in a casino. This information shall not be released to casinos in other jurisdictions. However, nothing in this rule shall prohibit a casino licensee from effectuating the eviction of a voluntarily excluded person from other properties within their corporate structure so that the person will be denied gaming privileges at casinos under the same parent company in other jurisdictions.
  - (2) Provide a process whereby gaming agents and security and surveillance are notified immediately when a voluntarily excluded person is detected in the gaming area of a casino.
  - (3) Refuse wagers from and deny gaming privileges to any voluntarily excluded person.
  - (4) Make all reasonable attempts to ensure that voluntarily excluded persons do not receive direct marketing. A casino licensee will satisfy this requirement if the casino licensee removes the voluntarily excluded person's name from the list of patrons to whom direct marketing materials are sent, and the voluntarily excluded person does not receive direct marketing materials more than forty-five (45) days after the casino licensee receives notice, under section 3(a) of this rule, that the voluntarily excluded person has entered the VEP.

- (5) Ensure that voluntarily excluded persons do not receive check cashing privileges or extensions of credit, whether directly through the casino licensee or operating agent, or through a supplier contracting with a casino licensee on property hired for the purpose of check cashing or extension of credit, or both.
- (c) Nothing in this rule shall prohibit a casino licensee from seeking payment of a debt from a voluntarily excluded person if the debt was accrued by a person before he or she entered the VEP.
- (d) A casino licensee shall post signs at the turnstiles marking the entrance to the gaming area that shall inform and educate patrons about the VEP. The text that the casino licensee proposes to have on the signs must be submitted to the commission staff for approval before posting.
- (e) A casino licensee shall be subject to disciplinary action under 68 IAC 13 for failure to comply with the requirements of this section and the internal control procedures outlined under this section, including, but not limited to, the following:
  - (1) Release of confidential information for a purpose other than enforcement.
  - (2) Knowingly refusing to withhold direct marketing, check cashing, and credit privileges.
  - (3) Failure to follow internal control procedures adopted under this rule.

## Regulation: 68 IAC 6-3-5. Removal

- (a) This section does not apply to voluntarily excluded persons who elect lifetime exclusion.
- (b) A voluntarily excluded person may, upon the expiration of the selected term of voluntary exclusion, request removal from the VEP. A voluntarily excluded person making a request for removal shall do so by submitting, in writing, on a form provided by the commission, the intent to be removed from the VEP.
- (c) A request for removal shall contain the following information:
  - (1) Name, including aliases or nicknames.
  - (2) Date of birth.
  - (3) Address of current residence.
  - (4) Telephone number of current residence.
  - (5) The signature of the person requesting removal from the VEP.
  - (6) The signature of the gaming agent or other individual authorized by the executive director to accept a request for removal, verifying that the individual requesting removal is the voluntarily excluded person.
- (d) Upon receipt of a request for removal, the commission shall effectuate the removal of the name of the individual requesting removal from the VEP. The commission shall act upon a request for removal within a reasonable time period of receipt of the request for removal.
- (e) The commission shall notify each casino licensee each time an individual is removed from the VEP. Once the individual has been removed from the VEP, nothing in this rule shall prohibit a casino licensee from:
  - (1) marketing directly to that individual;
  - (2) cashing checks of such a person; or
  - (3) extending credit to the individual.

## Regulation: Chapter 13. Responsible Gaming and Self-Restriction

### Section 2. Statewide internet self-restriction.

- (a) Individuals wishing to self-restrict from online sports wagering statewide may do so via the commission's website.
- (b) Individuals may choose statewide internet self-restriction for a period of one (1) year or five (5) years.

- (c) The commission shall maintain an official statewide internet self-restriction list. The commission shall notify each sports wagering operator of any addition to or deletion from the list by transmitting a notice directly to each sports wagering operator.
- (d) Sports wagering operators must restrict wagering by statewide internet self-restriction participants and may not market to statewide internet self-restricted participants.
- (e) The statewide internet self-restriction program is confidential, and the names of restricted persons may be disseminated only by the commission to a sports wagering operator for purposes of enforcement or to another entity designated by statute.
- (f) Sports wagering operators shall be responsible for the actions of third-party business partners and contractors related to the statewide internet self-restriction program.

#### Section 3. Removal from statewide internet self-restriction.

- (a) A person who has registered for the statewide internet self-restriction program may, upon the expiration of the selected term of voluntary self-restriction, submit a notice to the commission requesting removal from the statewide internet self-restriction program.
- (b) The commission shall advise sports wagering operators of the person's removal from the statewide internet self-restriction program within ten (10) business days.
- (c) Sports wagering operators may elect to continue excluding previously self-restricted persons.

#### Section 4. Direct marketing to prohibited sports wagering participants.

- (a) A sports wagering operator shall make all reasonable attempts to ensure that prohibited sports wagering participants do not receive direct marketing from the sports wagering operator.
- (b) A sports wagering operator will satisfy this requirement if the sports wagering operator removes the prohibited sports wagering participant's name from the list of patrons to whom direct marketing materials are sent, and the prohibited sports wagering participant does not receive direct marketing materials more than forty-five (45) days after the sports wagering operator receives notice identifying the prohibited sports wagering participant.

#### Section 5. Sports wagering operator self-exclusion.

Each sports wagering operator shall establish and maintain a self-exclusion program for patrons specific to that sports wagering operator. The sports wagering operator specific self-exclusion program is separate from the commission's statewide internet self-restriction program.

## Property Signage and Responsible Gaming Disclosures

### **Statute: IC 4-33-4-21.2. Display and maintenance of toll free telephone number**

- (a) The Indiana gaming commission shall require a licensed owner or an operating agent to conspicuously display the number of the toll free telephone line described in IC 4-33-12-9 in the following locations:
  - (1) On each admission ticket to a riverboat if tickets are issued.
  - (2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.
- (b) The toll free telephone line described in IC 4-33-12-9 must be:
  - (1) maintained by the division of mental health and addiction under IC 12-23-1-6; and
  - (2) funded by the addiction services fund established by IC 12-23-2-2.
- (c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

## **Regulation: 68 IAC 1-16-2. Toll free telephone number**

- (a) Casino licensees shall conspicuously display a toll free telephone number that provides the public with information about compulsive gambling addictions on a poster or placard that is on display in a public area of the casino. (b) The toll free telephone number to be displayed shall be specified by the division of mental health and addiction.

## **Statute: IC 4-35-4-12. Display of toll free telephone number**

- (a) The commission shall require a licensee to conspicuously display the number of the toll free telephone line described in IC 4-33-12-9 in the following locations:
  - (1) On each admission ticket to a facility at which gambling games are conducted, if tickets are issued.
  - (2) On a poster or placard that is on display in a public area of each facility at which gambling games at racetracks are conducted.
- (b) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

## **Regulation: Chapter 13. Responsible Gaming and Self-Restriction**

Section 1. Each online sports wagering website or mobile application shall display a responsible gaming logo in a manner approved by the executive director or executive director's designee to direct a patron to the sports wagering operator's responsible gaming webpage. The responsible gaming webpage shall be accessible to a patron during a sports wagering patron session and shall contain, at a minimum, the following:

- (1) A prominent message, which states "If you or someone you know has a gambling problem and wants help, call 1-800-9-WITH-IT";
- (2) A direct link to the Indianagaminghelp.com website and other internet resources dedicated to helping people with potential gambling problems as directed by the commission;
- (3) A link to the Indiana statewide internet self-restriction program administered by the commission; and
- (4) A clear statement of the online sports wagering operator's policy and commitment to responsible gaming along with a link to the sports wagering operator's specific self exclusion program.

## **Advertising Restrictions**

### **Regulation: 68 IAC 27-7-16 Promotions**

Sec. 16. (a) Patrons must be able to access information pertaining to any available promotions or bonuses. This information must be clear and unambiguous, especially where promotions or bonuses are limited to certain events or markets, or when other specific conditions apply.

- (b) A record of all promotional or bonus wagering offers shall be maintained in an electronic file that is readily available to the division. All bonus and promotional wagering offers shall be stated in clear and unambiguous terms and shall be readily accessible by the patron after the offer is accepted and prior to completion. Offer terms and the record of all offers shall include at a minimum:
  - (1) the date and time presented;
  - (2) the date and time the offer is active and expires;
  - (3) patron eligibility, including any limitations on patron participation;
  - (4) any restriction on withdrawals of funds;
  - (5) wagering requirements and limitations;

- (6) the order in which funds are used for wagers;
- (7) eligible events or wagers; and
- (8) rules regarding cancellation.
- (c) All promotions and bonuses must:
  - (1) include terms and conditions that are full, accurate, clear, concise, and transparent, and not contain misleading information;
  - (2) ensure advertising materials include material terms and conditions for that promotion or bonus and have those material terms in close proximity to the headline claim of the promotion or bonus and in a reasonably prominent size;
  - (3) disclose applicable terms if the patron has to risk or lose the patron's own money as part of the promotion or bonus or has conditions attached to the patron's own money as a result of the promotion or bonus;
  - (4) not be described as risk free if the patron needs to incur any loss or risk the patron's own money to use or withdraw winnings from the risk free bet; and
  - (5) not restrict the patron from withdrawing the patron's own funds or withdrawing winnings from bets placed using the patron's own funds.

### Regulation: 68 IAC 27-7-17 Responsible Advertising

Sec. 17. (a) No sports wagering operator shall allow, conduct, or participate in any false or misleading advertising concerning its sports wagering operations.

- (b) All advertising and marketing materials published, aired, displayed, or distributed by or on behalf of any sports wagering operator shall comply with the following:
  - (1) Must not directly advertise or promote sports wagering to minors.
  - (2) Shall conspicuously display a prominent message, which states: "If you or someone you know has a gambling problem and wants help, call 1-800-9-WITH-IT".
  - (3) Shall state patrons must be at least twenty-one (21) years of age or older to wager.
  - (4) Shall not imply greater chances of winning versus other sports wagering operators.
  - (5) Shall not imply greater chances of winning based on wagering in greater quantity or amount.
  - (6) All direct marketing shall allow the option to unsubscribe.

## Restrictions on Extension of House Credit

### Regulation: 68 IAC 16-1-5. Application of credit

- (a) In accordance with section 3 of this rule, the casino licensee or casino license applicant shall submit the procedures for establishing credit to the commission. Procedures for establishing credit shall, at a minimum, include the following:
  - (1) A casino licensee shall complete and maintain a credit file for each patron to whom credit is extended. This file shall include, at a minimum, the following:
    - (A) A credit application, including, but not limited to, the following:
      - (i) Patron's name.
      - (ii) Requested credit line.
      - (iii) Current home address.

- (iv) Home telephone number.
- (v) Date of birth.
- (vi) Place of employment and position held.
- (vii) The employer's address and telephone number.
- (viii) The patron's bank address.
- (ix) The checking accounting number.
- (x) Social Security number.
- (B) Authorized credit limit.
- (C) A photocopy of patron's identification.
- (D) A history of all credit issued to the patron and payments received or written off by the casino licensee.
- (E) Verification of credit application and approval of credit establishment.
- (2) Procedures for verification of credit application.
- (3) Procedures for review and approval of the credit limit for the patron.
- (4) Procedures to increase or decrease an established credit line.
- (5) Any other procedures deemed necessary by the executive director or the commission to ensure compliance with IC 4-33, IC 4-35, and this title.
- (b) A casino licensee shall not extend credit to a patron who has not made a payment on the patron's outstanding credit within a period of thirty (30) days.

### **Regulation: 68 IAC 16-1-6. Verification of credit**

Verification of the patron's outstanding indebtedness, as required by section 5(a) of this rule, shall be performed by contacting a consumer credit bureau that is reasonably likely to possess information concerning the patron, to the extent the consumer credit bureau is available, and a casino credit bureau to determine whether the patron has liabilities or if there is derogatory information concerning the patron's credit history. The contact shall be considered a verification of the outstanding indebtedness provided by the patron. If contact is not immediately possible, the casino licensee may use an alternative source that has made the required contact. The casino licensee shall record the source of verification and the method by which the verification was performed in the patron's credit file. If neither credit bureau has information relating to a patron's outstanding indebtedness, the casino licensee must record that information in the patron's credit file.

### **Regulation: Chapter 7. Patron Wagers**

Section 5. Patron sports wagering account required for credit or debit card wagering.

A patron may only place a wager via credit or debit card, whether the patron places the wager at a sports wagering lounge, kiosk, online, or by a mobile device, if the patron has a sports wagering account with the sports wagering operator.

## Treatment and Research Funding

### **Statute: IC 4-33-12-6. Disposition of tax revenue in counties other than Lake County**

- (a) The department shall place in the state general fund the tax revenue collected under this chapter.

- (b) Except as provided by section 8 of this chapter, the treasurer of state shall quarterly pay the following amounts:
  - (5) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the quarter shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

### **Statute: IC 4-33-12-8. Disposition of tax revenue in Lake County**

- (a) This section applies to tax revenue collected from a riverboat operating from Lake County.
- (b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:
  - (8) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter must be paid to the division of mental health and addiction.
- (c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from each riverboat operating in Gary:
  - (8) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.
- (d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating in Hammond:
  - (8) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

### **Statute: IC 4-33-12-9. Payment of admissions tax to certain governmental entities; calculation of base year revenue; payments to state general fund; Dearborn County distributions**

- (c) Money received by the division of mental health and addiction under section 6 or 8 of this chapter:
  - (1) is annually appropriated to the division of mental health and addiction;
  - (2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and
  - (3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

### **Statute: IC 4-35-8.8-2. Problem gambling fee imposed**

A licensee that offers slot machine wagering at racetracks under this article shall annually pay to the commission a problem gambling fee equal to five hundred thousand dollars (\$500,000) for each racetrack at which the licensee offers slot machine wagering. The commission shall annually retain two hundred fifty thousand dollars (\$250,000) from the total amount paid under this section for the commission's own efforts at preventing and treating compulsive gambling. The commission shall transfer the remaining seven hundred fifty thousand dollars (\$750,000) received each year to the division.

### **Statute: IC 4-35-8.8-3. Use of problem gambling fees**

The division may use problem gambling fees received by the division under this chapter only for the prevention and treatment of compulsive gambling that is related to gambling allowed under this article and IC 4-33.

### **Statute: IC 4-35-8.8-4. Problem gambling fees are in addition to riverboat admissions taxes used by the division for the prevention and treatment of compulsive gambling**

The problem gambling fees used by the division under this chapter for the prevention and treatment of compulsive gambling are in addition to any admissions tax revenue allocated by the division under IC 4-33-12-6 for the prevention and treatment of compulsive gambling.

### **Statute: IC 4-38-10-3. Deposit of sports wagering tax; transfer to addiction services fund**

- (a) Except as provided in subsection (b), the department shall deposit the tax revenue collected under section 2 of this chapter in the state general fund.
- (b) The department shall transfer an amount equal to three and thirty-three hundredths percent (3.33%) of the tax revenue collected under section 2 of this chapter to the addiction services fund established by IC 12-23-2-2.
- (c) Twenty-five percent (25%) of the tax revenue transferred under subsection (b) must be allocated to:
  - (1) the prevention of;
  - (2) education regarding;
  - (3) provider credentialing for; and
  - (4) treatment of; compulsive gambling.

### **Statute: IC 12-23-2-7. Administrative costs associated with use of money from fund; limitation; reimbursing Indiana gaming commission**

- (a) For each state fiscal year, the division may not spend more than an amount equal to five percent (5%) of the total amount received by the division from the fund established under section 2 of this chapter for the administrative costs associated with the use of money received from the fund.
- (b) The division shall allocate at least twenty-five percent (25%) of the funds derived from the riverboat admissions tax under IC 4-33-12-6 to the prevention and treatment of compulsive gambling.
- (c) The division shall reimburse the Indiana gaming commission for the costs incurred in administering a voluntary exclusion program established under the rules of the Indiana gaming commission. The division shall pay the reimbursement from funds derived from the riverboat admissions tax under IC 4-33-12-6.

## Other

### **Statute: IC 4-33-4-15. Annual duties of gaming commission**

The commission shall annually do the following:

- (1) Review the patterns of wagering and wins and losses by persons on riverboat gambling operations under this article.
- (2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

### **Statute: IC 4-33-4-27. Withholding delinquent child support from winnings; fee; notice; priority of order over other claims**

- (a) The bureau shall provide information to a licensed owner, an operating agent, or a trustee concerning persons who are delinquent in child support.
- (b) If a licensed owner, an operating agent, or a trustee is required to file Form W-2G or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings to the person, the licensed owner, operating agent, or trustee:
  - (1) may deduct and retain an administrative fee in the amount of the lesser of:
    - (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or
    - (B) one hundred dollars (\$100); and
  - (2) shall:
    - (A) withhold the amount of delinquent child support owed from the cash winnings;
    - (B) transmit to the bureau:
      - (i) the amount withheld for delinquent child support; and
      - (ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and
    - (C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.
- (c) The bureau shall notify the obligor at the address provided by the licensed owner, operating agent, or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.
- (d) The bureau shall hold the amount withheld from cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.
- (e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

### **Statute: IC 4-35-4-16. Withholding delinquent child support from winnings; fee; notice; priority of order over other claims**

- (a) The bureau shall provide information to a permit holder or trustee concerning persons who are delinquent in child support.

- (b) If a permit holder or trustee is required to file Form W-2G or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings from gambling games, the permit holder or trustee:
  - (1) may deduct and retain an administrative fee in the amount of the lesser of:
    - (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or
    - (B) one hundred dollars (\$100); and
  - (2) shall:
    - (A) withhold the amount of delinquent child support owed from the cash winnings;
    - (B) transmit to the bureau:
      - (i) the amount withheld for delinquent child support; and
      - (ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the permit holder or trustee; and
    - (C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.
- (c) The bureau shall notify the obligor at the address provided by the permit holder or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.
- (d) The bureau shall hold the amount withheld from cash winnings of the obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.
- (e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

### **Statute: IC 4-38-11-1. Withholding delinquent child support from winnings; notice; priority of order over other claims**

- (a) The bureau shall provide information to a certificate holder concerning persons who are delinquent in child support.
- (b) Prior to a certificate holder disbursing a payout of six hundred dollars (\$600) or more, in winnings, from sports wagering to a person who is delinquent in child support and who is claiming the winning sports wager in person at the certificate holder's facility, the certificate holder:
  - (1) may deduct and retain an administrative fee in the amount of the lesser of:
    - (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or
    - (B) one hundred dollars (\$100); and
  - (2) shall:
    - (A) withhold the amount of delinquent child support owed from winnings;
    - (B) transmit to the bureau:
      - (i) the amount withheld for delinquent child support; and
      - (ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and
    - (C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

- (c) The bureau shall notify the obligor at the address provided by the certificate holder that the bureau intends to offset the obligor's delinquent child support with the winnings.
- (d) The bureau shall hold the amount withheld from the winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.
- (e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

## Regulation: Chapter 12. Sports Wagering Accounts

### Section 3. Patron account controls.

- (a) Patron protection information must be readily accessible to the patron. The patron protection information must contain at a minimum:
  - (1) Information about potential risks associated with excessive participation, and where to get help related to wagering responsibly;
  - (2) A list of the available patron protection measures that can be invoked by the patron, such as self-imposed limits, and information on how to invoke those measures; and
  - (3) Mechanisms in place which detect unauthorized use of their account, such as reviewing credit card statements against known deposits.
- (b) Patrons must be provided with an easy and obvious method to impose limitations for wagering parameters including, but not limited to, deposits, wagers and losses. The self-imposed limitation method must provide the following functionality:
  - (1) Upon receiving any self-imposed limitation order, the sports wagering operator must ensure that all specified limits are correctly implemented immediately or at the point in time that was clearly indicated to the patron;
  - (2) The self-imposed limitations set by a patron must not override more restrictive operator imposed limitations. The more restrictive limitations must take priority;
  - (3) Once established by a patron and implemented by the sports wagering system, it must only be possible to reduce the severity of self-imposed limitations upon 24 hours' notice, or as required by the commission; and
  - (4) Self-imposed limitations must not be compromised by internal status events, such as self-imposed exclusion orders and revocations.

Iowa established its responsible gaming regulatory framework through legislation in 1989 that authorized riverboat casino gaming. In 2019, the framework expanded to include newly approved sports betting activities. Iowa's responsible gaming framework includes mandated responsible gaming plans, a statewide self-exclusion program and property signage requirements.

Since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019, modest regulatory changes concerning problem gambling treatment and funding have been made, but there have been no other substantial changes.

## Responsible Gaming Plan Required

### Regulation: 491 IAC 5.4(12). Problem Gambling

- a. The holder of a license to operate gambling games and the holder of a license to accept simulcast wagering shall adopt and implement policies and procedures designed to:
  - (1) Identify problem gamblers;
  - (2) Comply with the process established by the commission to allow a person to be voluntarily excluded from the gaming floor of an excursion gambling boat, from the wagering area as defined in Iowa Code section 99D.2, from the sports wagering area as defined in Iowa Code section 99F.1(24), and from the gaming floor of all other licensed facilities or gambling activities regulated under Iowa Code chapters 99D and 99F; and
  - (3) Allow persons to be voluntarily excluded for five years or life from all facilities on a form prescribed by the commission. Each facility will disseminate information regarding the exclusion to all other licensees and the commission.
- b. The policies and procedures shall be developed in cooperation with the gambling treatment program and shall include without limitation the following:
  - (1) Training of key employees to identify and report suspected problem gamblers;
  - (2) Procedures for recording and tracking identified problem gamblers;
  - (3) Policies designed to prevent serving alcohol to intoxicated casino patrons;
  - (4) Steps for removing problem gamblers from the casino; and
  - (5) Procedures for preventing reentry of problem gamblers.
- c. A licensee shall include information on the availability of the gambling treatment program in a substantial number of its advertisements and printed materials.
- d. Money forfeited by a voluntarily excluded person pursuant to Iowa Code sections 99D.7(23) and 99F.4(22) shall be withheld by the licensee and remitted to the general fund of the state by the licensee under Iowa Code chapters 99D and 99F.

### Regulation: 491 IAC13.2(7). Internal controls

Licensees and advance deposit sports wagering operators shall submit a description of internal controls to the administrator. The submission shall be made at least 30 days before sports operations are to commence unless otherwise approved by the administrator. All internal controls must be approved by the administrator prior to commencing sports operations. The operator shall submit to the administrator any changes to the internal controls

previously approved at least 15 days before the changes are to become effective unless otherwise directed by the administrator. It shall be the affirmative responsibility and continuing duty of each licensee and advance deposit sports wagering operator and their employees to follow and comply with all internal controls. The submission shall include controls and reasonable methods that provide for the following:

- h. Treatment of problem gambling by:
  - (1) Identifying problem gamblers.
  - (2) Complying with the process established by the commission pursuant to Iowa Code section 99F.4(22) and 491—subrule 5.4(12).
  - (3) Cooperating with the Iowa Gambling Treatment Program in creating and establishing controls.
  - (4) Making available to customers, patrons, and bettors a substantial number of the Iowa Gambling Treatment Program advertisements and printed materials.

## Self-Exclusion

### Statute: 4 Iowa Code §99D.7. Powers

The commission shall have full jurisdiction over and shall supervise all race meetings governed by this chapter. The commission shall have the following powers and shall adopt rules pursuant to chapter 17A to implement this chapter:

- 23 To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, the wagering area of a racetrack enclosure and from the gaming floor and sports wagering area, as defined in section 99F.1, of all other licensed facilities under this chapter, chapter 99E and chapter 99F as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter and chapter 99F. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options. The state and any licensee under this chapter, chapter 99E or chapter 99F shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state.

### Statute: 4 Iowa Code §99F.4. Powers

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by this chapter. The commission shall have the following powers and shall adopt rules pursuant to chapter 17A to implement this chapter:

- (22) To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99F.9, from the gaming floor and sports wagering area of an excursion gambling boat, from the wagering area, as defined in section 99D.2, and from the gaming floor and sports wagering area of all other licensed facilities under

this chapter and chapter 99D as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter, chapter 99D, and chapter 99E. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options. The state and any licensee under this chapter, chapter 99D, or chapter 99E shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state.

## **Regulation: 491 IAC 5.4(12). Problem Gambling**

- a. The holder of a license to operate gambling games and the holder of a license to accept simulcast wagering shall adopt and implement policies and procedures designed to:
  - (3) Allow persons to be voluntarily excluded for five years or life from all facilities on a form prescribed by the commission.
- d. Money forfeited by a voluntarily excluded person pursuant to Iowa Code sections 99D.7(23) and 99F.4(22) shall be withheld by the licensee and remitted to the general fund of the state by the licensee.

## **Regulation: 491 IAC 13.5(3). Operation of an account**

The advance deposit sports wagering operator or a licensee shall submit controls, approved by the commission, that include the following for operating an account:

- i. Process to easily and prominently self-exclude from wagering for a specified period of time or indefinitely and easily and obviously direct participants, via a link, to exclude themselves pursuant to Iowa Code section 99F.4(22). Upon receipt, any self-exclusion limits must be employed correctly and immediately as indicated to the player. No changes can be made to reduce the severity of the self-exclusion limitations for at least 24 hours. In the event of indefinite self-exclusion, the advance deposit sports wagering operator or licensee must ensure that the players are paid in full for their account balance within a reasonable time provided that the advance deposit sports wagering operator or licensee acknowledges that the funds have cleared. This control does not supersede the requirements set forth in Iowa Code section 99F.4(22).
- j. Process to review and deactivate accounts of newly enrolled participants of the statewide self-exclusion program set forth in Iowa Code section 99F.4(22). The operator must ensure that players are paid in full for their account balance within a reasonable time provided that the operator acknowledges that the funds have cleared.

## **Property Signage and Responsible Gaming Disclosures**

### **Regulation: 491 IAC 5.4(12). Problem Gambling**

- c. A licensee shall include information on the availability of the gambling treatment program in a substantial number of its advertisements and printed materials.

### **Statute: 4 Iowa Code §99D.7. Powers**

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by this chapter. The commission shall have the following powers and shall adopt rules pursuant to chapter 17A to implement this chapter:

- (22) To cooperate with the gambling treatment program administered by the Iowa department of public health to incorporate information regarding the gambling treatment program and its toll-free telephone number in printed materials distributed by the commission. The commission may require licensees to have the information available in a conspicuous place as a condition of licensure.

### **Statute: 4 Iowa Code §99G.42. Compulsive gamblers – treatment program information**

The authority shall cooperate with the gambling treatment program administered by the Iowa department of public health to incorporate information regarding the gambling treatment program and its toll-free telephone number in printed materials distributed by the authority.

## Advertising Restrictions

### **Regulation: 491 IAC 13.2(2). Activities prohibited**

A facility, vendor, or advance deposit sports wagering operator is expressly prohibited from the following activities:

- a. Failing to conduct advertising and public relations activities in accordance with decency, dignity, good taste, and honesty

### **Statute: 16 Iowa Code §714H.3. Prohibited practices and acts**

1. A person shall not engage in a practice or act the person knows or reasonably should know is an unfair practice, deception, fraud, false pretense, or false promise, or the misrepresentation, concealment, suppression, or omission of a material fact, with the intent that others rely upon the unfair practice, deception, fraud, false pretense, false promise, misrepresentation, concealment, suppression, or omission in connection with the advertisement, sale, or lease of consumer merchandise, or the solicitation of contributions for charitable purposes. For the purposes of this chapter, a claimant alleging an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation must prove that the prohibited practice related to a material fact or facts.

## Wager/Time Limits

### **Regulation: 491 IAC 13.5(3). Operation of an account**

The advance deposit sports wagering operator or a licensee shall submit controls, approved by the commission, that include the following for operating an account:

- h. Process to easily and prominently impose limitations or notifications for wagering parameters including, but not limited to, deposits and wagers. Upon receipt, any self-imposed limits must be employed correctly and immediately as indicated to the player. No changes can be made reducing the severity of the self-imposed limitations for at least 24 hours.

## Financial Instruments Restrictions

### **Statute: 4 Iowa Code 99F.9. Wagering — age restrictions**

6. A licensee shall not accept a credit card as defined in section 537.1301, subsection 17, to purchase coins, tokens, or other forms of credit to be wagered on gambling games.

## Treatment and Research Funding

### **Statute: I.C.A. §135.150. Gambling treatment program — standards and licensing**

1.
  - a. The department [of Public Health] shall operate a gambling treatment program to provide programs which may include but are not limited to outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, crisis call access, education and preventive services, and financial management and credit counseling services.
  - b. A person shall not maintain or conduct a gambling treatment program funded through the department unless the person has obtained a license for the program from the department. The department shall adopt rules to establish standards for the licensing and operation of gambling treatment programs under this section. The rules shall specify, but are not limited to specifying, the qualifications for persons providing gambling treatment services, standards for the organization and administration of gambling treatment programs, and a mechanism to monitor compliance with this section and the rules adopted under this section.
2. The department shall report semiannually to the general assembly's standing committees on government oversight regarding the operation of the gambling treatment program. The report shall include but is not limited to information on the moneys expended and grants awarded for operation of the gambling treatment program.

## Employee Training

### **Regulation: 491 IAC 5.4(12). Problem Gambling**

- a. The holder of a license to operate gambling games and the holder of a license to accept simulcast wagering shall adopt and implement policies and procedures designed to:
  - (1) Identify problem gamblers;
- b. The policies and procedures shall be developed in cooperation with the gambling treatment program and shall include without limitation the following:
  - (1) Training of key employees to identify and report suspected problem gamblers.

## Alcoholic Beverage Restrictions

### **Regulation: 491 IAC 5.4(12). Problem Gambling**

- a. The holder of a license to operate gambling games and the holder of a license to accept simulcast wagering shall adopt and implement policies and procedures designed to:  
Identify problem gamblers;

- b. The policies and procedures shall be developed in cooperation with the gambling treatment program and shall include without limitation the following:
  - (3) Policies designed to prevent serving alcohol to intoxicated casino patrons.

# Kansas



Kansas' responsible gaming regulatory framework was established through legislation in 2007 that authorized land-based casino gaming at facilities owned by the Kansas Lottery. At the time of writing, additional requirements related to the legalization of sports betting were still in the process of being adopted. Temporary regulations were announced in August 2022 and are in the process of being implemented. Kansas' responsible gaming framework includes a mandated responsible gaming plan, a statewide "self-exclusion" program and treatment and research funding through the Kansas Lottery.

## Responsible Gaming Plan Required

### Regulation: K.A.R. § 112-112-3. Responsible gambling plan

- (a) Each applicant for a facility manager certificate shall submit a responsible gambling plan to the commission with its initial application or at least 90 days before opening a racetrack gaming facility. The responsible gambling plan shall not be inconsistent with any facility manager's contractual obligation with the Kansas lottery. A responsible gambling plan shall be approved by the commission before the commission issues or renews a certificate. Each plan shall include the following:
  - (1) The goals of the plan and the procedures and deadlines for implementation of the plan;
  - (2) the identification of the individual at each applicant or facility manager location who will be responsible for the implementation and maintenance of the plan;
  - (3) procedures for maintaining the confidentiality of the information regarding the persons on the self-exclusion list, as specified in K.A.R. 112-112-7;
  - (4) procedures for informing patrons about self-transaction exclusion programs;
  - (5) procedures for compliance with the commission's self-exclusion program;
  - (6) procedures for creating and disseminating promotional material to educate patrons about problem gambling and to inform patrons about treatment services available. The applicant or facility manager shall provide examples of the material to be used as part of its promotional materials, including signs, brochures, and other media, and a description of how the material will be disseminated;
  - (7) details of the training about responsible gambling for the applicant's or facility manager's employees;
  - (8) the duties and responsibilities of the employees designated to implement or participate in the plan;
  - (9) procedures to prevent underage gambling;
  - (10) procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling;
  - (11) an estimation of the cost of development, implementation, and administration of the plan; and
  - (12) any other policies and procedures to prevent problem gambling and encourage responsible gambling.
- (b) Each applicant or facility manager shall submit any amendments to the responsible gambling plan to the commission for review and approval before implementing the amendments. Each facility manager shall report to the commission semiannually on the status and success of the responsible gambling plan.

### Regulation: K.A.R. § 112-201-23. Internal controls

- (a) Each applicant for a lottery gaming facility manager or its interactive sports wagering platform provider certificate shall submit to the commission and the Kansas lottery a written plan of the applicant's initial system of administrative and accounting procedures, including its internal controls and audit protocols

prior to the deadline set by the executive director to begin sports wagering operations. This plan shall be called the internal control system. The lottery gaming facility manager shall be responsible for and shall submit all the internal controls for sports wagering. The internal controls shall specify the functions that the interactive sports wagering platforms will perform to meet regulatory obligations. The internal controls shall include the following:

- (19) Problem gambling program procedures as required by KAR 112-112-3.
- (17) Procedures to prevent wagering by prohibited sports wagering participants;
- (18) Identifying and restricting prohibited sports wagering participants;
- (19) Procedures for voluntary or involuntary exclusion of patrons, including the following:
  - (A) Providing a notification containing the voluntary or involuntary exclusion status and general instructions for resolution or change of status, if applicable;
  - (B) Confirmation that immediately upon executing the voluntary or involuntary exclusion, no new wagers or deposits are accepted from the patron, until such time as the interactive sports wagering platform provider exclusion has been revoked; and
  - (C) Confirmation that the patron is not prevented from withdrawing any or all of their account balance, provided that the lottery gaming facility manager or the interactive sports wagering platform provider acknowledges that the funds have cleared, and that the reason(s) for exclusion would not prohibit a withdrawal.
  - (D) A lottery gaming facility manager or interactive sports wagering platform provider shall comply with article 112 regarding its onsite and mobile sports wagering patrons.

## Self-Exclusion

### Regulation: K.A.R. § 112-112-4. Self-exclusion list

- (a) A “self-exclusion list” shall consist of the names of those persons who have complied with the requirements of this article and have been placed on the list by the executive director. The self-exclusion list shall provide the means for each individual with issues related to gambling to formally notify the commission that the individual has a gambling problem and that the individual will refrain from visiting gaming facilities, parimutuel licensee locations, and fair association race meets in Kansas.
- (b) Each facility manager shall be notified by the executive director of the placement of any person on the self-exclusion list. Any or all information contained on the person’s application may be disclosed to each facility manager and the facility manager’s agents or employees by the executive director.

### Regulation: K.A.R. § 112-112-5. Requirements for placement on the self-exclusion list

- (a) Any person may seek placement on the self-exclusion list by performing the following:
  - (1) Requesting an application in person from commission staff at any gaming facility, parimutuel licensee location, or fair association race meet or at the commission’s Topeka office during regular business hours; and
  - (2) completing and executing the application with a commission staff person.
- (b) If the person is unable to appear in person at a gaming facility, parimutuel licensee location, or fair association race meet or at the Topeka office, the person may contact the commission’s Topeka office during regular business hours so that other arrangements can be made.

## KANSAS

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- (c) Each completed application shall be a closed record pursuant to K.S.A. 45-221(a)(30) and amendments thereto.
- (d)
  - (1) Each application shall contain a statement that the applicant will refrain from visiting gaming facilities, parimutuel licensee locations, and fair association race meets in Kansas. Each person seeking placement on the self-exclusion list shall also acknowledge on the application that by being placed on the list, that person may be subject to a charge of trespass pursuant to K.S.A. 21-3721, and amendments thereto, if that person is discovered at a gaming facility, parimutuel licensee location, or fair association race meet by any agent or employee of the commission or by facility manager staff.
  - (2) The applicant shall acknowledge that the applicant's request to be placed on the self-exclusion list could result in being denied service or access to gaming and entertainment facilities in other jurisdictions. Furthermore, the applicant shall acknowledge that the commission and all facility managers will prohibit the applicant from entering the premises of all gaming facilities, parimutuel licensee locations, and fair association race meets.
- (e)
  - (1) As a part of the application, each applicant shall agree that facility managers and their employees have the right to communicate information in the application to entities affiliated with the facility manager that have a need to know the information for the purpose of complying with this article.
  - (2) Each facility manager shall be responsible for maintaining the confidentiality of the information provided in the application and shall use the information exclusively to deny persons on the self-exclusion list access to facilities under the control of the facility manager and its affiliates.
- (f) An applicant's failure to provide any information or to complete any forms provided by the commission may result in a denial of a request for placement on the self-exclusion list.
- (g) Self-exclusion list application forms shall include at a minimum a waiver of liability of the commission and its agents, the Kansas lottery and its agents, the state of Kansas, any person licensed pursuant to the Kansas expanded lottery act or parimutuel racing act, and any other person deemed necessary by the commission for any claims or damages that arise out of or relate to the self-exclusion list or its use.
- (h) Upon an applicant's submission of a completed self-exclusion list application, a notice of placement on the self-exclusion list may be filed by the executive director. Each notice of placement shall be a closed record pursuant to K.S.A. 45-221(a)(30) and amendments thereto, except that the application and notice may be disclosed to facility managers and their agents, employees, and affiliates who have a need to know the information for the purpose of complying with this article.
  - (i) A copy of the notice of placement on the self-exclusion list shall be delivered by the executive director to the applicant by regular U.S. mail to the home address specified on the application. The applicant shall be deemed to be placed on the self-exclusion list when that person submits the application to the executive director for placement on the self-exclusion list, not at the time the notice is delivered to the applicant.
- (j) If the executive director finds that an applicant does not qualify for placement on the self-exclusion list or that the applicant should be allowed to withdraw the application, the applicant shall be notified by the executive director by regular U.S. mail sent to the home address specified on the application.

### **Regulation: K.A.R. § 112-112-6. Mandatory surrenders to the state**

Each person who has been placed on the self-exclusion list shall surrender to the commission all prizes, jackpots, chips or tokens in play, pay vouchers, coupons, and electronic credits obtained at a facility manager's location after

the person's placement on the self-exclusion list. The items surrendered to the commission shall be liquidated or redeemed and shall be transferred to the state's problem gambling and addictions fund.

### **Regulation: K.A.R. § 112-112-8. Facility manager conduct regarding self-excluded persons**

- (a) Each facility manager, including its agents and employees, that identifies a person at the facility manager's location who is suspected of being on the self-exclusion list shall at that time notify or cause to notify the commission agent on duty or the facility manager's senior security officer on duty. Once it is confirmed that the person is on the self-exclusion list and at the facility manager's location, the facility manager shall perform the following:
  - (1) Remove the self-excluded person from the gaming facility, parimutuel licensee location, or fair meet; and
  - (2) cooperate with the commission agent on duty with respect to any further actions or investigations.
- (b) Each facility manager shall have 30 days from the effective date of this regulation to submit a list of internal controls, which shall be subject to approval by the commission. This list shall specify the following:
  - (1) The facility manager's plan for removing those persons on the self-exclusion list from mailing lists advertising the facility manager's Kansas operation, including marketing offers, slot club programs, VIP member programs, telemarketing programs, and other marketing promotions. However, this paragraph shall not be construed to prohibit mass mailings to "Resident"; and
  - (2) the facility manager's plan for denying access by persons on the self-exclusion list to the following:
    - (A) Check cashing, bank machine, and cash advance privileges;
    - (B) special club programs, including slot clubs and VIP cards; and
    - (C) the issuance of credit, if applicable.
- (c) Any facility manager and its agents or employees may be disciplined by the commission if any of the following conditions is met:
  - (1) It can be shown by a preponderance of the evidence that the facility manager or its employees or agents knew or should have known that a person on the self-exclusion list was present at the facility manager's location and the facility manager failed to follow the procedures required by these regulations.
  - (2) The facility manager or its employees or agents failed to follow procedures for complying with the regulations relating to self-exclusion.
  - (3) The facility manager reveals any information regarding self-exclusion that is considered a closed record under these regulations to any party not permitted under this act or these regulations.

### **Regulation: K.A.R. § 112-112-9. Procedure for removal from the self-exclusion list**

- (a) At any time after two years from the original date of application for placement on the self-exclusion list, any person on the self-exclusion list may petition the executive director for removal from the self-exclusion list. The authority to approve or deny each petition shall rest with the executive director. To be eligible for removal from the self-exclusion list, each person shall provide documentation acceptable to the commission that the applicant has met all of the following conditions:
  - (1) The person has undergone a problem gambling assessment with a gambling counselor certified by the Kansas department of social and rehabilitation services or through any other method approved by the commission.

- (2) The person has completed a commission-approved education program on healthy lifestyle choices and problem gambling awareness.
- (3) The person has met any other requirements deemed necessary by the commission.
- (4) The person has executed an authorization and release to be removed from the self-exclusion list on a form provided by the commission.
- (b) Each facility manager shall retain the ability to deny gambling privileges at a gaming facility, parimutuel licensee location, or fair association race meet to the persons who have been removed from the self-exclusion list for any other reason ordinarily available to the facility manager.
- (c) Any person who has been removed from the self-exclusion list may reapply for placement on the list at any time as provided in this article.
- (d) Upon approval of a petition for removal from the self-exclusion list, a notice of removal from the self-exclusion list shall be drafted by the executive director. Each notice shall be a closed record pursuant to the Kansas open records act, including K.S.A. 45-221(a)(30) and amendments thereto, except that the notice shall be disclosed to all facility managers and their agents and employees.
- (e) A copy of the notice of removal from the self-exclusion list shall be delivered by the executive director to the petitioner by regular U.S. mail to the home address specified on the petition. The petitioner shall be deemed to be removed from the self-exclusion list when the executive director mails the approved notice to the petitioner.
- (f) If the executive director finds that a petitioner does not qualify for removal from the self-exclusion list, the petitioner shall be notified by the executive director by regular U.S. mail, using the home address specified on the petition. The petitioner shall remain on the self-exclusion list pursuant to this article.

## **Statute: Sec. 10, SB 84. Restricted Individual**

Upon request by an individual, a lottery gaming facility manager shall restrict such individual from placing sports wagers with such manager and shall take reasonable measures to prevent such individual from placing sports wagers. The lottery gaming facility manager shall submit the restricted individual's name and pertinent information to the Kansas racing and gaming commission for the sole purpose of having such information disseminated to all other lottery gaming facility managers. Any lottery gaming facility manager that receives such individual's information from the Kansas racing and gaming commission shall restrict such individual from placing sports wagers.

Any winnings from any individual who has requested to be restricted from placing sports wagering bets shall forfeit such winnings, and such winnings shall be credited to the problem gambling grant fund established under K.S.A. 79-4805, and amendments thereto.

## **Regulation: K.A.R. § 112-201-23. Internal controls**

- (b) Each applicant for a lottery gaming facility manager or its interactive sports wagering platform provider certificate shall submit to the commission and the Kansas lottery a written plan of the applicant's initial system of administrative and accounting procedures, including its internal controls and audit protocols prior to the deadline set by the executive director to begin sports wagering operations. This plan shall be called the internal control system. The lottery gaming facility manager shall be responsible for and shall submit all the internal controls for sports wagering. The internal controls shall specify the functions that the interactive sports wagering platforms will perform to meet regulatory obligations. The internal controls shall include the following:
  - (19) Procedures for voluntary or involuntary exclusion of patrons, including the following:

- (A) Providing a notification containing the voluntary or involuntary exclusion status and general instructions for resolution or change of status, if applicable;
- (B) Confirmation that immediately upon executing the voluntary or involuntary exclusion, no new wagers or deposits are accepted from the patron, until such time as the interactive sports wagering platform provider exclusion has been revoked; and
- (C) Confirmation that the patron is not prevented from withdrawing any or all of their account balance, provided that the lottery gaming facility manager or the interactive sports wagering platform provider acknowledges that the funds have cleared, and that the reason(s) for exclusion would not prohibit a withdrawal.
- (D) A lottery gaming facility manager or interactive sports wagering platform provider shall comply with article 112 regarding its onsite and mobile sports wagering patrons.

### **Regulation: K.A.R. § 112-202-4. Risk management requirements**

- (d) In the event a patron has a pending wager and then self-excludes, the wager shall settle, and the funds shall be remitted to the problem gambling grant fund established under K.S.A. 79-4805, and amendments thereto, if the wager settles as a win or push.

## Property Signage and Responsible Gaming Disclosures

### **Regulation: K.A.R. § 112-101-10. Advertising; promotion of responsible gaming**

- (e) Each on-site advertisement of a facility manager's business shall comply with the facility manager's responsible gaming plan that has been approved by the commission pursuant to article 112. Each advertisement shall reference the Kansas toll-free problem gambling help line in a manner approved by the executive director.
- (f) Each applicant and each facility manager shall submit all proposed text and planned signage informing patrons of the toll-free number regarding compulsive or problem gambling to the executive director with its responsible gaming plan required in article 112.

### **Regulation: K.A.R. § 112-21-20. Sports Wagering requirements**

- (b) A sports wagering voucher shall contain the following information:
  - (9) Responsible gambling information (for a printed paper voucher, it is permissible for the information to be contained on the ticket stock itself);

### **Statute: K.S.A. § 74-8764. Problem gambling; posting information signs; failure to post, penalty**

Each lottery gaming facility manager and each racetrack gaming facility manager shall post one or more signs at the location where such manager operates electronic gaming machines or lottery facility games to inform patrons of the toll-free number available to provide information and referral services regarding compulsive or problem gambling. The text shall be determined by the executive director of the Kansas racing and gaming commission. Failure by a lottery gaming facility manager or racetrack gaming facility manager to post and maintain such signs shall be cause for the imposition of a fine not to exceed \$500 per day.

## Statute: Sec. 2, SB 84

- (e) A lottery gaming facility manager shall include information and tools to assist players in making responsible decisions and shall provide, at a minimum:
  - (2) Prominently displayed information regarding compulsive gambling and ways to seek treatment and support if a person has a problem;

## Advertising Restriction

### Regulation: K.A.R. § 112-101-10. Advertising; promotion of responsible gaming

- (a) As used in this regulation, the term “advertisement” shall mean any notice or communication to the public of any information concerning the gaming-related business of an applicant or facility manager through broadcasting, publication or any other means of dissemination. The following notices and communications shall be considered advertisements for purposes of this regulation:
  - (1) Any sign, notice, or other information required to be provided by the act or by regulation, including the following:
    - (A) Notices regarding the rules of the games;
    - (B) information about rules of the games, payoffs of winning wagers, and odds;
    - (C) gaming guides;
    - (D) information imprinted upon gaming table layouts; and
    - (E) information imprinted, affixed, or engraved on slot machines or bill changers;
  - (2) any signs or other directional devices contained in a gaming facility for the purpose of identifying the location of authorized games; and
  - (3) press releases.
- (b) Each facility manager and each applicant shall provide to the executive director any proposed advertisement that references the Kansas lottery at least seven business days in advance of its anticipated publication, broadcast, or other use. The advertisement may be inspected and approved by the executive director before its publication, broadcast, or use.
- (c) Advertisements shall be based on fact and shall not be false, deceptive, or misleading. No advertisement may use any type, size, location, lighting, illustration, graphic depiction, or color resulting in the obscuring of any material fact or fail to specifically designate any material conditions or limiting factors. Each advertisement that the executive director finds to reflect negatively on the state of Kansas or upon the integrity of gaming shall be deemed to be in violation of this regulation, and the facility manager or applicant may be subject to sanction.
- (d) Each applicant or facility manager shall be responsible for all advertisements that are made by its employees or agents regardless of whether the applicant or facility manager participated directly in its preparation, placement, or dissemination.

### Regulation: K.A.R. § 112-101-16. Prohibitions

Each facility manager shall be prohibited from and subject to sanctions as specified in K.A.R. 112-113-1 for the following:

- (b) failing to conduct advertising and public relations activities in accordance with honest and fair representation.

### **Regulation: K.A.R. § 112-205-4. Sports promotional contests, tournaments, or promotional activities**

Sports promotional contests, tournaments, or promotional activities may be permitted by the lottery gaming facility manager or its interactive sports wagering platform provider providing the following:

- (a) Rules shall be made available to participants for review prior to registering. Rules shall include, at a minimum: all conditions registered patrons must meet to qualify to enter or advance through the event, available prizes or awards, fees, and distribution of prizes or awards based on specific outcomes.
- (b) Rules are followed. Changes to rules shall not be made after participants have registered.
- (c) Results for promotional contests with an entry fee shall be made available for the registered patrons to review at the same location at which or in the same manner in which patrons registered. Results shall include, at a minimum: name of the event, date of the event, total number of entries, amount of entry fees, total prize pool, and amount paid of each winning category.
- (d) Fees collected less any prizes paid will be considered sports wagering revenue.
- (e) Rules include terms and conditions. All emails or digital advertisements promoting contests, tournaments, and promotional activities shall include a link or other easily obtainable source that includes rules or terms and conditions.
- (f) There is compliance with all other federal, state, and local laws and rules outside of the commission's jurisdiction.
- (g) Rules shall be submitted at least 30 days prior to the event and shall need approval from the Kansas Lottery and the Kansas Racing and Gaming Commission before the activity can take place.
  - (1) The lottery gaming facility manager or its interactive sports wagering platform provider may obtain pre-approval of promotional, contest and tournament mechanics by submitting to the Kansas Lottery and the Kansas Racing and Gaming Commission. Notification must be provided at least 5 days prior to the event to the Kansas Lottery and the Kansas Racing and Gaming Commission for promotions utilizing the pre-approved mechanics.
  - (2) The lottery gaming facility manager or its interactive sports wagering platform provider shall maintain a digital log of all promotions, contests and tournaments. These shall be made available to the Kansas Lottery and the Kansas Racing and Gaming Commission.

### **Statute: K.S.A. § 74-8752. Inspection; investigation; approval of advertising; annual audits; open records exception**

- (b) In addition to any other powers granted pursuant to this act, the executive director of the racing and gaming commission shall have the power to:
  - (4) inspect and approve, prior to publication or distribution, all advertising by a lottery gaming facility manager or racetrack gaming facility manager which includes any reference to the Kansas lottery.

## Wager/Time Limits

### **Statute: Sec. 2, SB 84**

- (e) A lottery gaming facility manager shall include information and tools to assist players in making responsible decisions and shall provide, at a minimum:
  - (1) Prominently displayed tools to set limits on the amount of time and money a person spends on any interactive sports wagering platform;

## Restrictions on Extension of House Credit

### **Statute: K.S.A. § 74-8756. Wager, loan and credit restrictions; criminal penalties**

- (a) Wagers shall be received only from a person at the location where the electronic gaming machine or lottery facility game is authorized pursuant to the Kansas expanded lottery act. No person present at such location shall place or attempt to place a wager on behalf of another person who is not present at such location.
- (b) No employee or contractor of, or other person who has any legal affiliation with, a racetrack gaming facility manager shall loan money to or otherwise extend credit to patrons of the parimutuel licensee.
- (c) No employee or contractor of, or other person who has any legal affiliation with, a lottery gaming facility manager shall loan money to or otherwise extend credit to patrons of a lottery gaming facility.
- (d) Violation of this section is a class A nonperson misdemeanor upon a conviction for a first offense. Violation of this section is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

### **Statute: Sec. 2, SB 84**

No lottery gaming facility manager shall provide a line of credit to any person engaged in sports wagering.

- (a) A lottery gaming facility manager shall include information and tools to assist players in making responsible decisions and shall provide, at a minimum:
  - (3) A person the ability to exclude the use of certain electronic payment methods if desired by the person.

## Financial Instruments Restrictions

### **Regulation: K.A.R. § 112-201-20. Sports Wagering requirements**

- (a) Payment by sports wagering voucher as a method of credit redemption is only permissible when the interactive sports wagering platform supports this functionality.
- (b) A sports wagering voucher shall contain the following information:
  - (1) Sports book name/site identification (for a printed paper voucher, it is permissible for the information to be contained on the ticket stock itself);
  - (2) Ticket writer or sports wagering kiosk which issued the voucher;
  - (3) Date and time the sports wagering voucher was issued;
  - (4) Numeric value of the sports wagering voucher in dollars and cents;
  - (5) Voucher number (and which for a printed paper voucher, must appear on the leading edge of the sports wagering);
  - (6) Bar code or any machine readable code representing the validation number;
  - (7) Indication if the sports wagering voucher is a “duplicate”;
  - (8) Type of transaction or other method of differentiating sports wagering voucher types;
  - (9) Responsible gambling information (for a printed paper voucher, it is permissible for the information to be contained on the ticket stock itself); and
  - (10) Indication of an expiration date which is 180 days from the date of issue (for a printed paper voucher, this must be printed on the sports wagering voucher).
- (c) An interactive sports wagering platform shall not be configured to issue a gaming ticket exceeding \$10,000.

- (d) The sports wagering voucher record on the interactive sports wagering platform shall contain the following sports wagering voucher information:
  - (1) Voucher number;
  - (2) Date and time the sports wagering voucher was issued;
  - (3) Type of transaction or other method of differentiating sports wagering voucher types;
  - (4) Numeric value of the sports wagering voucher in dollars and cents;
  - (5) Status of sports wagering voucher (i.e. valid, unredeemed, pending, void, invalid, redemption in progress, redeemed, etc.);
  - (6) Date and time the sports wagering voucher will expire;
  - (7) Ticket writer or sports wagering kiosk which issued the sports wagering voucher; and
  - (8) Date and time the sports wagering voucher was redeemed, voided, or expired.
- (e) Before redeeming a sports wagering voucher, the complete validation number of the unredeemed sports wagering voucher shall be available only to the platform when accessed by users with supervisor or higher authority.
- (f) Sports wagering vouchers can be redeemed at a sports wagering kiosk, point-of-sale, ticket writer booths or other kiosks as approved by the executive director, and provided they support sports wagering voucher validation with a interactive sports wagering platform.
- (g) Upon presentation of a sports wagering voucher for redemption, the interactive sports wagering platform shall be used to verify the validity of the serial number and value of the voucher, and if valid, the platform shall immediately update the sports wagering voucher status and permit the redemption of the voucher for the value indicated thereon.
- (h) The interactive sports wagering platform shall have the ability to identify these occurrences and notify the cashier or ticket writer that one of the following conditions exists:
  - (1) Sports wagering voucher cannot be found (beyond expiration date, forgery, etc);
  - (2) Sports wagering voucher has already been paid; or
  - (3) Amount of sports wagering voucher for confirmation by a cashier or ticket writer during the redemption process.

## Treatment and Research Funding

### **Statute: K.S.A. § 74-8734. Lottery gaming facilities; gaming zones; gaming facility management contract requirements; privilege fees; revenue distribution; eminent domain prohibited**

- (h) Any management contract approved by the commission under this section shall:
  - (13) include a provision for 2% of lottery gaming facility revenues to be paid to the problem gambling and addictions grant fund established by K.S.A. 2018 Supp. 79-4805, and amendments thereto.

### **Statute: K.S.A. § 74-8747. Net electronic gaming machine income; distribution**

- (a) Net electronic gaming machine income from a racetrack gaming facility shall be distributed as follows:
  - (6) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2018 Supp. 79-4805, and amendments thereto.

## **Statute: K.S.A. § 79-4805. Problem gambling and addictions grant fund**

- (a) There is hereby established in the state treasury the problem gambling and addictions grant fund. All moneys credited to such fund shall be used only for the awarding of grants under this section. Such fund shall be administered in accordance with this section and the provisions of appropriation acts.
- (b) All expenditures from the problem gambling and addictions grant fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved in the manner prescribed by law.
- (c)
  - (1) There is hereby established a state grant program to provide assistance for the direct treatment of persons diagnosed as suffering from pathological gambling and to provide funding for research regarding the impact of gambling on residents of Kansas. Research grants awarded under this section may include, but need not be limited to, grants for determining the effectiveness of education and prevention efforts on the prevalence of pathological gambling in Kansas. All grants shall be made after open solicitation of proposals and evaluation of proposals against criteria established in rules and regulations adopted by the secretary of the Kansas department for aging and disability services. Both public and private entities shall be eligible to apply for and receive grants under the provisions of this section.
  - (2) Moneys in the problem gambling and addictions grant fund may be used to treat alcoholism, drug abuse and other addictive behaviors.
- (d) The secretary for aging and disability services is hereby authorized to receive moneys from any grants, gifts, contributions or bequests made for the purpose of funding grants under this section and to expend such moneys for the purpose for which received.
- (e) All grants made in accordance with this section shall be made from the problem gambling and addictions grant fund. The secretary shall administer the provisions of this section and shall adopt rules and regulations establishing criteria for qualification to receive grants and such other matters deemed necessary by the secretary for the administration of this section. Such rules and regulations shall include, but need not be limited to, a requirement that each recipient of a grant to provide treatment for pathological gamblers report at least annually to the secretary the grantee's measurable achievement of specific outcome goals.
- (f) For the purpose of this section "pathological gambling" means the disorder by that name described in the most recent edition of the diagnostic and statistical manual.
- (g) On the effective date of this act the director of accounts and reports shall transfer all moneys in the problem gambling grant fund to the problem gambling and addictions grant fund. Thereupon the problem gambling grant fund shall be and is hereby abolished.

## **Statute: K.S.A. § 79-4806. Transfers to problem gambling grant fund**

On July 1 of each year or as soon thereafter as sufficient moneys are available, \$80,000 credited to the state gaming revenues fund shall be transferred and credited to the problem gambling grant fund established by K.S.A. 2018 Supp. 79-4805, and amendments thereto.

## **Statute: Sec. 26, SB 84. Lottery operating fund; deposits; authorized uses; transfers to state gaming revenues fund**

- (g) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, after the transfer required under subsection (f) has been made, 2% of the remaining moneys credited to the lottery

operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the problem gambling and addictions grant fund established in K.S.A. 79-4805, and amendments thereto.

## Alcoholic Beverage Restrictions

### Regulation: K.A.R. § 112-104-9. Complimentaries

- (a) Each facility manager's internal control system shall include internal controls for the authorization, issuance, recording, and auditing of complimentaries, including cash and non-cash gifts. The internal controls shall be submitted according to K.A.R. 112-104-1. These internal controls shall include the procedures by which the facility manager delegates to its employees the authority to approve the issuance of complimentaries and the procedures by which conditions or limits that may apply to this authority are established and modified, including limits based on relationships between the authorizer and recipient.
- (b) On a daily basis the facility manager shall record the name of each patron provided with complimentaries, the category of service or item, the value of the services or items provided to each patron or that patron's guests as calculated in accordance with subsection (d), and the licence number of the employee authorizing the issuance of the services or items. For the purposes of this regulation, "guest" shall mean any person who receives complimentaries as a result of that person's relationship with the patron receiving the primary complimentaries. Upon request, a copy of this daily report shall be submitted to the commission.
- (c) The internal audit department shall review the reports required in this subsection (b) at least monthly. These reports shall be made available to the commission, audit committee of the board of directors, and any other entity designated by the executive director, upon request.
- (d) All complimentaries shall be valued and recorded as follows:
  - (1) At full retail price normally charged by the facility manager if the complimentary is provided directly to patrons in the normal course of the facility manager's business, including rooms, food, and beverages;
  - (2) At an amount based upon the actual cost to the facility manager of providing the service or item, if the complimentary is not offered for sale to patrons in the normal course of a facility manager's business;
  - (3) At an amount based upon the actual cost to the facility manager of having a third party who is not affiliated with the facility manager provide a service or item directly or indirectly to patrons by the third party; or
  - (4) If provided directly or indirectly to a patron on behalf of a facility manager by a third party who is affiliated with the facility manager, in accordance with the provisions of this regulation as if the affiliated third party were the facility manager.
- (e) Complimentaries that are cash gifts shall include the following:
  - (1) Public relations payments made for the purpose of resolving complaints by or disputes with facility manager patrons;
  - (2) Travel payments made for the purpose of enabling a patron to return home;
  - (3) Cash gifts issued to patrons as a result of actual gaming activity; and
  - (4) Coupons issued and redeemed as part of a promotion program.
- (f) The facility manager shall report to the commission on a quarterly basis both the dollar amount of and number of patrons provided with each category of complimentaries. The complimentaries reported shall be separated into categories for rooms, food, beverage, travel, cash gift, non-cash gift, and other services or items.

- (g) If cash and non-cash complimentaries issued to a patron or the patron's guest or guests have a value of \$600.00 or more, the facility manager shall meet the following requirements, in addition to those in subsection (f):
  - (1) Record the name and address of the recipient;
  - (2) Record the unique identification number from the recipient's government-issued photo identification and perform one of the following:
    - (A) Examine the identification card to ensure that it is consistent with the actual appearance of the patron;
    - (B) Obtain the patron's signature and compare it to the patron's signature and general physical description in a patron signature file; or
    - (C) Obtain authorization from a level I employee attesting to the patron's identity; and
  - (3) Record the method of verification.
    - (h) All cash complimentaries shall be disbursed directly to the patron by a gaming cashier at the cage after receipt of appropriate documentation or in any other manner approved by the executive director.
    - (i) No facility manager shall permit any employee to authorize the issuance of cash or non-cash complimentaries with a value of \$1,000.00 or more, unless the employee is licensed and functioning as a level I employee.
    - (j) Each facility manager shall submit to the commission a report listing the name of each patron who has received \$1,000.00 or more in cash and non-cash complimentaries, including amount received by the patron's guests within a calendar month. Each report shall be filed within five business days and shall include the total amount of cash or non-cash complimentaries provided to each patron and the patron's guests.

## Regulation: K.A.R. § 112-201-13. Wagers, terms and conditions

- (a) The terms and conditions of this subsection do not prohibit the granting of the following by an interactive sports wagering platform provider or a licensed lottery gaming facility manager where the sports book is located or an affiliate of one or more of those entities that holds a gaming license:
  - (1) Room, food, and beverage, that are available to the public from other sources, including spa services, movies, bowling and entertainment admissions;
  - (2) Limousine or other car service transportation to and from the gaming establishment where the sports book is located; or
  - (3) Merchandise or other non-cash equivalents not exceeding \$600 per patron per week with the value of such \$600 determined by the interactive sports wagering platform provider or the lottery gaming facility manager cost.
- (b) A lottery gaming facility manager or its interactive sports wagering platform provider, including all marketing entities that have contracted with the lottery gaming facility manager or its interactive sports wagering platform provider to provide sports wagering, may award loyalty program points based on wagers placed by a patron; however, such points may only be redeemed in accordance with the rules of the program, or for items or services that do not fall under one of the exceptions listed under subsection (b). The lottery gaming facility manager shall require and explanation of the loyalty program in their internal controls.
- (c) Complimentaries issued by a sports wagering operation will follow the requirements of KAR 112-104-9.

## Other

### **Regulation: K.A.R § 112-112-1. Office of responsible gambling**

A staff person shall be appointed by the executive director to direct the office of responsible gambling. This staff person shall administer all of the commission's programs to assist individuals with issues related to gambling and to help prevent problem gambling in Kansas. The office of responsible gambling shall coordinate resources to maximize the efficiency and effectiveness of the programs of other state agencies and private organizations that allocate resources to assisting individuals with issues related to gambling and preventing problem gambling.

# Louisiana



Sports Betting Statute/Regulation



iGaming Statute/Regulation

Responsible gaming regulations were adopted in Louisiana in 1991 alongside the enactment of legislation authorizing commercial casino gaming and were further expanded in 1997 following the approval of racinos. In 2021, emergency regulations related to sports betting were adopted in the wake of legalization in most of the state's 64 parishes. These included new measures requiring each operator to submit for regulatory approval a responsible gaming policy that allows patrons to restrict themselves from placing wagers, including limits on time spent wagering and limits on amounts wagered. The new regulations also include several advertising restrictions.

## Responsible Gaming Plan Required

### La. R.S. § 27:603(A)(2)(xvi). Gaming Control Board; state police; duties and powers

(2)

(a) In accordance with the Administrative Procedure Act, the board shall:

(xvi) Require each operator to submit for board approval a responsible gaming policy that allows patrons to restrict themselves from placing wagers with the operator, including limits on time spent wagering and limits on amounts wagered, and identifies actions by the operator to honor those self-imposed restrictions.

### Statute: La. Rev. Stat. §27:27.1. Uniform compulsive and problem gambling program

- A. Problem gambling is a serious and widely recognized problem. The gaming industry through the American Gaming Association in the Responsible Gaming Resource Guide has stated that the industry recognizes that gaming entertainment companies must stand up and take responsible actions to address social problems and costs that are created when some individuals have problems handling the product or services they provide. The industry has also stated that they know that the vast majority of the men and women who are their customers can enjoy their games responsibly, but that they also know the customers expect them to act responsibly toward those who cannot. It is imperative for the health, safety, and welfare of the citizens of the state of Louisiana that all gaming licensees and the casino gaming operator develop and implement comprehensive compulsive and problem gambling programs to be approved by the board.
- B. The Louisiana Gaming Control Board shall adopt rules pursuant to the provisions of this Section for the development of a uniform compulsive and problem gambling program. These rules shall include the rules regarding self-exclusion as provided in Subsection D of this Section.
- C. Within one hundred twenty days from the adoption of the rules provided for in Subsection B of this Section, each holder of a license as defined in R.S. 27:44(14), R.S. 27:353(5), and the casino gaming operator shall submit for approval to the board a comprehensive program that provides policies and procedures that, at a minimum, shall cover the following areas of concern and are designed to:
  - (1) Provide procedures designed to prevent employees from willfully permitting a person identified on a self-exclusion list from engaging in gaming activities at the licensed establishment or facility or electronically on a sports wagering platform.
  - (2) Provide procedures to offer employee assistance programs or equivalent coverage. The procedures shall be designed to provide confidential assessment and treatment referral for gaming employees and, if covered, their dependents who may have a gambling problem.

- (3) Provide procedures for the development of programs to address issues of underage gambling and unattended minors at the licensed establishment or facility or electronically on a sports wagering platform.
- (4) Provide procedures for the training of all employees that interact with gaming patrons in gaming areas to report suspected problem gamblers to supervisors who shall be trained as provided in this Paragraph. The training shall, at a minimum, consist of information concerning the nature and symptoms of compulsive and problem gambling behavior and assisting patrons in obtaining information about compulsive and problem gambling and available options for seeking assistance with such behavior.
- (5) Provide procedures designed to prevent serving alcohol to intoxicated gaming patrons consistent with the provisions of R.S. 26:931 et seq.
- (6) Provide procedures for removing self-excluded persons from the licensed establishment or facility, including, if necessary, procedures that include obtaining the assistance of the division or local law enforcement.
- (7) Provide procedures preventing any person identified on the self-exclusion list from receiving any advertisement, promotion, or other targeted mailing after ninety days of receiving notice from the board that the person has been placed on the self-exclusion list.
- (8) Provide procedures for the distribution or posting within the gaming establishment or facility and on the sports wagering platform, including all gaming websites and mobile applications, of information that promotes public awareness about problem gambling and provides information on available services and resources to those who have a gambling problem.
- (9) Provide procedures for the distribution of responsible gaming materials to employees.
- (10) Provide procedures for the posting of local curfews or laws and prohibitions, if any, regarding underage gambling and unattended minors.
- (11) Provide procedures to prevent any person placed on the self-exclusion list from having access to credit or from receiving complimentary services, check-cashing services, and other club benefits.

### **Regulation: LAC 42:III.301. Problem gambling programs**

- E.1. The casino operator or casino manager and all licensees shall develop a comprehensive program for its property or properties, that address, at a minimum, the areas of concern described in R.S. 27:27.1.C which are designed to:
  - a. provide procedures designed to prevent employees from willfully permitting a person identified on a Self-Exclusion List from engaging in gaming activities at the licensed establishment or facility;
  - b. provide procedures to offer employee assistance programs or equivalent coverage. The procedures shall be designed to provide confidential assessment and treatment referral for gaming employees and, if covered, their dependents who may have a gambling problem;
  - c. provide procedures for the development of programs to address issues of underage gambling and unattended minors at gaming facilities;
  - d. provide procedures for the training of all employees that interact with gaming patrons in gaming areas to report suspected problem gamblers to supervisors who shall be trained as provided in this Paragraph. The training shall, at a minimum, consist of information concerning the nature and symptoms of compulsive and problem gambling behavior and assisting patrons in obtaining information about compulsive and problem gambling and available options for seeking assistance with such behavior;

- e. provide procedures designed to prevent serving alcohol to intoxicated gaming patrons consistent with the provisions of R.S. 26:931 et seq.;
  - f. provide procedures for removing self-excluded persons from the licensed establishment or facility, including, if necessary, procedures that include obtaining the assistance of the division or local law enforcement;
  - g. provide procedures preventing any person identified on the self-exclusion list from receiving any advertisement, promotion, or other targeted mailing after ninety days of receiving notice from the board that the person has been placed on the self-exclusion list;
  - h. provide procedures for the distribution or posting within the gaming establishment of information that promotes public awareness about problem gambling and provides information on available services and resources to those who have a gambling problem;
  - i. provide procedures for the distribution of responsible gaming materials to employees;
  - j. provide procedures for the posting of local curfews or laws and prohibitions, if any, regarding underage gambling and unattended minors;
  - k. provide procedures to prevent any person placed on the Self-Exclusion List from having access to credit or from receiving complimentary services, check cashing services, and other club benefits;
  - l. provide procedures designed to prevent persons from gaming after having been determined to be intoxicated for the purposes of R.S. 27:27.1.C.(5).
2. The casino operator or casino manager and each licensee shall designate personnel responsible for implementing and monitoring the program.
  3. In addition to the areas of concern described in R.S. 27:27.1.C, the comprehensive program shall also include a program that allows patrons to self-limit their access to functions and amenities of the gaming establishment, including but not limited to, the issuance of credit, check cashing or direct mail marketing.
    - F. The casino operator or casino manager and each licensee shall submit the comprehensive program to the board for approval within 120 days from the date this rule becomes effective as required by R.S. 27:27.1.C.
    - G. Upon approval, the casino operator, casino manager and all casino gaming licensees shall comply with their respective comprehensive compulsive and problem gambling programs submitted to the Board.

## Self-Exclusion

### **Statute: LA Rev. Stat. §27:27.1. Uniform compulsive and problem gambling program**

D.

- (1) The board shall provide by rule for the establishment of a list of self-excluded persons from gaming activities with a licensee, operator, or casino gaming operator. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the board that the person wishes to be excluded and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any such gaming activity.
- (2) The rules of the board shall establish procedures for placements on, and removals from, the list of self-excluded persons, provided that notwithstanding any law to the contrary, prior to the removal from such list, the board or a hearing officer shall conduct a hearing not open to the general public at which

it shall be established by the person seeking removal that there is no longer a basis to be maintained on the self-exclusion list.

- (3) The rules shall establish procedures for the transmittal of identifying information concerning self-excluded persons to any entity licensed or permitted under the provisions of this Title that is responsible for ascertaining the identity of gaming patrons. The rules shall require all licensees, operators, and the casino gaming operator to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complimentaries, check-cashing privileges and other club benefits.
- (4) The rules shall provide that notwithstanding the provision of R.S. 27:21 or any other law to the contrary, the board's list of self-excluded persons shall not be open to public inspection. The board, division, any licensee, permittee, or casino gaming operator and any employee or agent thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any monetary damages or other remedy which may arise as a result of disclosure or publication in any manner other than a willfully unlawful disclosure to a third party that is not an employee, agent, affiliated company, patron identification service agency, or employee or agent of the board or division, of the identity of any self-excluded person.
- E. A person who is prohibited from participating in any gaming activity by any provision of this Title or pursuant to any self-exclusion rules adopted by the board shall not collect in any manner or proceeding any winnings or recover any losses arising as a result of any prohibited gaming activity.
- F. In any proceeding brought against any licensee, permittee or casino gaming operator and any employee thereof for a willful violation of the self-exclusion rules of the board, the board may order the forfeiture of any money or thing of value obtained by the licensee, permittee, or the casino gaming operator from any self-excluded person. Any money or thing of value so forfeited shall be deposited into the Compulsive and Problem Gaming Fund established pursuant to R.S. 28:842.
- G. Nothing herein shall prevent any licensee, permittee, or casino gaming operator from adopting and maintaining a self-exclusion policy that may impose different or greater standards so long as such policy is in addition to the boards' self-exclusion rules and any actions taken pursuant to such a policy of a licensee, permittee, or casino gaming operator that has been approved by the board shall be subject to the limitations of liability set forth in this Section and R.S. 27:27.4.
- J.
  - (1) The board may impose sanctions on a licensee, permittee, or casino gaming operator under this Title, if the licensee, permittee, or casino gaming operator willfully fails to exclude a person placed on the self-exclusion list from the licensed gaming establishment a person placed on the self-exclusion list or facility or sports wagering platform or from participating in gaming activity.
  - (2) The board may seek revocation or suspension of a license, permit, or casino operating contract if the licensee, permittee, or casino gaming operator engages in a pattern of willful failure to exclude persons placed on the self exclusion list from the licensed gaming establishment persons placed on the self exclusion list or facility or sports wagering platform or from participating in gaming activity.

### Regulation: LAC 42:III.304. Self-Exclusion

- A. Pursuant to R.S. 27:27.1, the Louisiana Gaming Control Board hereby provides for the establishment of a list of persons who, at his or her request, are to be excluded or ejected from all casino gaming establishments licensed or operating pursuant to Chapters 4, 5, and 7 of the Louisiana Gaming Control Law, R.S. 27:1 et seq.
- C. Request for Self-Exclusion

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1. Any person may have his or her name placed on the self-exclusion list by submitting a request for self-exclusion in the form and manner required by this Section.
2. Any person requesting placement on the Self-Exclusion List shall submit, in person, a completed request for self-exclusion as required in Paragraph C.4 below. The request shall be delivered to an Office of State Police, Casino Gaming Division. Any person submitting a self-exclusion request shall be required to present valid identification credentials. Any person requesting self-exclusion pursuant to this Section shall be required to have his or her photograph taken by a division agent upon submission of the request.
3. No person placed on the self-exclusion list may request removal for a period of five years from the date the person is placed on the self-exclusion list.
4. A request for self-exclusion shall be in a form prescribed by the board. Such form shall include:
  - a. identifying information concerning the person submitting the request for self-exclusion, as follows:
    - i. name, including any known aliases or nicknames;
    - ii. date of birth, driver's license or state identification number, if available;
    - iii. current home and business address;
    - iv. telephone number of current residence;
    - v. Social Security number, which information is voluntarily provided in accordance with Section 7 of the Privacy Act, 5 U.S.C. §552(a); and
    - vi. a physical description of the person, including height, weight, gender, hair color, eye color, and any other physical or distinguishing characteristics that may assist in the identification of the person;
    - vii. the date of exclusion;
  - b. a waiver and release which shall release, forever discharge, indemnify and hold harmless the state of Louisiana, the Louisiana Gaming Control Board ("Board"), the Louisiana Department of Public Safety and Corrections, Office of State Police ("State Police"), the Department of Justice, Office of the Attorney General ("Attorney General's Office"), all casino gaming licensees, the casino operator and casino manager and their members, agents, and employees, from any liability to the person requesting self-exclusion and his or her heirs, administrators, executors and assigns for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion, request for removal from the self-exclusion list, or removal from the self-exclusion list, including:
    - i. processing or enforcement of the request for self-exclusion, request for removal or removal from the Self-Exclusion List;
    - ii. the failure of the casino operator or casino manager or a casino gaming licensee to withhold gaming privileges from, or restore gaming privileges to a self-excluded person;
    - iii. permitting a self-excluded person to engage in gaming activity in a licensed casino gaming establishment while on the list of self-excluded persons; and
    - iv. disclosure of the information contained in the self-exclusion request or list, except for a willful unlawful disclosure of such information;
  - c. the following statement signed by the person submitting the request for self-exclusion:

"I understand and read the English language or have had an interpreter read and explain this form. I am voluntarily requesting exclusion from all gaming activities at all Louisiana casino gaming establishments because I am a compulsive and/or problem gambler. I certify that the information that I have provided above is true and accurate, and that I have read, understand,

and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Board or the State Police to direct all Louisiana casino gaming licensees, including the casino operator and casino manager, to restrict my gaming activities and access to casino gaming establishments for a minimum period of five years from the date of exclusion. During such period of time, I will not attempt to enter any casino gaming establishment. I further understand that my name will remain on the Self-Exclusion List until 1) I submit a written request to the Board to terminate my self-exclusion; 2) a hearing is held; and 3) there is a written decision of the Board determining that there is no longer a basis for me to be maintained on the list. I am aware that I cannot request removal from the list before five years have elapsed from the date of exclusion. I am aware and agree that during any period of self-exclusion, I shall not collect in any manner or proceeding any winnings or recover any losses resulting from any gaming activity at any casino gaming establishment and that any money or thing of value obtained by me from, or owed to me by, the casino operator, casino manager, or a casino gaming licensee as a result of wagers made by me while on the Self-Exclusion List shall be withheld and remitted to the state of Louisiana.”

- d. the type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether the credentials included a photograph of the person; and
  - e. the signature of a board or division member, agent, or employee authorized to accept such request, indicating that the signature of the person on the request for self-exclusion appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.
5. Upon receipt and acceptance of the request for self-exclusion and completion and submission of all required information and documentation the requesting party shall be placed on the Self-Exclusion List by the division.
- D. Self-Exclusion List
1. The board shall maintain a list of persons who, at his or her request, are excluded and are to be ejected from all casino gaming establishments.
  2. The list shall not be open to public inspection.
  3. The list shall be distributed by the division to the casino operator or casino manager and each casino gaming licensee who shall acknowledge receipt of the list in writing. The division shall notify the casino operator, casino manager and all casino gaming licensees of the addition of new names and removal of names from the Self-Exclusion List within two business days of the effective date of such action.
  4. The casino operator or casino manager and each casino gaming licensee shall maintain a copy of the self-exclusion list and shall establish procedures to ensure that the self-exclusion list is updated and that all appropriate members, employees and agents of the casino operator or casino manager and each casino gaming licensee are notified of any addition to or deletion from the list within five business days after receipt of the notice from the division. Appropriate members, employees, and agents of the casino operator or casino manager and each casino gaming licensee are those whose duties and functions require access to such information. The notice provided by the division shall include the name and date of birth of any person whose name shall be removed from the self-exclusion list and the following information concerning any person whose name shall be added to the self-exclusion list:
    - a. name, including any known aliases or nicknames;
    - b. date of birth;
    - c. address of current residence;
    - d. telephone number of current residence;

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- e. Social Security number, if voluntarily provided by the person requesting self-exclusion;
  - f. driver's license or state identification number;
  - g. a physical description of the person, including height, weight, gender, hair color, eye color and any other physical or distinguishing characteristic that may assist in the identification of the person; and
  - h. a copy of the photograph taken by the division.
5. Information furnished to or obtained by the board and division pursuant to this Section shall be deemed confidential and not be disclosed pursuant to R.S. 27:27.1.
6. a. Except as otherwise provided herein, neither the casino operator, casino manager, nor any casino gaming licensee, employee, or agent thereof shall disclose the self-exclusion list or the name of, or any information about, any person who has requested self-exclusion to anyone other than employees and agents of the casino operator, casino manager, or casino gaming licensee whose duties and functions require access to such information. Notwithstanding the foregoing, the casino operator, casino manager, and each casino licensee may disclose the name of and information about a self-excluded person to appropriate employees of other casino licensees in Louisiana for the purpose of alerting other casinos that a self-excluded person has tried to gamble or otherwise obtain gaming related privileges or benefits in a casino gaming establishment. Nothing herein shall be construed to prohibit the licensee from disclosing the identity of self-excluded persons to affiliated entities in Louisiana and other gaming jurisdictions for the limited purpose of assisting in the proper administration of compulsive and problem gaming programs operated by such affiliated entities.
- b. The casino operator, casino manager, or a casino gaming licensee may release the names and identifying information of those persons on the self-excluded list to contracted service providers that provide check cashing, marketing, credit evaluations, automated teller machines, cash advances, or other financial services provided:
- i. the identifying information shall be limited to the address, driver's license or state issued identification number, photograph, and physical description;
  - ii. only the name and identifying information may be disclosed to the contracted service provider. The casino operator, casino manager, or a casino gaming licensee shall neither disclose the reasons for providing the name and identifying information nor shall it be disclosed that the person is on the self-excluded list;
  - iii. the casino operator, casino manager, or a casino gaming licensee shall require by written contract that the contracted service provider implement measures designed to ensure the confidentiality of the names and identifying information and to prohibit the release of the names and identifying information to any other person or entity;
  - iv. the casino operator, casino manager, or a casino gaming licensee shall immediately report to the Division all instances of a self-excluded person accessing or attempting to access the services provided by the contracted service providers and investigate the incident as required by LAC 42:III.304(E).
- c. Administrative hearings regarding or related to self-excluded persons shall be closed to the public and any record created or evidence introduced in conjunction with such hearings shall be maintained confidential and not made available for public inspection.
- E. Duties of the Casino Operator, Casino Manager, and each Casino Gaming Licensee
1. The casino operator or casino manager and each casino gaming licensee shall establish procedures that are designed, to the greatest extent practicable, to:

- a. permit appropriate employees of the casino operator or casino manager and the casino gaming licensee to identify a self-excluded person when present in the casino gaming establishment and, upon such identification, immediately notify:
    - i. those employees of the casino operator or casino manager and the casino gaming licensee designated to monitor the presence of self-excluded persons; and
    - ii. appropriate representatives of the board and division;
  - b. refuse wagers from and deny any gaming privileges to any self-excluded person;
  - c. deny casino credit, check cashing privileges, player club membership, direct mail and marketing services complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;
  - d. enforce the provisions of LAC 42:III.304.D.6.
2. The casino operator or casino manager and each casino gaming licensee shall distribute a packet of written materials approved by the division to any person inquiring or requesting information concerning the board's self-exclusion program.
  3. The casino operator or casino manager and each casino licensee shall submit to the board for approval a copy of its procedures established pursuant to LAC 42:III.304.D.4 and E.1 above within 120 days from the date this rule becomes effective. Any amendments to said procedures shall be submitted to the board and approved prior to implementation.
  4. If a self-excluded person enters, attempts to enter, or is in the casino gaming establishment and is discovered by the casino operator or casino manager or any casino gaming licensee, the casino operator or casino manager or casino gaming licensee shall immediately notify the division of such fact and, unless otherwise directed by the division, immediately eject such excluded person from the casino gaming establishment.
  5. Upon discovery of a self-excluded person in the casino gaming establishment, both the security and surveillance departments of the casino operator, casino manager and casino gaming licensees shall initiate a joint investigation, unless otherwise directed by the division.
    - a. The joint investigation shall seek to determine:
      - i. responsibility of employees of the gaming establishment for allowing an excluded person to gain access to the casino gaming establishment; and
      - ii. the net amount of winnings or losses attributable to the excluded person.
    - b. The casino operator or casino manager and each casino gaming licensee shall provide a written report of the results of the joint investigation to the division.
  6. The casino gaming establishment shall ensure that no winnings or losses arising as a result of prohibited gaming activity are paid or recovered by a self-excluded person.
- F. Sanctions
1. Any casino gaming licensee, casino operator, or casino manager who willfully fails to exclude a self-excluded person from the casino gaming establishment shall be in violation of these rules and may be subject to administrative action pursuant to R.S. 27:27.1.J and this Section.
  2. The penalty for violation of LAC 42:III.304.F.1 shall be \$25,000 or administrative action including but not limited to suspension or revocation.
- G. Removal from Self-Exclusion List
1. Any self-excluded person may, upon the expiration of five years from the date of exclusion, submit a written request to the board for a hearing to have his or her name removed from the self-exclusion list. Such request shall be in writing and state with specificity the reason for the request.

2. The request shall include a written recommendation from a qualified mental health professional as to the self-excluded person's capacity to participate in gaming activities without adverse risks or consequences. The person seeking removal from the self-exclusion list may be required to obtain a separate and independent recommendation from a qualified mental health professional, approved by the hearing officer, as to the self-excluded person's capacity to participate in gaming activities without adverse risks or consequences.
3. If the hearing officer determines that there is no longer a basis for the person seeking removal to be maintained on the self-exclusion list, the person's name shall be removed from the self-exclusion list and his or her exclusion shall be terminated. The division shall notify the casino operator or casino manager and all casino gaming licensees of the determination. The casino operator, casino Manger or any casino gaming licensee may continue to deny gaming privileges to persons who have been removed from the list.

## Property Signage and Responsible Gaming Disclosures

### **Regulation: La. Admin. Code tit. 42, § VI-517(F). Advertising, Mandatory Signage**

- F. Licensees and operators shall provide on its sports wagering platform, any websites, and in any print advertisement of sports wagering for such the toll-free telephone number available for information and referral services regarding compulsive or problem gambling as required in R.S. 27:27.3.

### **Statute: LA Rev. Stat. §4:149.4. Toll-free telephone assistance for compulsive gamblers; posting of signs on premises**

The commission shall require the posting of one or more signs on licensed premises at each point of entry into areas where authorized gaming is conducted, authorized gaming devices are located, or authorized wagering on the results of any horse race is conducted to inform patrons of a toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. Failure by the owner of the licensed premises to post and maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

### **Statute: LA Rev. Stat. §27:27.3. Advertising; compulsive gambling information**

In any advertisement of gaming activities or of a gaming establishment that is offered to the general public in print by any licensee or the casino gaming operator operated pursuant to the provisions of this Title, the toll-free telephone number of the National Council on Problem Gambling or a similar toll-free number approved by the board shall be placed on such advertisement.

### **Statute: LA Rev. Stat. §27:249. Compulsive gambling; posting information**

- A. The corporation shall include the cost of the transfer of its monies to the state treasurer for deposit into the Compulsive and Problem Gaming Fund as required by R.S. 27:270(A)(2) as a budgeted item and expense of the corporation.
- B. The corporation shall require the posting of signs at points of entry to the official gaming establishment to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling as required by R.S. 28:841. Failure by the licensee to post and maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

**Statute: LA Rev. Stat. §27:377. Toll-free telephone assistance for compulsive gamblers; posting of signs on premises**

The board shall require the posting of one or more signs at points of entry to the slot machine gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

**Statute: LA Rev. Stat. §27:453. Toll-free telephone assistance for compulsive gamblers; posting of signs on premises**

The division shall require the posting of one or more signs on licensed premises at points of entry to the areas where devices are located to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. Failure by the owner of the licensed premises to post and maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

**Statute: LA Rev. Stat. §27:58. Division responsibilities**

The division shall:

- (10) Require the posting of one or more signs at points of entry to the designated gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. Failure by the licensee to post and maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

**Statute: LA Rev. Stat. §28:841. Office of behavioral health; functions related to gambling disorders**

- A. The office of behavioral health of the Louisiana Department of Health shall establish a program to provide information and referral services related to gambling disorders. The program may include treatment services and shall include provision of a twenty-four hour, toll-free telephone service, operated by persons with knowledge of programs and services available to assist persons suffering from gambling disorders.
- B. The office shall make information regarding the program and services available to the public and shall provide, by rule, for the design of an informational sign containing the toll-free telephone number for use in various places where gambling or gaming activities are conducted in the state, horse racing tracks, and charitable bingo parlors. The office shall provide such signs to the Louisiana Lottery Corporation, which shall require their posting at lottery retail outlets, pursuant to R.S. 47:9021.

**Regulation: LAC 42:III.118. Programs to Address Problem Gambling**

- B. Each licensee shall post or provide in conspicuous places in or near gaming areas and areas where cash or credit is made available to patrons including cash dispensing machines written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number of the Louisiana Problem Gambling Hot Line or similar entity approved by the board.

**Regulation: LAC 42:III.301. Problem Gambling Programs**

- B. The casino operator or casino manager and each licensee shall post or provide written materials concerning the nature and symptoms of problem gambling in conspicuous places within the gaming establishment in or near gaming areas and areas where cash or credit is made available to patrons, including cash dispensing machines.

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- C. The casino operator or casino manager and each licensee shall post one or more signs, as approved by the division, at points of entry to casino gaming establishments to inform customers of the toll free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll free number shall be provided by the division.
- D. Failure by the casino operator or casino manager or a licensee to comply with the provisions of Subsections B or C above shall constitute violations of this Section. The penalty for violation of Subsection B or C shall be \$1,000 per day or administrative action including but not limited to suspension or revocation.

### **Regulation: LAC 42:III.2927. Advertising; Mandatory Signage**

- A. The board may establish procedures for the regulation of advertising of licensed gaming activities. The board may require a licensee or casino operator to advertise or publish specified information, slogans and telephone numbers relating to avoidance and treatment of compulsive or problem gambling or gaming. Each licensee and casino operator shall immediately comply with any order of the board issued pursuant to this regulation.
- B. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.
- C. Exterior print advertising including, but not limited to, billboards, shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.
- D. Signs displaying the toll-free number shall be posted at each public entrance to the designated gaming area and at each public entrance into the casino. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within a rectangle with a height of at least 8 1/2 inches and length of at least 11 inches and the characters shall be of a contrasting color from the background color of the sign. The signs may be either wall mounted or free standing. A licensee or casino operator may include the toll-free telephone number on other interior signage in locations other than the required areas in this subsection in a style and size of its choosing.
- E. Print advertising which is handheld or which is customarily viewed by the person holding the advertisement including, but not limited to, newspapers, flyers, coupons and other forms of advertising shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.
- F. A licensee or casino operator which is required to display the toll-free telephone number may seek approval from the division for particular forms of print advertising on an individual basis. In those instances where the licensee or casino operator seeks approval, the division may in its discretion, approve the print advertisement in writing. The advertisement shall conform to the division's written approval.

## Advertising Restrictions

### Regulation: La. Admin. Code tit. 42, § VI-517. Advertising, Mandatory Signage

- A. Licensees and operators shall not advertise sports wagering to a person by phone, email, or any other form of individually targeted advertisement or marketing material if the person has self-restricted or is excluded pursuant to the provisions of the Act or these regulations, or if the person is otherwise barred from participating in sports wagering (including, but not limited to, advertisements targeted to persons under the age of 21).
- B. Advertisements and marketing material shall not depict minors.
- C. Licensees and operators shall not advertise or run promotional activities at any primary or secondary schools, as defined by Louisiana law and including elementary, middle, and high schools, or sports venues exclusively used for primary or secondary schools.
- D. Licensees and operators shall ensure that all advertisements of sports wagering do not target prohibited players, persons under the age of 21, or self-restricted or excluded persons.
- E. Licensees and operators shall not misrepresent the frequency or extent of winning in any advertisement.
- F. Licensees and operators shall provide on its sports wagering platform, any websites, and in any print advertisement of sports wagering for such the toll-free telephone number available for information and referral services regarding compulsive or problem gambling as required in R.S. 27:27.3.
- G. Licensees and operators shall comply with the provisions of §2927 of Part III of this Title.
- H. Operators shall ensure that all advertising, public relations activities, and marketing campaigns comply with this Section and do not: contain false or misleading information; fail to disclose conditions or limiting factors associated with the advertisement; use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting factors associated with the advertisement; consist of indecent or offensive graphics or audio, or both; encourage players to chase their losses or reinvest their winnings; or suggest that sports wagering is a means of solving financial problems.
- I. Advertisements, public relations activities, and marketing campaigns shall provide information on compulsive gambling treatment or counseling; promote a problem gambling hotline; be socially responsible; and give a balanced message with regard to winning and losing.
- J. Advertisements, public relations activities, and marketing campaigns of sports wagering platform providers shall identify the sports wagering licensee on behalf of whom it operates the sports book for purposes of said advertisement or campaign. The identifier shall be the logo whenever possible, but may be the name, logo, or d/b/a of the sports wagering licensee and/or a statement that indicates who the sports book is operated on behalf of. The identifier must be conspicuous and reasonable in size and font to be legible by the consumer.
- K. Advertisements by applicants for a sports wagering license or sports wagering platform provider must include a statement indicating its license or permit is pending.
- L. Licensees or operators shall delete or modify any advertisement which does not confirm to the requirements of this Section or is necessary for the immediate preservation of public peace, health, safety, and welfare of Louisiana residents.
- M. Licensees or operators shall retain a copy of all advertising and marketing materials intended to promote any sports wagering operation in the State of Louisiana, which shall be made available to the division upon request.

### **Regulation: LAC 42:III.4735. Grounds for Disciplinary Action against the Casino Operator, Casino Manager or Affiliates**

- A. The board and division deems any activity on the part of the casino operator, casino manager or affiliates, and their agents or employees, as well as all permittees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the state of Louisiana, or that would reflect or tend to reflect negatively upon the state of Louisiana or the gaming industry, to be an unsuitable method of operation and shall constitute grounds for disciplinary action by the board in accordance with the Act and rules. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:
  - 7. failure to conduct advertising and public relations activities in accordance with decency, dignity, good taste, honesty and inoffensiveness.

## Wager/Time Limits

### **Regulation: La. Admin. Code tit. 42, § VI-515. Protection for Problem or Compulsive Gamblers**

- A. Self-Restriction
  - 1. Operators shall allow a player to restrict themselves from placing a sports wager or accessing a sports wagering account for a specific period of time, minimum of which shall be 30 days, as determined by the player and shall implement procedures to prevent the person from placing sports wagers.
  - 2. Operators shall develop and maintain an online self-restriction form and a process to exclude any person from placing a sports wager who completes and submits the form to the operator or licensee and shall provide a mechanism on its sports wagering platforms to the online self-restriction form. Operators shall retain each submitted online self-restriction form and restrict such persons from placing a sports wager and may close the player's sports wagering account for the specified time.
  - 3. Online self-restriction is different than submitting for the state's self-exclusion list. When a player chooses the option of self-restriction, the operator shall notify the requester of the option to also self-exclude with the state and the link to the self-exclusion form on the board's website.
- B. Self-Imposed Limits
  - 1. Operators shall implement and maintain procedures that allow players to limit themselves from:
    - a. placing a sports wager for a set period of time;
    - b. paying more than a certain amount of money for a sports wager; and
    - c. depositing more than a set amount of funds into their sports wagering account.
  - 2. Players shall have the option to adjust the self limits to make them more restrictive as often as they choose, but shall not have the option to make the time period or limits less restrictive within 72 hours of setting. Any change must provide a prompt to ensure the player is aware of the change and the player must then confirm the change.
- C. Operators shall enforce the limitations placed upon sports wagering accounts by:
  - 1. providing a plan to honor requests from players to self-restrict or self-limit or self-excluding;
  - 2. providing a plan to ensure that, immediately upon a player self-restricting or self-excluding, no sports wagers or deposits are accepted from that player until the self restriction expires or is removed or the self-exclusion is terminated;

3. providing a plan to allow a player that self-restricts or self-excludes to access and withdraw remaining funds from his sports wagering account; and
  4. ensuring self-restricted and self-excluded persons do not receive marketing or advertisement during the period of self-restriction or self-exclusion.
- D. Operators shall train employees on problem and compulsive gambling. Such training shall include, but not be limited to: training on policies and best practices for assisting players who may be problem or compulsive gamblers.
  - E. Operators shall provide the information necessary for a person to self-exclude.
  - F. Operators shall provide quarterly reports to the division as to how many persons have self-restricted or self exclude.
  - G. Operators shall comply with all requirements of the Act, these regulations, and internal controls and, specifically, Chapter 3 of Part III of this Title.

## Restrictions on Extension of House Credit

### Regulation: LAC 42:III.118. Programs to Address Problem Gambling

- E. Each licensee that engages in the issuance of credit, check cashing, or the direct mail marketing of gaming opportunities, shall implement a program containing the elements described below, as appropriate, that allows patrons to self-limit their access to the issuance of credit, check cashing, or direct mail marketing by that licensee. As appropriate, such program shall contain, at a minimum, the following:
  - (1) the development of written materials for dissemination to patrons explaining the program;
  - (2) the development of written materials for dissemination to patrons explaining the excluded persons provisions of R.S. 27:1 et seq., and the administrative rules of the board;
  - (3) the development of written forms allowing patrons to participate in the program;
  - (4) standards and procedures that allow a patron to be prohibited from access to check cashing, the issuance of credit, and the participation in direct mail marketing of gaming opportunities;
  - (5) standards and procedures that allow a patron to be removed from the licensee's direct mailing and other direct marketing regarding gaming opportunities at that licensee's location; and
  - (6) procedures and forms requiring the patron to notify a designated office of the licensee within 10 days of the patron's receipt of any financial gaming privilege, material or promotion covered by the program.

## Financial Instruments Restrictions

### Statute: LA Rev. Stat. §27:101. Check cashing; purchase of tokens, chips, and electronic cards; prohibitions

- A. No person holding a gaming license and no servant, agent, or employee of the licensee shall cash or accept, in exchange for the purchase of tokens, chips, or electronic cards:
  - (1) An identifiable employee payroll check.
  - (2) Any document evidencing or stating title to or ownership of, whether unencumbered or encumbered by a privilege, mortgage, or security interest, any classification of motor vehicle, manufactured home, or immovable property, including any building or dwelling situated therein.
  - (3) A check that represents a Family Independence Temporary Assistance Program (FITAP), Temporary Assistance for Needy Families (TANF), or supplemental security income payment.

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- B. Any licensee, employee, servant, or agent who violates or permits the violation of the provisions of this Section may be imprisoned for not more than six months or fined not more than five hundred dollars, or both.

### **Statute: LA Rev. Stat. §27:375. Crimes and penalties; false statements; unauthorized slot machines; skimming of slot machine proceeds; payroll check cashing; gambling devices**

- D. Any owner of an eligible facility who has been granted a license to operate slot machine gaming who cashes or accepts for cashing or permits any employee or other person to cash or accept for cashing an identifiable employee payroll check in the designated slot machine gaming area shall, upon conviction, be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

## Treatment and Research Funding

### **Statute: LA Rev. Stat. §27:501. Potential problems with gaming and gambling; educational program**

- A. The Louisiana Department of Health, office of behavioral health, shall develop and fund a program for educating students in public and nonpublic elementary and secondary schools about the potential problems associated with gaming and gambling.
- B. The state Department of Education shall implement the program in public elementary and secondary schools and shall make the program available to nonpublic elementary and secondary schools.
- C. The program may be implemented through or in association with the statewide D.A.R.E. program or a similar program.

### **Statute: LA Rev. Stat. 28:842. Compulsive and Problem Gaming Fund; creation**

- A. There is hereby created, as a special fund in the state treasury, the Compulsive and Problem Gaming Fund.
- B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, an amount equal to the monies received by the state treasury pursuant to the provisions of R.S. 27:92(B)(2)(a), 270(A)(2), and 312(B)(2)(a), and R.S. 47:9029(B)(2) shall be deposited into the Compulsive and Problem Gaming Fund. All unexpended and unencumbered monies in the fund at the end of any fiscal year shall remain in the fund for use in subsequent fiscal years. Monies in the fund shall be invested by the state treasurer in the manner as monies in the state general fund and interest earned on the investment of such monies shall be credited to the fund after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana. Monies in the fund shall only be withdrawn pursuant to an appropriation by the legislature solely to implement the provisions of this Chapter.
- C. All monies received by the state treasury pursuant to the provisions of R.S. 27:92(B), 270(A)(3), 312(B), and 319(A) shall be deposited into the Compulsive and Problem Gaming Fund. The monies in the Compulsive and Problem Gaming Fund shall be appropriated by the legislature solely to implement the provisions of this Chapter.

### **Statute: LA Rev. Stat. §27:392. Collection and disposition of fees and taxes**

- (2)(a) After complying with the provisions of Paragraph (1) of this Subsection, the state treasurer shall, each fiscal year, credit one percent from the combined net slot machine proceeds collected by the state from each licensed facility, not to exceed five hundred thousand dollars, to the Compulsive and Problem Gaming

Fund established by R.S. 28:842. After crediting such proceeds to the Compulsive and Problem Gaming Fund, the state treasurer shall, each fiscal year, credit the remainder of all taxes generated pursuant to R.S. 27:393 and all fines and other monies collected by the division to a special fund which is hereby created in the state treasury and entitled the “Pari-mutuel Live Racing Facility Gaming Control Fund”, hereinafter referred to as the “Gaming Control Fund”.

## Employee Training

### **Statute: LA Rev. Stat. §27:27.1. Uniform compulsive and problem gambling program**

- L. A licensee, or operator, or casino gaming operator conducting gaming pursuant to the provisions of this Title can demonstrate to the board compliance with the education and training provisions of this Section by providing proof of attendance by all employees when they are hired and annually thereafter at one of the following education programs:
  - (1) Training programs conducted by the Louisiana Association on Compulsive Gambling.
  - (2) Any other course on problem and compulsive gaming training approved by the board.

### **Statute: LA Rev. Stat. §27:27.1. Uniform compulsive and problem gambling program**

- H. The provisions of this Section shall not require the board, division, licensees, permittees, the casino gaming operator, and the employees thereof to identify problem or compulsive gamblers which is an activity that requires medical and clinical expertise.

### **Regulation: LAC 42:III.118. Programs to address problem gambling**

- C. All licensees other than video draw poker establishments shall implement procedures and training for all employees who directly interact with gaming patrons in gaming areas. Such training shall, at a minimum, consist of information concerning the nature and symptoms of problem gambling behavior and assisting patrons in obtaining information about problem gambling programs. This Subsection shall not be construed to require employees of licensees to identify problem gamblers. Each licensee shall designate personnel responsible for maintaining the program and addressing the types and frequency of such training and procedures. Training programs conducted or certified by the Office of Alcohol and Drug Abuse are presumed to provide adequate training for the period certified.

### **Regulation: La. Admin. Code tit. 42, § VI-515(D). Protection for Problem or Compulsive Gamblers**

- D. Operators shall train employees on problem and compulsive gambling. Such training shall include, but not be limited to: training on policies and best practices for assisting players who may be problem or compulsive gamblers.

## Alcoholic Beverage Restrictions

### **Regulation: LAC 42:III.4735. Grounds for Disciplinary Action against the Casino Operator, Casino Manager or Affiliates**

- A. The board and division deems any activity on the part of the casino operator, casino manager or affiliates, and their agents or employees, as well as all permittees, that is inimical to the public health, safety,

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morals, good order and general welfare of the people of the state of Louisiana, or that would reflect or tend to reflect negatively upon the state of Louisiana or the gaming industry, to be an unsuitable method of operation and shall constitute grounds for disciplinary action by the board in accordance with the Act and rules. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

5. knowingly permitting persons who are visibly intoxicated to participate in gaming activity.
6. complimentary service of intoxicating beverages in the casino area to persons visibly intoxicated.

# Maine



Maine established its responsible gaming framework in 2003 following voter approval of a statewide referendum authorizing commercial casino gaming. In 2010, the state approved a second casino and additional gaming regulations have gradually been added over the years. In April 2022, Maine legalized land-based and statewide mobile sports wagering and it is expected that new responsible gaming requirements will be included in the final version of the sports betting regulations.

Maine's current responsible gaming framework includes, among other things, a self-exclusion program and a requirement that casino operators submit a responsible gaming plan to the Maine Gambling Control Board before commencing operations.

## Responsible Gaming Plan Required

### Regulation: 16-633 C.M.R. ch. 18, Responsible Gaming Programs

The Board finds that the State has a compelling interest in ensuring that persons have access to information and resources to address problem and compulsive gambling.

### Regulation: 16-633 C.M.R. ch. 18-1, Program Requirements

- § 1 Program Requirements: Prior to commencing slot machine or casino operations the slot machine or casino operator shall submit its responsible gaming program to the Board. The program shall address the following areas:
1. Compulsive gambling. The program shall be designed to promote responsible gaming in accordance with the requirements of Chapter 13 of these Rules. The slot machine or casino operator must submit the written materials concerning problem gambling, as required by Chapter 13 section 6(1)(C), to the Board for approval thirty days prior to posting or providing the materials in the casino or slot facility;
  2. Alcohol service. The program shall be designed to promote responsible alcohol service and consumption. The program shall identify all employee training related to alcohol service. The program shall also identify the procedures designed to prevent a visibly intoxicated individual from gambling or consuming alcohol at the casino or slot machine facility;
  3. Minors. The program shall identify the means by which the slot machine or casino operator shall prevent minors from gambling, consuming alcohol and purchasing tobacco products at the slot machine or casino facility. The slot machine or casino operator shall identify its procedures to address any unattended minors found at the slot machine or casino facility; and
  4. Marketing. The program shall identify the standards the slot machine or casino operator shall follow in its marketing campaigns for the slot machine or casino facility. The program shall identify the procedures designed to prevent promotional materials or communications from being directed specifically to individuals who have self-excluded themselves from the facility, as required in Chapter 13 section 6(3)(G), or who have requested that they not receive such materials or communications.
- § 2. Continuing enforcement of compulsive gambling programs A casino or slot machine operator may continue to enforce a self-exclusion list created in accordance with a responsible gaming program submitted to the Board and in use by that operator prior to the implementation of the Gambling Control Board self-exclusion list as set forth in Chapter 13 of these rules.

## **Regulation: 16-633 C.M.R. ch. 28, Advance deposit wagering**

### § 5 Responsibilities of advance deposit wagering licensee

- A. Prior to licensing the prospective advance deposit wagering licensee must present to the Board a detailed plan of operation. The detailed plan of operation for an advance deposit wagering license must include, but is not limited to, the following information:
  2. Programs for responsible wagering.

## **Self-Exclusion**

### **Statute: 8 M.R.S. §1003. Powers and duties of board**

#### § 3. Required rules. The board shall, without limitation on the powers conferred and duties imposed in subsections 1 and 2, adopt rules governing:

- I. Establishment of a list of persons who are to be excluded or removed from any slot machine facility or casino, including those persons who voluntarily request that their names be included on the list of excluded persons. These rules must:
  - (1) Define the standards for exclusion and removal and include standards regarding persons who are career or professional offenders, as defined by rules of the board, whose presence in a slot machine facility or casino would, in the opinion of the board, be inimical to the interest of the State; and
  - (2) Provide that, before making a payout of winnings in an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee, after any interception of winnings required by law to pay child support debt or other obligations, shall intercept money or anything of value that an excluded person is seeking to redeem as a result of wagers made by the person after that person has been excluded. The rules must offer the excluded person the right to an administrative hearing with reasonable notice to contest the interception of winnings. Winnings intercepted must be remitted by the licensee to the board or its designee for deposit in an Other Special Revenue Funds account within the office of substance abuse within the Department of Health and Human Services to address gambling addiction.

### **Regulation: 16-633 C.M.R. ch. 13, Exclusion**

#### § 1. Persons are to be excluded from the slot machine facility pursuant to the following standards and procedures. The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.

#### § 2. Request for self-exclusion

1. Any person may request self-exclusion pursuant to these regulations by appearing in person at an office of the State of Maine Gambling Control Board, a licensed casino or slot facility, or the Office of Substance Abuse and Mental Health Services designated site where he or she shall:
  - A. Present government-issued identification containing:
    - (1) His or her signature; and
    - (2) A photograph or a general physical description;
  - B. Be photographed;
  - C. Submit a completed Request for Self-Exclusion form.

2. The request for self-exclusion shall be made on a form prescribed by the Board. The form must be available at all licensed casinos or slot facilities, the Office of Substance Abuse and Mental Health Services designated site, and the Office of the Gambling Control Board.
  - A. The Request for Self-Exclusion form must include:
    - (1) The following identifying information concerning the person submitting the self-exclusion request:
      - (a) Name, including any aliases or nicknames;
      - (b) Date of birth;
      - (c) Address of current residence;
      - (d) Current telephone number;
      - (e) Social Security number, if such information is voluntarily provided by the person requesting self-exclusion;
      - (f) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;
    - (2) The length of the self-exclusion period requested by the person. The length of a self-exclusion period must be for one of the following designated time frames: one year, three years, five years, or lifetime. Once a time frame is selected, the person requesting exclusion will serve the entire duration of the exclusion period except, in the case of lifetime exclusion, the person may petition the Board for removal from the self-exclusion list after five years.
    - (3) A signed release that includes, at a minimum, the following:
      - (a) Acknowledgement that the request for self-exclusion has been made voluntarily;
      - (b) Certification that the information provided on the form is true and accurate;
      - (c) Acknowledgement that the individual requesting self-exclusion is a problem gambler; and
      - (d) Agreement to release, indemnify, hold harmless and forever discharge the State, the Board, slot facilities and casinos from any claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of or by reason of any act or omission relating to the request for self-exclusion, including:
        - (i) Its processing or enforcement;
        - (ii) The failure of a slot facility or casino to withhold gaming privileges from or restore gaming privileges to a self-excluded person;
        - (iii) Otherwise permitting or not permitting a self-excluded person to engage in gaming activity in a licensed facility while on the list of self-excluded persons.
      - (e) Acknowledgement that any self-excluded person violating the terms of his or her self-exclusion agreement during the self-excluded period may be subject to (1) conviction for criminal trespass, and/or (2) placement by the Board on the involuntary exclusion list as set out in Section 5 of these regulations.
  - B. The request for self-exclusion may be made only by the individual to whom exclusion would apply and not by any other person.

### § 3. Self-exclusion list

1. The Gambling Control Board will maintain the official self-exclusion list and notify each casino or slot facility of any addition to or deletion from the list by electronic mail and on a monthly basis will provide the entire list.

- A. The notice provided to the casinos or slot facilities by the Board will include the following information concerning a person who has been added to or deleted from the list:
    - (1) All of the identifying information required by Section 2 (2)(A)(I) to be included on the Request for Self-Exclusion form,
    - (2) The length of the of the self-exclusion period including expiration date, and
    - (3) A copy of the photograph taken by the Board pursuant to Section (2)(1)(B).
  - B. A casino or slot facility must maintain its own copy of the self-exclusion list and establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino or slot facility are notified of any addition to or deletion from the list within two (2) business days after the day the notice is received by the casino or slot facility.
  - 2. Information furnished to or obtained by the Board pursuant to this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter or as required by statute.
  - 3. Casinos or slot facilities, and the employees or agents thereof, may not disclose the self-exclusion list or any information about a person who has requested self-exclusion except as necessary to comply with this chapter or as otherwise required by law. Notwithstanding the foregoing, such information may be disclosed to employees and agents of the casino or slot facility whose duties and functions require access to the information, to law enforcement, and to affiliated gaming establishments in other jurisdictions.
  - 4. Casinos or slot facilities with affiliated gaming establishments in other jurisdictions may choose to share the self-exclusion list with and invoke it in those establishments, in accordance with applicable laws and regulations in those jurisdictions, and without violation of the confidentiality requirements of these regulations.
- § 4. Exception to the prohibition on being on the gaming floor for individuals on the self-exclusion list
- The prohibition against allowing self-excluded persons to be on the premises of a slot facility or casino does not apply to a slot facility or casino employee who is on the self-exclusion list if all of the following apply:
- 1. The individual is carrying out the duties of slot facility or casino employment;
  - 2. The human resources department of the casino or slot facility has requested and received written permission from the Board on behalf of the employee;
  - 3. Access to the gaming floor is limited to the time necessary to complete the individual's assigned duties; and
  - 4. The individual does not otherwise engage in any gaming activities.
- § 6. Duties of licensed slot facilities and casinos
- 1. Each casino or slot facility must:
    - A. Have and make available to all patrons the Request for Self-Exclusion form approved by the Board;
    - B. Designate a person or persons to be the contact person for the Board for purposes of self-exclusion procedures, including receipt and maintenance of the self-exclusion list, submission of the casino or slot facility's procedures, and all other communications between the Board and the casino or slot facility for self-exclusion purposes. The casino must provide the name and contact information of the designated person or persons to the Executive Director and promptly notify the Executive Director of any changes;
  - 3. Each casino or slot facility shall establish and follow procedures and systems that are designed, to the greatest extent practicable, to:

- A. Permit appropriate employees to identify an excluded person when present in a casino or slot facility and upon identification immediately notify the following persons:
  - (1) Those employees of the casino or slot facility designated to monitor the presence of excluded persons; and
  - (2) Designated representatives of the Board via electronic mail;
- B. Refuse access to the premises for any excluded person;
- C. Utilize the player tracking systems and other electronic means, including checking all taxable patron winnings against the exclusion lists, to assist in determining whether the excluded person is participating in any gaming activities;
- D. Refuse wagers from and deny gaming privileges to any self-excluded person;
- E. Deactivate any player club card or similar item issued to an excluded person for the purpose of gambling;
- F. Deny check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any excluded person; and
- G. Ensure that excluded persons do not receive, either from the casino or slot facility or any agent thereof, mailings, solicitations, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed casino or slot facility,
  - 4. Each casino or slot facility shall submit to the Board for written approval a copy of its procedures established under this Section within 90 days of the rule's adoption, Any amendment to the casino or slot facility's procedures shall be submitted to the Board for approval at least thirty (30) days prior to its implementation.
  - 5. Any casino or slot facility violating any requirements of this Chapter may be subject to disciplinary action by the Gambling Control Board.

#### § 7. Removal from exclusion lists

- 1. Self-exclusion
  - A. Except for those persons choosing a lifetime self-exclusion, self-exclusion will automatically terminate upon expiration of the period of self-exclusion specified under Section 2(2)(A)(2) above. The expiration will occur on the last day of the month of the original self-exclusion.
  - B. A person who requested lifetime exclusion may, after five years from the date of exclusion, submit a request to the Board for removal from the list. The request must be in writing and state with specificity the reason for the request. If the Board grants the request, the person's name shall be removed from the self exclusion list.
  - C. Upon the expiration of the self-exclusion period or a successful petition for removal, the Board shall delete the name of the person from the self-exclusion list and notify each casino or slot facility of such deletion from the list in the manner set out in Section 3(1) above.

#### § 8. Forfeiture of winnings

- 1. If a casino or slot facility detects, or is notified of, the presence of a patron suspected of being on an exclusion list on the premises, the licensee shall verify, using reasonable measures that the patron is on an exclusion list and the basis for the exclusion.
- 2. Upon verification by a casino or slot facility that any excluded person has obtained access to the premises, the casino or slot facility shall:
  - A. Promptly take steps to remove such person from the gaming floor and to notify the Board or its designee of the breach;

- B. Require the security and surveillance departments to immediately determine:
    - (1) How the person was able to gain access to the premises without being detected; and
    - (2) How the casino or slot facility plans to prevent such breaches in the future.
  - C. Determine whether there are any winnings due the excluded person that would require the casino or slot facility to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service. Any such funds shall be intercepted by the casino or slot facility and, after withholding appropriate taxes and complying with the requirements of 8 M.R.S.A. §1066, be remitted to the Board or its designee for deposit in accordance with 8 M.R.S.A. §1003(3)(I)(2).
3. The casino or slot facility shall prepare a report which shall include
- A. The total value and a detailed description of winnings or things of value that were seized;
  - B. The date of the incident;
  - C. The name of the excluded person and basis for determining the person is excluded; and
  - D. The information obtained pursuant to Section 8(2)(B) of this Chapter.
4. In the event that the winnings of an excluded person are intercepted by a casino or slot facility as described in Section 8(2)(C), the Department shall notify the excluded person in writing of the opportunity to request a hearing to contest the forfeiture of winnings. The person must request a hearing within 30 days of the receipt of the written notice. If no timely response is filed, the winnings or things of value shall be forfeited pursuant to 8 M.R.S.A. §1003(3)(I)(2).

## Property Signage and Responsible Gaming Disclosures

### Regulation: 16-633 C.M.R. ch. 13, Exclusion

- § 6. Duties of licensed slot facilities and casinos
- 1. Each casino or slot facility must:
    - C. Post or provide at each entrance and exit to the gaming premises, and in conspicuous places in or near gaming and cage areas and cash dispensing machines located on the gaming premises, written materials concerning the nature and symptoms of problem gambling and concerning the procedure for self-exclusion, including where to obtain the Request for Self-Exclusion form and the toll free number of the Compulsive Gambling Hotline or a similar entity approved by the Board that provides information and referral services for problem gamblers.

## Advertising Restrictions

### Regulation: 16-633 C.M.R., ch. 14, Advertising

- § 1. The Board finds that the State has a compelling interest in deterring excessive use of alcohol and tobacco products, especially by minors. The Board finds that the State has a compelling interest in ensuring that minors are aware of the law that prohibits persons under age 21 from engaging in gambling at the slot or casino facility.
- § 2. All advertising, marketing and promotional materials (referred to collectively as “advertising”) related to slot machines or table games or referencing slot machines or table games to be utilized by a slot machine or casino operator or person acting on behalf of the operator, shall be filed with the Gambling Control Board thirty days prior to use. This section can be waived, in writing, by the Board or its designee.

Advertising materials that have been previously filed with the Board and that have not been substantially altered need not be prefiled, but may be filed with the Board contemporaneously with distribution.

- §3. Advertising shall comply with the following standards:
- A. False, misleading and deceptive advertising is prohibited.
  - B. Depictions of the use of alcohol and tobacco are prohibited.
  - C. Depictions of persons under the age of 21 engaged in gambling are prohibited.
  - D. Guarantees of success, riches or gambling winnings are prohibited.
  - E. Advertising must include a disclaimer as follows: “Persons under 21 years of age may not enter the gaming area unless licensed as employees.”
  - F. Advertising must comply with all applicable Maine and federal laws.
- § 4. On receipt of notice from the Board or its Director that advertising may be in violation of these rules or other laws of the State of Maine and upon request by the Board or its designee to do so, the licensee will suspend, or cause its agent or representative to suspend, the advertising campaign. Suspension of the use of the advertising materials in question will continue pending resolution of the matter, including any proceedings pursuant to 8 M.R.S.A. chapter 31, subchapter 5.

### **Statute: 35 M.R.S. §1203(2)(M). Powers and duties of the director**

2. Rules. The director shall adopt rules governing the conduct of sports wagering in the State, which must, at a minimum, include the following:
  - M. Restrictions on the advertisement and marketing of sports wagering, including but not limited to prohibiting misleading, deceptive or false advertisements; requiring an operator to disclose its status as a commercial track, casino or off-track betting facility licensed in the State or a federally recognized Indian tribe or a business entity wholly owned by a federally recognized Indian tribe in the State; and restricting, to the extent permissible, advertising that has a high probability of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age.

## Restrictions on Extension of House Credit

### **Regulation: 16-633 C.M.R., ch. 21, Prohibition of Credit**

- §1. The establishment of a credit line for game play by the Slot Machine or Casino Operator for any patron is prohibited.

## Financial Instruments Restrictions

### **Statute: 8 M.R.S. §1031. Age limit on slot machine and table game use; access by minors; credit prohibited**

- §3. Credit prohibited. A slot machine operator or casino operator may not allow the use of a credit card or debit card by a person to play a slot machine or table game

### **Regulation: 16-633 C.M.R., ch. 5, Appendix, .III-A-2. Accounting controls for the cashier’s cage, main bank, and vault**

- D. The cashiers’ cage shall be physically segregated by personnel and function as follows:

- 1) General cashiers shall operate with individual imprest inventories of cash and such cashiers' functions shall be, but are not limited to, the following:
  - a.) Receive and payout cash and cash equivalents, tickets and checks (excluding child support, public assistance, welfare and unemployment checks, and any others specified by the Board).
- 2) Main bank cashiers' functions shall be, but are not limited to, the following:
  - a.) Receive cash, cash equivalents, original copies of Jackpot Payout Slips and checks (excluding child support, public assistance, welfare and unemployment checks, and any others specified by the Board).

## **Regulation: 16-633 C.M.R. ch. 8, Slot Machine Location & Hours of Operation**

- § 1. All slot machines and table games located at a Slot Machine Operator's premises or Casino Operator's premises shall be placed as follows:
  6. No ATM or cash advance machine shall be located on the gaming floor. For the purposes of this rule, the gaming floor shall include that area from which people under 21 can be excluded.

## **Treatment and Research Funding**

### **Statute: 8 M.R.S. §1036. Allocation of funds**

- §2. Distribution of net slot machine income from casino with commercial track. A slot machine operator licensed under section 1011, subsection 2 or a casino operator that is a commercial track that was licensed to operate slot machines under section 1011, subsection 2 on January 1, 2011 shall collect and distribute 39% of the net slot machine income from slot machines operated by the slot machine operator to the board for distribution by the board as follows:
  - A. Three percent of the net slot machine income must be deposited to the General Fund for administrative expenses of the board in accordance with rules adopted by the board, except that of the amount calculated pursuant to this paragraph, the following amounts must be transferred annually to the Gambling Addiction Prevention and Treatment Fund established by Title 5, section 20006-B:
    - (1) For the fiscal year beginning July 1, 2011, \$50,000;
    - (2) For the fiscal year beginning July 1, 2012, \$50,000; and
    - (3) For the fiscal year beginning July 1, 2013 and for each fiscal year thereafter, \$100,000.
- §2-A. Distribution from casino of slot machine income.

A casino operator shall collect and distribute 46% of the net slot machine income from slot machines operated by the casino operator to the board for distribution by the board as follows:

  - E. Three percent of the net slot machine income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board.
- §2-C. Distribution of table game income from casino with a commercial track. A casino operator that is a commercial track and was licensed to operate slot machines on January 1, 2011 shall collect and distribute 16% of the net table game income from table games operated by the casino operator to the board for distribution by the board as follows:
  - A. Nine percent of the net table game income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board.

## Employee Training

### Regulation: 16-633 C.M.R. ch. 13, Exclusion

§6. Duties of licensed slot facilities and casinos

2. Each casino or slot facility shall implement training procedures for all new employees, and annual re-training for all employees who directly interact with gaming patrons in gaming areas, regarding problem gambling. That training shall, at a minimum, consist of information concerning the nature of problem gambling, the procedures for requesting self-exclusion, and the ways to assist patrons in obtaining information about problem gambling programs. This section shall not be construed to impose a duty upon employees of casinos or slot facilities to identify problem gamblers nor to impose any liability for failure to do so. Each casino or slot facility shall designate personnel responsible for maintaining the training program. Training programs conducted or certified by the Maine Gambling Control Board are presumed to provide adequate training under this section.

# Maryland



Maryland developed responsible gaming regulations for the first time in 2008 following voter approval of a constitutional amendment allowing five casinos, initially limited to electronic gaming devices. Additional responsible gaming regulations were adopted in 2012 alongside the approval of a sixth casino and table games at all casino properties. Maryland legalized land-based and mobile sports wagering in May 2021 and permanent sports wagering regulations were approved in January 2022, with responsible gaming at the forefront. Maryland's responsible gaming framework includes a state problem gambling fund, a 24-hour hotline for compulsive gambling and a requirement that operators implement a responsible gaming plan.

## Responsible Gaming Plan Required

### Regulation: Md. Code Regs. 36.10.10.02(A)(1)-(15)

- A. A sports wagering licensee shall establish a responsible gaming plan that sets forth its plan for addressing problem gambling that shall include at least the following elements of the plan:
  - (1) Goals;
  - (2) Procedures and deadlines for implementation;
  - (3) Procedures for retrieving and securely maintaining the voluntary exclusion list;
  - (4) Procedures for notifying the Commission of an unauthorized access to the list within twelve hours of the unauthorized access;
  - (5) Identification of a sports wagering licensee's personnel responsible for implementation;
  - (6) Responsibilities of a sports wagering licensee's personnel identified as responsible for implementation;
  - (7) Training for a sports wagering licensee's personnel on problem gambling and voluntary exclusion;
  - (8) Means of controlling access to records pertaining to voluntary exclusion;
  - (9) Means of educating bettors about:
    - (a) Problem gambling;
    - (b) Problem gambling treatment resources, including treatment and prevention programs established under State Government Article, § 9-1A-33, Annotated Code of Maryland; and
    - (c) Voluntary exclusion;
  - (10) Placement of responsible gambling awareness information:
    - (a) In the premises of a sports wagering facility licensee; and
    - (b) On a sports wagering licensee's sports wagering platform;
  - (11) Ensuring that an individual on the voluntary exclusion list is not permitted to:
    - (a) Enter the part of the premises of a sports wagering licensee where sports wagering is conducted;
    - (b) Participate in sports wagering; or
    - (c) Claim winnings;
  - (12) The sports wagering licensee's response to the discovery of an individual who is enrolled in the voluntary exclusion list in the part of the premises of a sports wagering licensee where sports wagering is conducted, which may include pursuing criminal charges against the individual;

- (13) The sports wagering licensee's response to the discovery of a bettor who is enrolled in the voluntary exclusion list using a sports wagering platform, which may include an action up to and including permanent suspension of the bettor's account;
- (14) The sports wagering licensee's procedures for returning to a bettor the funds in the bettor's account that were placed by the bettor prior to the bettor's application for voluntary exclusion, including the requirement that:
  - (a) Funds be returned as soon as practicable after the time the bettor is placed on the voluntary exclusion list; and
  - (b) The sports wagering licensee return the funds to the bettor within 7 days of the bettor's placement on the voluntary exclusion list, by:
    - (i) Crediting the bettor's personal bank account; or
    - (ii) Paying the bettor by check; and
- (15) Any other element required by the Commission.
- B. A sports wagering licensee shall submit to the Commission the responsible gaming plan required under §A of this regulation at least 60 days before sports wagering operations are to commence or within a time-period approved by the Commission.
- C. A sports wagering licensee shall submit any amendments to its responsible gaming plan to the Commission prior to implementation.
- D. A sports wagering licensee shall annually submit to the Commission its responsible gaming plan.

**Regulation: COMAR 36.03.06.02. Responsible Gaming Plan**

- A. facility shall establish a responsible gaming plan that sets forth the facility's plan for addressing problem gambling at the facility that shall include at least the following elements of the plan:
  - (1) Goals;
  - (2) Procedures and deadlines for implementation;
  - (3) Identification of facility personnel responsible for implementation;
  - (4) Responsibilities of facility personnel identified as responsible for implementation;
  - (5) Training for facility personnel on problem gambling and voluntary exclusion;
  - (6) Means of controlling access to records pertaining to voluntary exclusion;
  - (7) Means of educating players about:
    - (a) Problem gambling;
    - (b) Problem gambling treatment resources, including treatment and prevention programs established under State Government Article, §9-1A-33, Annotated Code of Maryland; and
    - (c) Voluntary exclusion;
  - (8) Placement of responsible gambling awareness materials in the facility as required under Regulation .03 of this chapter;
  - (9) Ensuring that an individual in the Voluntary Exclusion Program is not permitted to:
    - (a) Enter the video lottery facility;
    - (b) Play a video lottery terminal or table game; or
    - (c) Claim a jackpot;
  - (10) The facility's response to the discovery of an individual who is enrolled in the voluntary exclusion program on facility property, which may include pursuing criminal charges against the individual; and

- (11) Any other element required by the Commission.
  - B. A facility operator shall submit to the Commission the responsible gaming plan required under §A of this regulation at least 60 days before video lottery terminal operations are to commence.
  - C. A facility operator shall submit any amendments to a facility's responsible gaming plan to the Commission prior to implementation.
  - D. A facility operator shall submit to the Commission an annual report describing the facility's responsible gaming plan.

## Self-Exclusion

### Regulation: Md. Code Regs. 36.10.10.02(A)(3)

- A. A sports wagering licensee shall establish a responsible gaming plan that sets forth its plan for addressing problem gambling that shall include at least the following elements of the plan:
  - (3) Procedures for retrieving and securely maintaining the voluntary exclusion list.

### Statute: Md. Code Ann., State Govt. Law, § 9-1A-24. Video lottery licenses; conditions

(e)

- (1) By regulation, the Commission shall adopt measures that are intended to reduce or mitigate the effects of problem gambling.
- (2) The regulations shall:
  - (i) include establishment of a voluntary exclusion list of individuals with gambling problems who have requested to be excluded from any video lottery operation licensed under this subtitle; and
  - (ii) provide a simple mechanism for an individual who is sober and informed to request placement on the voluntary exclusion list for a specified period of time.
- (3) A video lottery operation licensee may not permit an individual on the voluntary exclusion list to enter into the video lottery facility or to play a video lottery terminal.
- (4) The Commission may impose sanctions on a licensee in accordance with this subtitle if the licensee knowingly fails to exclude from the premises of the licensee an individual on the voluntary exclusion list.

### Regulation: COMAR 36.01.03.01. General

- A. This chapter establishes a mechanism by which an individual may request to be placed on a list of individuals with gambling problems who have been voluntarily excluded from:
  - (1) Video lottery facilities in the State.
  - (2) Lottery play in the State;
  - (3) Instant bingo facilities under COMAR 36.07 with more than 10 instant bingo machines; or
  - (4) Any combination of the three.
- B. The Commission shall:
  - (1) Maintain a list of individuals who have requested to be excluded from video lottery facilities, lottery play in the State, and instant bingo facilities with more than 10 instant bingo machines; and
  - (2) Establish measures to reduce and mitigate the effects of problem gambling.

**Regulation: COMAR 36.01.03.02. Application for Voluntary Exclusion**

- A. An application for placement on the Commission's Voluntary Exclusion List shall be available through:
  - (1) Each licensed video lottery facility upon request to Commission staff;
  - (2) Each licensed instant bingo facility with more than 10 instant bingo machines; and
  - (3) The Agency.
- B. Information about applications for placement on the Commission's Voluntary Exclusion List shall be available through:
  - (1) Each licensed video lottery facility;
  - (2) Each registered fantasy competition operator;
  - (3) Each sports wagering licensee;
  - (4) Each licensed instant bingo facility with more than 10 instant bingo machines; and
  - (5) The Agency.
- C. An individual may request to be excluded from:
  - (1) The places and activities described in Regulation .01 of this chapter by submitting a completed application for placement on the Commission's Voluntary Exclusion List to Commission staff; and
  - (2) An instant bingo facility with more than 10 instant bingo machines by submitting a completed application form to instant bingo facility staff.
- D. An application for placement on the Commission's Voluntary Exclusion List shall include:
  - (1) Sufficient information to identify and exclude the individual, including the individual's:
    - (a) Name, including any nickname or alias;
    - (b) Residential address;
    - (c) Date of birth;
    - (d) Valid, unexpired, government-issued identification that includes a photograph of the applicant;
    - (e) Social Security number or other government-issued identification number, if applicable;
    - (f) Gender;
    - (g) Physical description, including any birthmarks, scars, or tattoos;
    - (h) Race or ethnic origin;
    - (i) Signature, which may include the use of a Commission-approved secure electronic means; and
    - (j) Any other information about the individual that the Commission requires;
  - (2) The length of time requested for placement on the Commission's Voluntary Exclusion List, which shall be for:
    - (a) At least 2 years; or
    - (b) Life;
  - (3) Information pertaining to problem gambling programs;
  - (4) Acknowledgment that certain problem gambling programs may contact the applicant;
  - (5) A signed statement by which the individual declares that the individual:
    - (a) Has a gambling problem and is unable to gamble responsibly;
    - (b) Is sober and informed;

## MARYLAND

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- (c) Releases and holds harmless the State of Maryland, the Commission, the Agency, and their members, employees, and agents from any liability that may arise from the application or the individual's placement on the Commission's Voluntary Exclusion List;
- (d) Acknowledges that the Commission is collecting information from the individual that the:
  - (i) Individual may request to inspect or correct under General Provisions Article, § 4-502, Annotated Code of Maryland;
  - (ii) Commission will maintain as sociological information under General Provisions Article, § 4-330, Annotated Code of Maryland; and
  - (iii) Commission or its licensees may share with entities as provided in Regulation .05 of this chapter;
- (e) Authorizes the release of information to the persons specified in Regulation .07 of this chapter;
- (f) Acknowledges that the individual will be, for the entire term of the requested period of exclusion:
- (i) Prohibited from entering a video lottery facility and playing table games or a video lottery terminal;
- (ii) Prohibited from playing a lottery game;
- (iii) Prohibited from playing an instant bingo machine at an instant bingo facility with more than 10 instant bingo machines;
- (iv) Prohibited from participating in a fantasy competition offered by a fantasy competition operator registered under COMAR 36.09;
- (v) Prohibited from participating in sports wagering offered by a sports wagering licensee under COMAR 36.10; or
- (vi) Any combination of the five;
- (g) Acknowledges that if the requested period of placement on the Commission's Voluntary Exclusion List was 2 years, the individual will not be removed from the Commission's Voluntary Exclusion List unless the Commission grants the individual's request for removal under Regulation .06 of this chapter;
- (h) Acknowledges that the individual may be subject to criminal charges if, during the period of exclusion, the individual enters a video lottery facility in the State;
  - (i) Acknowledges that the individual may be, for the entire term of the requested period of exclusion:
    - (i) Banned by a video lottery facility from any of its affiliated facilities in Maryland or other jurisdictions;
    - (ii) Removed or precluded from utilizing a video lottery facility's associated sports wagering platform;
    - (iii) Banned from video lottery facilities that offer sports wagering;
    - (iv) Even if accessed from a different state, removed or precluded from joining or participating in a fantasy competition operator's online platform;
    - (v) Banned by a sports wagering facility from any of its affiliated facilities in Maryland or other jurisdictions; or
    - (vi) Even if accessed from a different state, removed or precluded from joining or participating in a mobile sports wagering licensee's online platform;

- (j) Otherwise acknowledges that the individual understands the individual's responsibilities and possible consequences associated with being placed on the Commission's Voluntary Exclusion List; and
  - (k) Is voluntarily applying.
- E. Upon receipt of a completed application for placement on the Commission's Voluntary Exclusion List, assigned Commission staff may:
- (1) Interview the individual in order to ascertain that the individual:
    - (a) Is voluntarily applying for exclusion;
    - (b) Is sober and informed;
    - (c) Confirms the information provided in the application; and
    - (d) Is fully informed of the consequences of being placed on the Commission's Voluntary Exclusion List;
  - (2) Decide whether to accept the request for placement on the Commission's Voluntary Exclusion List and place the individual on the Commission's Voluntary Exclusion List; and
  - (3) Deliver to the individual by regular U.S. mail a written notice of:
    - (a) Placement on the Commission's Voluntary Exclusion List; or
    - (b) Denial of the application requesting placement on the Commission's Voluntary Exclusion List.
- F. Notice to Individual Placed on the Commission's Voluntary Exclusion List.
- (1) The Agency's notice to an individual of placement on the Commission's Voluntary Exclusion List for video lottery facilities, shall include:
    - (a) A statement from each video lottery facility informing the individual not to enter the video lottery facility;
    - (b) Notice that, if the individual enters a video lottery facility, the individual may be subject to criminal charges;
    - (c) Notice that the individual may be banned by a video lottery facility from any of its affiliated facilities in Maryland or other jurisdictions; and
    - (d) Notice that the individual may be unable to participate in sports wagering offered by a sports wagering facility operator or online sports wagering operator affiliated with a video lottery facility.
  - (2) The Agency's notice of an individual's placement on the Commission's Voluntary Exclusion List for exclusion from participating in fantasy competitions in the State shall include notice that the individual may be excluded from participating in fantasy competitions offered by fantasy competition operators in another jurisdiction;
  - (3) The Agency's notice of an individual's placement on the Commission's Voluntary Exclusion List for exclusion from sports wagering in the State shall include:
    - (a) Notice that the individual is not permitted in the sports wagering-related areas of a sports wagering facility;
    - (b) Notice that the individual may be excluded from participating in sports wagering offered by a sports wagering licensee in any of its affiliated facilities or platforms in other jurisdictions; and
    - (c) Notice that, if the individual enters a video lottery facility that offers sports wagering, the individual may be subject to criminal charges.

### **Regulation: COMAR 36.01.03.03. Voluntary Surrender**

- A. In this regulation, the following term has the meaning indicated.
- B. Term Defined. “Unredeemed item”:
  - (1) Means a token, voucher, check, ticket, chip, coupon, or similar item that has monetary value, and that a player has:
    - (a) Won by playing a video lottery terminal or table game;
    - (b) Inserted into a video lottery terminal;
    - (c) Played at a table game;
    - (d) Received by converting cash, check or wire transfer at a video lottery facility;
    - (e) Obtained while trying to play a lottery game in the State; or
    - (f) Won by playing an instant bingo machine at an instant bingo facility with more than 10 instant bingo machines.
  - (2) Does not mean cash.
- C. An individual who applies to be placed on the voluntary exclusion list may contractually agree to:
  - (1) Redeem or liquidate an unredeemed item with monetary value that the individual has received since being placed on the voluntary exclusion list; and
  - (2) Designate that the proceeds of the redeemed item be contributed to the Problem Gambling Fund established under State Government Article, §9-1A-33(b), Annotated Code of Maryland.

### **Regulation: COMAR 36.01.03.04. Voluntary Exclusion List**

The Commission shall:

- A. Establish and maintain a list of individuals from whom it has received a completed application for voluntary exclusion;
- B. Provide the voluntary exclusion list to a video lottery facility, with periodic updates, to assist the video lottery facility in identifying an individual to be excluded;
- C. Enter the voluntary exclusion list for lottery play into the Agency’s control system to ensure that an excluded individual’s winnings over \$600 will be surrendered under Regulation .03 of this chapter; and
- D. Provide the voluntary exclusion list to an instant bingo facility with more than 10 instant bingo machines, with periodic updates, to assist the facility in identifying excluded individuals.

### **Regulation: COMAR 36.01.03.05. Removal from Voluntary Exclusion List**

- A. After an individual has been on the voluntary exclusion list for at least 2 years, the individual may request that the Commission remove the individual from the list.
- B. An individual’s request under §A of this regulation shall be submitted to the Commission in writing and shall be accompanied by documentation that the individual has:
  - (1) Completed:
    - (a) A problem gambling assessment with a professional who is licensed by the State to conduct problem gambling assessments or who is otherwise approved by the Commission and fulfilled any recommended treatment;
    - (b) A problem gambling treatment and prevention program approved by the Commission; or

- (c) A healthy decision-making program that is sponsored or approved by the Commission, with a licensed professional counselor or other person approved by the Commission;
  - (2) Executed an authorization and release to be removed from the voluntary exclusion list; and
  - (3) Complied with any other requirements deemed necessary by the Commission.
- C. The Commission is not required to hold a hearing in order to review the request for removal.
- D. If the Commission:
  - (1) Grants the request, it shall:
    - (a) Deliver to the individual by email or regular mail a notice of removal from the voluntary exclusion list; and
    - (b) Notify the State's video lottery facilities, instant bingo facilities with more than 10 instant bingo machines, or update the Agency's central system of the individual's removal from the voluntary exclusion list; or
  - (2) Denies the request, it shall deliver to the individual by email or regular mail a notice that the:
    - (a) Request was denied; and
    - (b) Individual shall remain on the voluntary exclusion list.

**Regulation: COMAR 36.03.06.01. Enforcement**

- A. The Commission shall notify each State facility operator of the placement of an individual on the voluntary exclusion list established in COMAR 36.01.03.
- B. A facility operator may disclose information about an individual on the voluntary exclusion list to:
  - (1) The Commission;
  - (2) The facility's:
    - (a) Manager;
    - (b) Security department;
    - (c) Surveillance department; or
    - (d) Employees who are directly responsible for excluding unauthorized individuals from the facility; and
  - (3) If the facility operator pursues criminal charges against an individual on the voluntary exclusion list who is suspected of trespassing at a video lottery facility, to:
    - (a) A law enforcement officer; or
    - (b) A person who is legally authorized to be involved in the criminal prosecution of an individual on the voluntary exclusion list who is suspected of trespassing at a video lottery facility.
- C. If an individual on the voluntary exclusion list is found on the premises of a video lottery facility, the operator:
  - (1) Shall immediately notify the Commission; and
  - (2) May pursue criminal charges against the individual for trespassing or any other appropriate criminal charge.
- D. A facility operator may not:
  - (1) Permit an individual on the voluntary exclusion list to:
    - (a) Enter into the video lottery facility; or
    - (b) Play a video lottery terminal or table game;

- (2) Knowingly fail to exclude from the premises an individual on the voluntary list; or
  - (3) Disclose information about individuals on the voluntary exclusion list beyond the disclosures that are authorized under §B of this regulation.
- E. A facility operator may not:
- (1) Permit an individual on the voluntary exclusion list to:
    - (a) Enter into the video lottery facility; or
    - (b) Play a video lottery terminal or table game;
  - (2) Knowingly fail to exclude from the premises an individual on the voluntary list; or
  - (3) Disclose information about individuals on the voluntary exclusion list beyond the disclosures that are authorized under §B of this regulation.

### **Regulation: COMAR 36.03.10.32. Request for Suspension of Credit Privileges**

- A. A player may voluntarily suspend the player's credit privileges at a Maryland facility by submitting a written request to the facility in a form specified by the facility.
- B. A request for suspension of credit privileges shall be made:
  - (1) In person at a facility; or
  - (2) By mail if:
    - (a) Submitted with a signature signed before a notary public or other individual empowered by law to take oaths; and
    - (b) Accompanied by a certificate of acknowledgement by the notary public or other individual empowered by law to take oaths attesting to the identity of the individual making the request.
- C. The facility receiving a player's request for suspension of credit privileges shall maintain a master list of all individuals who have requested suspension of credit privileges under this regulation.
- D. A facility operator shall suspend the credit privileges of an individual requesting suspension within 24 hours of receipt of notice that the individual's name has been added to the facility's master list.
- E. A facility operator shall:
  - (1) Maintain the most current master list in its cashiers' cage; and
  - (2) Within 24 hours of receipt of notice that an individual has requested a suspension of credit privileges, record the suspension in the player's credit file.
- F. No less than 60 days after the request for suspension of credit privileges, a player whose credit privileges have been suspended under this regulation may request reinstatement of credit privileges by submitting a written request to the facility.
- G. The facility shall on receipt of a request for reinstatement update its master list of individuals to document the request for reinstatement.
- H. A facility operator may not reinstate the credit privileges of a player removed from facility's master list without performing the verifications required by Regulation .25 of this chapter.
- I. Information furnished to or obtained by the facility under this regulation shall be deemed confidential and may not be disclosed except to facility personnel whose duties and functions require access to the information.
- J. A facility operator requested to provide information regarding the status of a player's credit account may not disclose any information other than to identify the credit account as voluntarily suspended.

## Property Signage and Responsible Gaming Disclosures

### Regulation: COMAR 36.03.06.03. Requirements

- B. A facility operator shall:
- (1) Post signage approved by the Commission that prominently bears the gambling assistance message and the underage warning message at each customer entrance to the gaming floor;
  - (2) Include the gambling assistance message on an advertisement that is intended to encourage video lottery terminal or table game play at its facility;
  - (3) Ensure that a printed advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.03.08;
  - (4) Ensure that a billboard bearing a printed advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.03.08;
  - (5) Ensure that a radio, television, or video advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.03.08;
  - (6) Ensure that the gambling assistance message is printed on a paper product that is associated with player consumption of food or beverage if the paper product is:
    - (a) Special ordered; and
    - (b) Branded with the facility's logo;
  - (7) Ensure that the gambling assistance message is printed on ticket stock; and
  - (8) Place in the facility responsible gambling awareness materials according to its responsible gaming plan required under Regulation .02 of this chapter.

### Regulation: Md. Code Regs. 36.10.01.02(56)(b)(iii). Definitions

- (b) "Predatory marketing practice" includes an advertisement or promotion of an activity, product, or service related to sports wagering that:
- (iii) Fails to include or obscures the gambling assistance message required under COMAR 36.10.10.

### Regulation: Md. Code Regs. 36.10.10.03(A)(B). Requirements

- A. Definitions.
- (2) Terms Defined.
    - (c) "Gambling assistance message" means a phrase approved by the Commission to encourage responsible play.
    - (e) "Responsible gambling awareness materials" means a sticker, a brochure, a wallet card, or other material that conveys only problem gambling resource information.
    - (f) "Underage warning message" means the phrase: "No bettor under the age of 21 is permitted to participate in sports wagering".
- B. A sports wagering licensee shall:
- (1) Post signage approved by the Commission that prominently bears the gambling assistance message and the underage warning message at each customer entrance;
  - (2) Include banners or other notifications on the sports wagering websites that bear the gambling assistance message and the underage warning message;

- (8) Ensure that the gambling assistance message is printed on a sports wagering ticket or sports wagering voucher; and
- (9) Place in the sports wagering facility and sports wagering platform responsible gambling awareness information according to its responsible gaming plan required under COMAR 36.10.10.02.

## Advertising Restrictions

### Regulation: Md. Code Regs. 36.10.10.03(B). Requirements

- B. A sports wagering licensee shall:
  - (3) Include the gambling assistance message on an advertisement that is intended to encourage sports wagering;
  - (4) Ensure that a printed advertisement bears the gambling assistance message and meets requirements of COMAR 36.10.13.43 and 36.03.03.08;
  - (5) Ensure that a billboard bearing a printed advertisement bears the gambling assistance message and meets requirements of COMAR 36.10.13.43 and 36.03.03.08;
  - (6) Ensure that a radio, television, video, online, or social media advertisement bears the gambling assistance message and meets requirements of COMAR 36.10.13.43 and 36.03.03.08;
  - (7) Ensure that the gambling assistance message is printed on a paper product that is associated with bettor consumption of food or beverage if the paper product is:
    - (a) Special ordered; and
    - (b) Branded with the sports wagering licensee's logo;

### Regulation: Md. Code Regs. 36.10.01.02(B)(56)(a-b). Definitions

- (B) Terms defined.
  - (56) Predatory Marketing Practice.
    - (a) "Predatory marketing practice" means an advertisement or promotion of an activity, product, or service related to sports wagering that is:
      - (i) False or deceptive;
      - (ii) Illegal;
      - (iii) Knowingly directed to an individual who is younger than 21 years old and is not a participant in the sporting event;
      - (iv) Knowingly directed to an excluded individual; or
      - (v) Prohibited by law, regulation or court order.
    - (b) "Predatory marketing practice" includes an advertisement or promotion of an activity, product, or service related to sports wagering that:
      - (i) Uses or depicts an individual who is, or appears to be, younger than 21 years old;
      - (ii) By font, color, placement, or any other means, obscures or fails to disclose a material condition or limiting factor associated with the activity, product, or service being marketed; or
      - (iii) Fails to include or obscures the gambling assistance message required under COMAR 36.10.10.

**Regulation: COMAR 36.03.03.08. Predatory Marketing**

- A. Definition. In this regulation, the following term has the meaning indicated.
- B. Term Defined.
  - (1) “Predatory marketing practice” means an advertisement or promotion of an activity, product, or service related to play of a video lottery terminal or table game that is:
    - (a) False or deceptive;
    - (b) Illegal; or
    - (c) Knowingly directed to an individual:
      - (i) Who is under the age of 21 years;
      - (ii) Whose name is included on the voluntary exclusion list maintained by the Commission under COMAR 36.01.03;
      - (iii) Whose name is included on the mandatory exclusion list maintained by the Commission under COMAR 36.03.07; or
      - (iv) Who is otherwise prohibited by law or court order from being on the premises of any video lottery operation licensed by the State.
  - (2) “Predatory marketing practice” includes an advertisement or promotion of an activity, product, or service related to play of a video lottery terminal or table game that:
    - (a) Uses or depicts an individual who is, or appears to be, under the age of 21 years;
    - (b) By font, color, placement, or any other means:
      - (i) Obscures or fails to disclose any material condition or limiting factor associated with the activity, product, or service that is being marketed; or
      - (ii) Obscures the gambling assistance message required under COMAR 36.03.06.
- C. A facility operator may not:
  - (1) Engage in a predatory marketing practice; or
  - (2) Contract with another person to engage in a predatory marketing practice.

## Wager/Time Limits

** Regulation: Md. Code Regs. 36.10.01.02(29)(g)(i-ii). Definitions**

- (29) “House rules” means a sports book licensee’s Commission-approved requirements for its sports wagering operation that are in addition to the Commission’s regulations, and that shall include:
  - B. Terms defined.
    - (g) If the sports wagering platform allows the bettor to place a wager that pays more than the stated maximum amount, the licensee’s policy and methods for:
      - (i) Limiting the maximum amount a bettor may win on a wager;
      - (ii) Precluding a bettor from, or allowing a bettor to, collect, a payout in excess of the purported winnings;

** Regulation: Md. Code Regs. 36.10.01.02(43). Definitions**

- (43) “Maximum wager limit” means the largest wager that can be wagered on a single sports wager.

## Regulation: Md. Code Regs. 36.10.13.41(A)(1). Consumer protection

- A. Automated Teller Machines.
  - (1) Withdrawal Limits. Exclusive of transaction fees or surcharges, the maximum amount that a bettor may withdraw from a bank account by using an automated teller machine at the location is no more than \$2,500 per sports wagering day.

## Regulation: Md. Code Regs. 36.10.14.01(C). Authorized Wagers

- C. Wager Limits

The maximum wager that may be accepted by any sports wagering licensee from a patron on any one sporting event shall be limited to \$5,000,000.

## Regulation: Md. Code Regs. 36.10.14.04(A)-(D). Limits on Accepting Wagers

- A. A sports wagering platform shall be capable of allowing a registered bettor to establish the following responsible wagering limits:
  - (1) A deposit limit on a daily, weekly and monthly basis that specifies the maximum amount of money a registered bettor may deposit into their sports wagering account during a particular period of time;
  - (2) A limit on the amount wagered or money lost within a daily, weekly or monthly basis that:
    - (a) Renders the registered bettor unable to place an additional wager for the remainder of the time selected once the registered bettor reaches the loss limit; and
    - (b) Does not allow a wager placed prior to reaching the loss limit to be cancelled or refunded;
  - (3) A limit on the amount of money wagered within a daily, weekly or monthly basis that renders the registered bettor unable to place an additional wager for the remainder of the time selected once the registered bettor reaches the wager limit;
  - (4) A limit on the maximum amount of a single wager;
  - (5) A time-based limit that specifies the maximum amount of time, measured hourly from the registered bettor's login to log off, in which a registered bettor may engage in sports wagering on a daily basis;
  - (6) A temporary suspension of sports wagering through the sports wagering account for the number of days selected by the registered bettor; and
  - (7) A mechanism by which a registered bettor may change the limits of §A(1)-(6) of this regulation.
- B. Notwithstanding any other provision in this section, the registered bettor may not change wagering limits while a sports wagering account is suspended.
- C. An increase to financial limits in §A of this regulation may not become effective until after the time period of the previous limit has expired.
- D. A decrease to the chronological limits in §A of this regulation may not be effective later than the registered bettor's next login.
- E. A self-imposed limitation established by a bettor may not replace or override a more restrictive limitation imposed by a licensee or these regulations.

## Restrictions on Extension of House Credit

### Regulation: COMAR 36.03.10.24. Credit Authorization

- B. A facility operator may not extend a line of credit to a player to enable the player to take part in gaming which exceeds the player's authorized credit limit.

## Financial Instruments Restrictions

### Statute: Md. Code Ann., State Govt. Law, § 9-1A-24. Video lottery licenses; conditions

- F. In order to protect the public interest, the regulations shall include provisions that:
  - (1) limit the number and location of and maximum withdrawal amounts from automated teller machines;
  - (2) prohibit authorized automated teller machines from accepting electronic benefit cards, debit cards, or similar negotiable instruments issued by the Department of Human Services for the purpose of accessing temporary cash assistance;
  - (3) require payouts above an amount adopted by the Commission to be made by check;
  - (4) require conspicuous disclosures related to the payout of video lottery terminals;
  - (5) limit the dollar amount that video lottery terminals will accept;
  - (6) prohibit the use of specified negotiable instruments at video lottery facilities and the use of credit cards, debit cards, and similar devices in video lottery terminals;
  - (7) provide consumers with a record of video lottery terminal spending levels if marketing measures are utilized that track consumer spending at video lottery facilities;
  - (8) prohibit consumers from cashing paychecks at video lottery facilities; and prohibit video lottery operation licensees from engaging in or contracting with another to engage in predatory marketing practices.

### Regulation: COMAR 36.03.03.07. Automated Teller Machines

- A. Placement; Limitations.
  - (1) Subject to surveillance requirements in COMAR 36.03.10.11 and 36.03.11.04, a facility operator may place automated teller machines on the gaming floor within the facility.
  - (2) Gaming Floor. The proximity of an automated teller machine to a video lottery terminal or table game that is on a gaming floor is subject to the following limitations:
    - (a) An automated teller machine may be placed no closer than 7 feet to a video lottery terminal or table game; and
    - (b) There may be no more than one automated teller machine for every 100 video lottery terminals and table game seats.
- B. Withdrawal Limits. Exclusive of transaction fees or surcharges, the maximum amount that a player may withdraw from an account by using an automated teller machine located on the gaming floor is no more than \$2,500 per gaming day.
- C. Negotiable Instruments Prohibited.

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- (1) In this regulation, “negotiable instruments” means an electronic benefit card, debit card, or similar instrument issued by the Department of Human Services for (2) the purpose of accessing temporary cash assistance.

An automated teller machine may not accept a negotiable instrument.

### **Regulation: COMAR 36.03.10.33. Prohibition on the Use of Credit Cards and Debit Cards**

A video lottery terminal or table game may not be played or activated in any way by insertion, directly or indirectly, or use of a:

- A. Credit card;
- B. Debit card; or
- C. Electronic transfer of funds from a credit card or debit card.

## Treatment and Research Funding

### **Statute: Md. Code Ann., State Govt. Law, § 9-1A-33. Annual fees; Problem Gambling Fund**

(a)

- (1) The Commission shall:
  - (i) establish an annual fee of \$425, to be paid by each video lottery operation licensee, for each video lottery terminal operated by the licensee during the year, based on the maximum number of terminal positions in use during the year; and
  - (ii) distribute the fees collected under item (i) of this paragraph to the Problem Gambling Fund established in subsection (b) of this section.
- (2) The Commission may establish an annual fee of up to \$500 for each table game to be paid by each video lottery operation licensee and distributed to the Problem Gambling Fund under subsection (b) of this section in order to ensure sufficient funds are available to provide requested services.

(b)

- (1)
  - (i) There is a Problem Gambling Fund in the Maryland Department of Health.
  - (ii) The purpose of the Fund is primarily to provide funding for problem gambling treatment and prevention programs, including:
    1. inpatient and residential services;
    2. outpatient services;
    3. intensive outpatient services;
    4. continuing care services;
    5. educational services;
    6. services for victims of domestic violence; and
    7. other preventive or rehabilitative services or treatment.
- (2) The Problem Gambling Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.
- (3) Money in the Problem Gambling Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

- (4) Except as provided in paragraph (5) of this subsection, expenditures from the Problem Gambling Fund shall be made only by the Maryland Department of Health to:
  - (i) establish a 24-hour hotline for compulsive and problem gamblers and to provide counseling and other support services for compulsive and problem gamblers;
  - (ii) establish an outreach program for compulsive and problem gamblers, including individuals who requested placement on the voluntary exclusion list established by the Commission under § 9-1A-24 of this subtitle, for the purpose of participating in problem gambling treatment and prevention programs; and
  - (iii) develop and implement free or reduced cost problem gambling treatment and prevention programs, including the programs established under Title 19, Subtitle 8 of the Health—General Article.
- (5) After satisfying the requirements of paragraph (4) of this subsection, any unspent funds in the Problem Gambling Fund may be expended by the Maryland Department of Health on drug and other addiction treatment services.
- (6) Expenditures from the Problem Gambling Fund shall be made in accordance with an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article.

**Regulation: COMAR 36.03.08.04. Collection and Deposit of Payments**

- B. The Commission shall deposit payment of:
  - (2) A fee into the Problem Gambling Fund established in the Maryland Department of Health under State Government Article, §9-1A-33(b), Annotated Code of Maryland:
    - (a) An annual fee of \$425 for a video lottery terminal; and
    - (b) An annual fee of \$500 for a table game.

**Alcoholic Beverage Restrictions**

**Statute: Md. Code Ann., State Govt. Law, § 9-1A-24. Video lottery licenses; conditions**

- (b)
  - (1) The county alcoholic beverages licensing authority for the county in which a video lottery facility is located shall ensure that the video lottery operation licensee complies with the requirements of this subsection.
  - (2) Except as provided in paragraph (4) of this subsection, a video lottery operation licensee may not provide food or alcoholic beverages to individuals at no cost.
  - (3) Any food or alcoholic beverages offered by a video lottery operation licensee for sale to individuals may be offered only at prices that are determined by the county alcoholic beverages licensing authority to be commensurate with the price of similar types of food and alcoholic beverages at restaurants in the county in which the video lottery facility is located.
  - (4) A video lottery operation licensee may provide food at no cost to individuals to the same extent allowed under § 6-310 of the Alcoholic Beverages Article for a person engaged in the sale or barter of spirituous, malt, or intoxicating liquors and licensed under the laws of Maryland.
- (c)(1) Except as provided in paragraph (2) of this subsection, a video lottery operation licensee shall ensure that intoxicated individuals and individuals under the age of 21 years are not allowed to play video lottery

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terminals or table games and are not allowed in areas of the video lottery facility where video lottery terminals or table games are located.

### **Regulation: COMAR 36.03.10.09. Complimentary Services**

- A. Definition.
  - (1) A facility operator shall be under the authority of the County Alcoholic Beverages Licensing Authority for the county in which the facility is located with regard to the sale to individuals of food and alcoholic beverages;
  - (2) Except as provided in this section, a facility operator may not provide food or alcoholic beverages to individuals at no cost;
  - (3) Food or alcoholic beverages offered by a facility operator for sale to individuals may be offered only at prices that are determined by the County Alcoholic Beverages Licensing Authority to be commensurate with the price of similar types of food and alcoholic beverages at restaurants in the county in which the facility is located.
  - (4) A facility operator may provide food at no cost to individuals to the same extent allowed under Article 2B, §12-106, Annotated Code of Maryland, for a person engaged in the sale or barter of spirituous, malt, or intoxicating liquors and licensed in Maryland.

## Other

### **Regulation: COMAR 36.01.03.07. Responsible Gaming Program**

- A. The Commission may establish a responsible gaming program.
- B. A responsible gaming program established by the Commission under §A of this regulation shall be designed to:
  - (1) Reduce or mitigate the effects of problem gambling in the State; and
  - (2) Maximize the access of individuals who have a gambling problem to problem gambling resources.

# Massachusetts



Massachusetts created its responsible gaming framework in 2011 following the enactment of legislation authorizing commercial gaming at three casino-resorts in different regions of the state, as well as a facility limited to electronic gaming devices. The 2011 legislation includes several responsible gaming measures, including a requirement that casino operators provide complimentary on-site space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior.

The state has seen little change in responsible gaming regulation since 2019; however, in March 2022, the Massachusetts Gaming Commission issued a Request for Public Comment on responsible gaming considerations for gaming advertising as regulators prepared for the legalization of sports betting. It's anticipated that Massachusetts will introduce robust responsible gaming regulations with the expansion of legal gaming to include sports betting.

## Responsible Gaming Plan Required

### Statute: M.G.L. Ch.23K, §9. Application for gaming licenses

- (a) The commission shall prescribe the form of the application for gaming licenses which shall require, but not be limited to:
  - (8) an agreement that the applicant shall mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, including:
    - (i) maintaining a smoke-free environment within the gaming establishment under section 22 of chapter 270;
    - (ii) providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the commission;
    - (iii) prominently displaying information on the signs of problem gambling and how to access assistance;
    - (iv) describing a process for individuals to exclude their names and contact information from a gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications; and
    - (v) instituting other public health strategies as determined by the commission.

### Statute: M.G.L. Ch.23K, §15. Criteria for eligibility to receive gaming license

No applicant shall be eligible to receive a gaming license unless the applicant meets the following criteria and clearly states as part of an application that the applicant shall:

- (6) demonstrate to the commission how the applicant proposes to address lottery mitigation, compulsive gambling problems, workforce development and community development and host and surrounding community impact and mitigation issues as set forth in the memoranda of understanding required under this chapter.

### **Statute: M.G.L. Ch.23K, §18. Objectives to be advanced in determining granting of license; statement of findings**

In determining whether an applicant shall receive a gaming license, the commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives:

- (6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations.

### **Statute: M.G.L. Ch.23K, §21. Form of gaming license and condition for licensees**

- (a) The commission shall prescribe the form of the gaming license, which shall include, but not be limited to, the following license conditions for each licensee. The licensee shall:
  - (16) provide complimentary on-site space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior;
  - (17) keep conspicuously posted in the gaming area a notice containing the name and a telephone number for problem gambling assistance; provided, however, that the commission may require the gaming licensee to provide this information in more than 1 language;
  - (18) provide a process for individuals to exclude their names and contact information from the gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications;
  - (19) institute additional public health strategies as required by the commission.

### **Regulation: 205 CMR 119.01: Contents of the Application**

The RFA-2 application form shall be designed to require applicants to demonstrate that they have thought broadly and creatively about creating an innovative and unique gaming establishment that will create a synergy with, and provide a significant and lasting benefit to, the residents of the host community, the surrounding communities, the region, and the Commonwealth of Massachusetts, and will deliver an overall experience that draws both residents and tourists to the gaming establishment and the Commonwealth of Massachusetts. Further, the RFA-2 application shall require attestation of the applicant under the pains and penalties of perjury as to the truthfulness of the contents of the submission, and shall require, at a minimum, provision of the following information on and in the form prescribed by the commission:

- (25) an agreement that the applicant shall mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, and the construction of a gaming establishment, including:
  - (a) maintaining a smoke-free environment within the gaming establishment under M.G.L. c. 270, § 22;
  - (b) providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the commission;
  - (c) prominently displaying information on the signs of problem gambling and how to access assistance;
  - (d) describing a process for individuals to exclude their names and contact information from a gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications; and
  - (e) instituting other public health strategies as determined by the commission; and

- (26) how the applicant proposes to take measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations; and how the applicant proposes to cooperate and support the commission in the development of an annual research agenda as provided in M.G.L. c. 23K, § 71.

**Regulation: 205 CMR 119.03. Evaluation of the Application by the Commission**

- (2) In determining which applicant will be awarded a Category 1 gaming license in accordance with M.G.L. c.23K, §19, and a Category 2 gaming license in accordance with M.G.L. c. 23K, § 20, the commission will evaluate the RFA-2 application to determine, and shall issue a statement of findings of how the applicant proposes to advance the objectives specified in M.G.L. c. 23K, § 18. In no particular order and without assigning any particular weights, the commission will evaluate the applicant’s overall response on how it addresses the following categories of information which may be expanded upon in the RFA-2 application form:
  - (e) Mitigation criteria including:
    - 2. Demonstration of plan for mitigation of lottery impact and compulsive gambling problems, community development, and host and surrounding community impact and mitigation issues
    - 8. Measures to address problem gambling

**Self-Exclusion**

**Statute: M.G.L. Ch.23K, §45. Regulation and procedure for the exclusion and self-exclusion of persons from gaming establishments**

- (f) The commission shall establish a list of self-excluded persons from gaming establishments. A person may request such person’s name to be placed on the list of self-excluded persons by filing a statement with the commission acknowledging that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. The commission shall adopt further regulations, under section 5, for the self-excluded persons list including procedures for placement, removal and transmittal of such list to gaming establishments. The commission may revoke, limit, condition, suspend or fine a gaming establishment if the establishment knowingly or recklessly fails to exclude or eject from its premises any person placed on the list of self-excluded persons.
- (g) Gaming establishments shall not market to persons on any excluded persons list and shall deny access to complimentaries, check cashing privileges, club programs and other similar benefits to persons on the self-excluded persons list.
- (h) Notwithstanding any other general or special law to the contrary, the self-excluded persons list shall not be open to public inspection. Nothing in this section, however, shall prohibit a gaming establishment from disclosing the identity of persons on the self-excluded persons list under this section to affiliated gaming establishments in this commonwealth or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments.
- (i) As used in this subsection the following words shall have the following meanings unless the context clearly requires otherwise:
  - (1) “Immediate family”, the spouse, parent, child, brother or sister of an individual.

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- (2) “Problem gambler”, a person who chronically or habitually gambles to the extent that such gambling substantially interferes with the person’s social or economic functioning or that the person has lost the power of self control over that person’s gambling.

An immediate family member or guardian may petition, in writing, a district court for an order of exclusion from gaming establishments applicable to a person whom the petitioner has reason to believe is a problem gambler. Upon receipt of a petition for an order of exclusion of a person and any sworn statements the court may request from the petitioner, the court shall immediately schedule a hearing on the petition and shall cause a summons and a copy of the petition to be served upon the person as provided in section 25 of chapter 276. The person may be represented by legal counsel and may present independent expert or other testimony. The court shall order examination by a qualified psychologist. If after a hearing the court based upon competent testimony finds that the person is a problem gambler and there is a likelihood of serious harm as a result of the person’s gambling, the court may order that such person be prohibited from gaming in gaming establishments. The court shall communicate this order to the commission, which shall place the person’s name on the list of excluded persons.

- (j) A person who is prohibited from gaming in a gaming establishment under this section shall not collect any winnings or recover losses arising as a result of prohibited gaming winnings obtained by a person who is prohibited from gaming in a gaming establishment and such winnings shall be forfeited to the commission and deposited into the Gaming Revenue Fund.
- (k) The commission shall pursue an interstate compact for the purposes of sharing information regarding the excluded persons list.

### **Regulation: 205 CMR 133.01. Scope and Purpose**

In accordance with M.G.L. c. 23K, § 45(f), 205 CMR 133.00 shall govern the procedures and protocols relative to the list of self-excluded persons from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed. The voluntary self-exclusion list shall consist of the names and information relative to those individuals who have complied with the requirement of 205 CMR 133.00 and have been placed on the list by the commission. Placement of one’s name on the voluntary self-exclusion list is intended to offer individuals one means to help address problem gambling behavior or deter an individual with family, religious, or other personal concerns from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed. For purposes of 205 CMR 133.00, the term ‘problem gambler’ shall mean an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in their life or on the lives of the their family, friends, and/or co-workers.

### **Regulation: 205 CMR 133.02. Placement on the Self-exclusion list**

- (1) An individual whose name is placed on the voluntary self-exclusion list shall be prohibited from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed for the duration of the exclusion period, and shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. Provided, however, that an employee of a gaming licensee or vendor who is licensed or registered as a key gaming employee, gaming employee, or gaming service employee in accordance with 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations and who is on the voluntary self exclusion list may be in the gaming area of a gaming establishment or an area in which pari-mutuel or simulcasting wagers are placed solely for purposes of performing their job functions.
- (2) An individual may request to have their name placed on the voluntary self-exclusion list by completing the application and procedure outlined in 205 CMR 133.02. Applications shall be submitted on a form

approved by the commission and shall be available on the commission’s website and at designated locations on and off the premises of the gaming establishments as determined by the commission.

- (3) An application for placement on the voluntary self-exclusion list may only be accepted, and an intake performed, by a designated agent. An individual may only become a designated agent by successfully completing a course of training approved and administered by the commission or its designee. The course of training shall include, at a minimum, instruction on completion of the application, information relative to problem gambling and available resources, and an understanding of 205 CMR 133.00. A designated agent must be a licensed, certified, or registered health or mental health professional or employee thereof, or an employee of a gaming licensee, the commission, a gaming licensee, or other government entity. The commission may refuse to offer training to any individual whose service as a designated agent it determines would be contrary to the aims of 205 CMR 133.00.
- (4) Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application, as provided by 205 CMR 133.03. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
- (5) A designated agent may not sign an application if (a) any required information is not provided or (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the self-exclusion list.
- (6) The designated agent shall forward the signed application for voluntary self-exclusion to the commission within 48 hours of completion in a manner directed by the commission.
- (7) Upon receipt of an application, the commission, or its designee, shall review it for completeness. If the application meets all requirements of 205 CMR 133.02 the application shall be approved and the individual’s name shall be added to the voluntary self-exclusion list. If the application is incomplete, the commission, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
- (8) If the gaming licensee utilizes an internal management system to track individuals on the self-exclusion list, they shall update that system at least every 72 hours with names of individuals being added or removed from the self-exclusion list.
- (9) The commission, or its designee, shall add to the list of voluntarily self-excluded persons the name of any individual provided from a gaming jurisdiction outside of Massachusetts, with which the commission has entered into an interstate compact, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.
- (10) If the applicant has elected the services identified in 205 CMR 133.03(8) the commission, or its designee, shall contact the designated coordinating organization for the provision of requested services.

**Regulation: 205 CMR 133.03. Contents of the Application**

The application for voluntary self-exclusion shall require provision of, at a minimum, the following content:

- (1) Name, home address, email address, telephone number, date of birth, and social security number of the applicant;
- (2) A passport style photo of the applicant without headwear;
- (3) A statement from the applicant that one or more of the following apply:
  - (a) they identify as a problem gambler as defined in 205 CMR 133.01;

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- (b) they feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or
- (c) there is some other reason why they wish to add their name to the list.
- (4) Election of the duration of the exclusion in accordance with 205 CMR 133.04;
- (5) An acknowledgement by the applicant that the individual will not enter the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed for the duration of the exclusion period (except as provided by 205 CMR 133.02(1)) and that it is their sole responsibility to refrain from doing so;
- (6) An acknowledgment by the applicant that the individual shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment for the duration of the exclusion period;
- (7) An acknowledgment by the applicant that he or she will forfeit all rewards or points earned through a player reward card program;
- (8) An offer by the commission or the designated agent completing the self-exclusion application to assist the applicant to access information about gambling disorders, self-guided help or counseling services with a clinician approved by the Massachusetts Department of Public Health;
- (9) An acknowledgment of understanding by the applicant that by placing their name on the voluntary self-exclusion list the prohibitions identified in 205 CMR 133.02(1) apply to all gaming establishments licensed by the commission in Massachusetts, any affiliates of the gaming licensee, whether within Massachusetts or another jurisdiction, and that the commission may share the list with other domestic or international gaming jurisdictions resulting in placement on those lists;
- (10) An acknowledgment by the applicant that he or she is submitting the application freely, knowingly, and voluntarily;
- (11) A statement that the individual is not under the influence of a substance or suffering from a mental health condition that would impair their ability to make an informed decision;
- (12) An acknowledgment by the applicant that if they violate their agreement to refrain from entering a gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed during the exclusion period, the applicant shall notify the commission of such violation within 24 hours of their presence within the gaming area of the gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed; and releasing the Commonwealth of Massachusetts, the commission, the licensee, and all affiliated employees from any claims associated with their breach of the agreement; and
- (13) An acknowledgment by the applicant that once their name is placed on the self-exclusion list they may be refused entry and/or ejected from the gaming area of a gaming establishment by the gaming licensee, an agent of the commission, or law enforcement personnel.

### **Regulation: 205 CMR 133.04. Duration of Exclusion and Removal from the List**

- (1) As part of the request for voluntary self-exclusion, the individual must select the duration for which they wish to be voluntarily excluded. An individual may select any of the following time periods as a minimum length of exclusion:
  - (a) One year;
  - (b) Three years;
  - (c) Five years; or
  - (d) Lifetime (An individual may only select the lifetime duration if their name has previously appeared on the voluntary self-exclusion list for at least six months.)

- (2) An individual on the voluntary self-exclusion list may not apply to decrease the duration of exclusion. An individual who is on the list may submit a request to increase the minimum length of exclusion.
- (3) Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the list or petition for exclusion for a new duration. Individuals shall remain on the list after the expiration of the selected duration of exclusion until such time as they submit a petition for removal in accordance with 205 CMR 133.04(4) and it is approved by the commission or its designee.
- (4) At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the voluntary self-exclusion list by submitting a petition for removal on a form approved by the commission. The petition shall include confirmation from a designated agent that the individual completed an exit session in accordance with 205 CMR 133.04(5). Any petition for removal received by the Commission prior to the expiration of the duration of the selected exclusion period shall be denied. The commission shall approve a completed petition for removal. An individual who has selected a lifetime duration in accordance with 205 CMR 133.04(1)(e) may not submit a petition for removal of their name from the list. An incomplete application, including one that fails to demonstrate completion of an exit session in accordance with 205 CMR 133.04(5) shall be denied until such time as the application is completed.
- (5) To be eligible for removal from the voluntary self-exclusion list the petitioner shall participate in an exit session with a designated agent. The exit session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should the petitioner wish to seek them. Upon completion of the exit session the designated agent shall sign the individual's petition for removal from the list attesting to the fact that the exit session was conducted.
- (6) Upon approval of a petition for removal from the voluntary self-exclusion list, a written notice of removal from the list shall be forwarded by the commission, or its designee, to each gaming licensee and to the petitioner. Notice may be forwarded to the petitioner by email or first class mail to the email address or home address provided by the petitioner in the petition. The petitioner shall be deemed to be removed from the voluntary self-exclusion list when the notice is sent by the commission or its designee.
- (7) If a petitioner does not meet the eligibility requirements for removal from the list provided in 205 CMR 133.04(4), the petition shall be denied. The petitioner shall be notified of the denial by email or first class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual shall remain on the voluntary self-exclusion list until such time as the eligibility requirements have been satisfied.
- (8) An individual whose name has been removed from the voluntary self-exclusion list may reapply for placement on the list at any time by submitting an application in accordance with 205 CMR 133.02;
- (9) An individual whose name was added to the voluntary self-exclusion list in Massachusetts in accordance with 205 CMR 133.02(9) shall be removed from the list notwithstanding 205 CMR 133.04(4) through (6) upon receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.

### **Regulation: 205 CMR 133.05. Maintenance and Custody of the List**

- (1) The commission shall maintain an up-to-date database of the voluntary self-exclusion list. Gaming licensees shall be afforded access to the voluntary self-exclusion list. The voluntary self-exclusion list may only be accessed by individuals authorized in accordance with the gaming licensee's approved system of internal controls in accordance with 205 CMR 13300. All information contained in approved applications for voluntary exclusion may be disclosed to a gaming licensee.

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- (2) The list of voluntary self-exclusion is exempt from disclosure under M.G.L. c. 66 and shall not be publicly disclosed by a gaming licensee. However, a gaming licensee may share the list with other gaming licensees in Massachusetts or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments.
- (3) The commission may disclose de-identified information from the self-exclusion list to one or more research entities selected by the commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the self-exclusion process.

### **Regulation: 205 CMR 133.06. Responsibility of the Gaming Licensees**

A gaming licensee shall have the following responsibilities relative to the administration of the voluntary self-exclusion list:

- (1) A gaming licensee shall eject from or refuse entry into the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed any individual whose name appears on the voluntary self-exclusion list;
- (2) A gaming licensee shall promptly notify the commission, or its designee, if an individual on the voluntary self-exclusion list is found in the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed; (3) A gaming licensee shall not market to individuals on the voluntary self-exclusion list;
- (4) A gaming licensee shall deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the list;
- (5) Individuals on the voluntary self-exclusion list shall not be permitted to participate in a cashless wagering system. A gaming licensee shall take steps to ensure that it denies entry into and terminates all access and privileges associated with its cashless wagering program to individuals on the voluntary list of self-excluded persons;
- (6) A gaming licensee shall not extend credit to an individual on the voluntary self-exclusion list;
- (7) (a) A gaming licensee shall not pay any winnings derived from gaming to an individual who is prohibited from gaming in a gaming establishment by virtue of having placed their name on the voluntary self-exclusion list in accordance with 205 CMR 133.00. Winnings derived from gaming shall include, but not be limited to, such things as proceeds derived from play on a slot machine/electronic gaming device and a wager, or series of wagers, placed at a table game. Where reasonably possible, the gaming licensee shall confiscate from the individual in a lawful manner, or shall notify a commission agent who shall confiscate, or shall refuse to pay any such winnings derived from gaming or any money or thing of value that the individual has converted or attempted to convert into a wagering instrument whether actually wagered or not. A wagering instrument shall include, but not be limited to, chips, tokens, prizes, non-complimentary pay vouchers, electronic credits on a slot machine/electronic gaming device, and vouchers representing electronic credits/TITO slips. The monetary value of the confiscated winnings and/or wagering instrument shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days; (b) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. A hearing shall be conducted in accordance with 205 CMR 101.00: M.G.L. c. 23K Adjudicatory Proceedings to determine whether the subject funds were properly forfeited in accordance with 205 CMR 133.06(7)(a);
- (8) In cooperation with the commission, and where reasonably possible, the gaming licensee shall determine the amount wagered and lost by an individual who is prohibited from gaming. The monetary value of the losses shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days. (9) A

gaming licensee shall submit a written policy for compliance with the voluntary self-exclusion program for commission approval at least 60 days before the gaming establishment opening. The commission shall review the plan for compliance with 205 CMR 133.00. If approved, the plan shall be implemented and followed by the gaming licensee. The plan for compliance with the voluntary self-exclusion program shall include, at a minimum, procedures to:

- (a) Prevent employees from permitting an individual on the voluntary exclusion list from engaging in gambling activities at the gaming establishment;
  - (b) Identify and remove self-excluded individuals from the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed;
  - (c) Remove individuals on the self-exclusion list from marketing lists and refrain from sending or transmitting to them any advertisement, promotion, or other direct marketing mailing from the gaming establishment more than 30 days after receiving notice from commission that the individual has been placed on the voluntary self-exclusion list;
  - (d) Prevent an individual on the voluntary self-exclusion list from having access to credit, cashless wagering program access, or from receiving complimentary services, check-cashing services, junket participation and other benefits from the gaming establishment;
  - (e) Ensure the confidentiality of the identity and personal information of the voluntarily self-excluded individual;
  - (f) Training of employees relative to the voluntary self-exclusion program to be provided in conjunction with its problem gambling training program.
- (10) A gaming licensee shall notify the commission within ten days if an employee or agent fails to exclude or eject from its premises any individual on the list of self-excluded persons, or otherwise fails to perform a responsibility of the gaming establishment identified in 205 CMR 133.06, including any provision of its approved written policy for compliance with the voluntary self-exclusion program.

### **Regulation: 205 CMR 133.07. Sanctions against a Gaming Licensee**

- (1) Grounds for Action. A gaming license may be conditioned, suspended, or revoked, and/or the gaming licensee assessed a civil administrative penalty if it is determined that a gaming licensee has:
  - (a) knowingly or recklessly failed to exclude or eject from its premises any individual placed on the list of self-excluded persons. Provided, it shall not be deemed a knowing or reckless failure if an individual on the voluntary self-exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment; or
  - (b) failed to abide by any provision of 205 CMR 133.00, M.G.L. c. 23K, § 45, the gaming licensee's approved written policy for compliance with the voluntary self-exclusion program pursuant to 205 CMR 133.06(9), or any law related to the voluntary self-exclusion of patrons in a gaming establishment. Provided, a gaming licensee shall be deemed to have marketed to an individual on the self-exclusion list only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.

### **Regulation: 205 CMR 133.08. Collection of Debts**

- (1) An individual who is prohibited from gaming in a gaming establishment under 205 CMR 133.00 shall not be entitled to recover losses as a result of prohibited gaming based solely on their inclusion on the list.

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- (2) Nothing in 205 CMR 133.00 shall be construed so as to prohibit a gaming licensee from seeking payment of a debt from an individual whose name is on the voluntary self-exclusion list if the debt was accrued by the individual before their name was placed on the list.

### Property Signage and Responsible Gaming Disclosures

#### **Statute: M.G.L. Ch.23K, §21. Form of gaming license and condition for licensees**

- (a) The commission shall prescribe the form of the gaming license, which shall include, but not be limited to, the following license conditions for each licensee. The licensee shall:
- (17) keep conspicuously posted in the gaming area a notice containing the name and a telephone number for problem gambling assistance; provided, however, that the commission may require the gaming licensee to provide this information in more than 1 language.

### Advertising Restrictions

#### **Statute: M.G.L. Ch.23K, §21. Form of gaming license and condition for licensees**

- (a) The commission shall prescribe the form of the gaming license, which shall include, but not be limited to, the following license conditions for each licensee. The licensee shall:
- (18) provide a process for individuals to exclude their names and contact information from the gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications.

### Wager/Time Limits

#### **Statute: M.G.L. Ch.23K, §29. Cashless wagering systems; setting and adjustment of betting limits; monthly statements; annual report to the commission**

A gaming establishment offering a cashless wagering system shall allow individuals to monitor and impose betting limits on their cashless wagering. The gaming establishment shall allow individuals to set betting limits on their cashless wagering including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits and monthly limits. An individual may lower limits and increase limits; provided, however, that the individual shall not increase betting limits more than once in a 24-hour period. The gaming establishment shall issue to each patron who has been issued a rewards card or who participates in a cashless wagering system by the gaming establishment a monthly statement, mailed to the patron at the patron's physical mailing address, which shall include the patron's total bets, wins and losses; provided, however, that a patron shall be given the opportunity to decline receiving a monthly statement at the time the rewards card is issued or during initial participation in a cashless wagering system; provided further, that a patron may later opt out of receiving monthly statements by providing a written request to cease monthly statements to the gaming establishment. A gaming licensee who has implemented such a program or system shall annually report to the commission the amount of money spent and lost by patrons who have been issued a rewards card or who participated in a cashless wagering system, aggregated by zip code. Activity under this section shall be monitored by the commission. Individuals on the list of excluded persons shall not be permitted to participate in a cashless wagering system.

## Restrictions on Extension of House Credit

### Statute: M.G.L. Ch.23K, §27. Issuance of credit by gaming licensee to patron of a gaming establishment

- (a) A gaming licensee may issue credit to a patron of a gaming establishment in accordance with regulations promulgated by the commission. Such regulations shall include, but not be limited to:
  - (i) procedures for confirming that a patron has an established credit history and is in good standing;
  - (ii) whether the patron has a good credit history with the gaming establishment;
  - (iii) authorization of any credit instrument;
  - (iv) methods for acknowledging a credit instrument and payment of debt; and
  - (v) information to be provided by the patron to the gaming establishment to be shared with the commission for auditing purposes.
- (g) A person may petition the commission to place the person's name on a list of persons to whom the extension of credit by a gaming establishment shall be prohibited. Any person filing such petition shall submit to the commission the person's name, address and date of birth. The person shall not be required to provide a reason for the request. The commission shall provide this list to the credit department of each gaming establishment; provided, however, that neither the commission nor the credit department of a gaming establishment shall divulge the names on this list to any person or entity other than those provided for in this subsection. If such a person wishes to have their name removed from the list, the person shall petition the commission in accordance with procedures for removal set forth by the commission. If the commission approves the request, the commission shall so inform the credit department of the gaming establishments not later than 7 days after approving the request.

### Regulation: 205 CMR 138.43. Procedures for Establishing Patron Credit Accounts, and Recording Checks Exchanged, Redeemed or Consolidated

- (1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a description of its policies and procedures governing the issuance of credit to a patron to take part in gaming activity at its gaming establishment. A gaming licensee's policies and procedures governing the issuance of credit shall ensure at a minimum that:
  - (a) Prior to issuing credit to a patron the creditworthiness of the patron is established in a commercially reasonable manner in the context of their ability to repay the amount of credit requested or to be extended according to the terms of the credit extension agreement and any disclosures;
  - (b) Credit is not extended to an individual in an amount beyond that which the information reviewed demonstrates that they have a reasonable ability to repay;
  - (c) Credit will only be extended to patrons who the gaming licensee determines qualify for a minimum threshold of \$10,000.00 and will not exceed the amount requested by the patron;
  - (d) Credit will not be offered to any individual who self-identifies as a problem gambler during the credit application process, places themselves on a voluntary credit suspension list in accordance with 205 CMR 138.44, or is on public assistance;
  - (e) Credit requests, including increases, will not be accepted from or granted to patrons who are visibly intoxicated or exhibiting behaviors suggestive of impaired mental competency;
  - (f) Credit applications require patrons to acknowledge that they have reviewed a problem gambling self-assessment and indicate a desire to proceed with the process; and

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- (g) Credit officers will obtain written or verbal verification from credit applicants that they are comfortable losing up to the amount of credit requested and granted.
- (10) Prior to processing a gaming patron's credit application, a gaming licensee shall clearly and conspicuously provide the patron with the following disclosures on a piece of paper separate and apart from the credit application and any related documents; provided that each statement shall be separately signed, dated, and acknowledged by said patron. Upon signing said disclosures, a copy shall be provided to the gaming patron.
  - a. "You are applying for a credit extension from [name of gaming licensee], facilitated through a personal check or counter check (also known as a 'marker') on your bank account. If you fail to repay [name of gaming licensee] by [the date specified in this agreement], [name of gaming licensee] will attempt to recover the amount identified on the personal check or 'marker' from your bank account (by date marker will be deposited with the bank) or thereafter. If there are insufficient funds in your account, [name of gaming licensee] may initiate debt collection proceedings against you. Failure to timely repay your debt to [name of gaming licensee] may result in legal consequences, and will likely have a negative effect on your credit."
  - b. "If you are concerned that you may have difficulty managing your gambling, or wish for any reason to exclude yourself from receiving credit from a gaming establishment in Massachusetts, you may add yourself to the gaming credit suspension list. Massachusetts gaming establishments are prohibited from providing credit to individuals appearing on this list. To sign up for the list, please visit [www.massgaming.com](http://www.massgaming.com) or call 1-800-426-1234."
- (5) Verify that the patron's name is not designated on the list of individuals who have voluntarily requested suspension of credit privileges pursuant to 205 CMR 138.44 or placed their name on the voluntary self-exclusion list pursuant to 205 CMR 133.00: Voluntary Self-exclusion.

### **Regulation: 205 CMR 138.44. Patron Request for Suspension of Credit Privileges**

- (1) Any person may voluntarily suspend his or her credit privileges at all gaming establishments by submitting a written request to the commission in accordance with 205 CMR 138.44. Such requests shall be submitted to a designated agent as described in accordance with 205 CMR 138.44(3) or mailed to a designated address with a notarized signature in accordance with 205 CMR 138.44(2)(h). An individual requesting suspension of credit privileges shall present a valid government issued photo identification.
- (2) A request for suspension of credit privileges shall be submitted on a form prescribed by the commission, which shall include the following:
  - (a) The name of the person requesting suspension of credit privileges;
  - (b) The address of the person's residence;
  - (c) The person's date of birth;
  - (d) The name of each gaming establishment where the person currently has an approved line of credit;
  - (e) The duration for which they wish to have their credit privileges suspended. An individual may select any of the following time periods as a minimum length of suspension:
    - 1. Six months;
    - 2. One year;
    - 3. Three years;
    - 4. Five years; or
    - 5. Lifetime.
  - (f) The signature of the person requesting suspension of credit privileges acknowledging the following statement: "I certify that the information which I have provided above is true and accurate. I am aware

that my signature below authorizes the Massachusetts Gaming Commission to direct all Massachusetts gaming licensees to suspend my credit privileges for a minimum period of six months from the date of this request and indefinitely thereafter, until such time as I submit a written request to the Commission for the reinstatement of any such credit privileges.”;

- (g) If the request for suspension of credit privileges is made in person:
  1. The type of government issued photo identification examined; and
  2. The signature of the designated agent indicating that the signature of the person requesting suspension of credit privileges appears to agree with that contained on his or her government issued photo identification and that the photograph of the person appears to agree with his or her actual appearance; and;
  3. If the request for suspension of credit privileges is made by mail, a certificate of acknowledgement executed by a notary public or other person empowered by law to take oaths attesting to the identity of the person who is making the request for suspension of credit privileges.
- (3)
  - (a) An application for suspension of credit privileges made in person may only be accepted by a designated agent. An individual may only become a designated agent by successfully completing a course of training approved and administered by the commission or its designee. The course of training shall include, at a minimum, instruction on completion of the application, information relative to problem gambling and available resources, and an understanding of 205 CMR 138.40 through 138.46. A designated agent must be a licensed, certified, or registered health or mental health professional or employee thereof, or an employee of a gaming licensee, the commission, or other government entity. The commission may refuse to offer training to any individual whose service as a designated agent it determines would be contrary to the aims of 205 CMR 138.40 through 138.46.
  - (b) Upon submission of an application, a designated agent shall review the application with the applicant. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
  - (c) A designated agent may not sign an application if any required information is not provided.
  - (d) The designated agent shall forward the signed application for suspension of credit to the commission within 24 hours of completion in a manner directed by the commission.
  - (e) Upon receipt of an application, the commission, or its designee, shall review it for completeness. If the application meets all requirements of 205 CMR 138.40 through 138.46 the application shall be approved, and the individual’s name shall be added to the credit suspension list. If the application is incomplete, the commission, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
  - (f) In addition to 205 CMR 138.44(3)(d), if an application is made in person at a gaming establishment, the designated agent shall promptly transmit a completed application to the gaming licensee’s credit department such that any existing credit line for that individual may be immediately suspended and that no new credit may be extended.
- (4) The commission shall maintain an updated master list of all persons who have requested suspension of credit privileges pursuant to 205 CMR 138.44, and shall update the master list in the database.
  - (a) Each gaming licensee shall suspend the credit privileges of any listed individual, promptly upon receipt of notice that such individual’s name has been added to the list.
  - (b) Each gaming licensee shall note any suspension or reinstatement of credit privileges pursuant to 205 CMR 138.44 in any existing credit file for the affected patron, including the following:
    1. A copy of any applicable commission notice of the suspension or reinstatement of credit privileges;

2. The date, time and signature of the credit department representative making the suspension or reinstatement entry in the credit file.
- (5) Any person whose credit privileges have been suspended pursuant to 205 CMR 138.44 may, no sooner than six months after the request for suspension of credit privileges, request reinstatement of his or her credit privileges by submitting a written request to the commission in accordance with the procedures specified in 205 CMR 138.44(1).
- (a) Such request shall be in a form prescribed by the commission, which shall include the following:
    1. The information specified in 205 CMR 138.44; and
    2. The signature of the person requesting reinstatement of credit privileges, indicating acknowledgement of the following statement: “I certify that the information which I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for suspension of credit privileges, and authorizes the Massachusetts Gaming Commission to permit any Massachusetts gaming licensee to reinstate my credit privileges.”
  - (b) The commission shall remove such individual’s name from the list established pursuant to 205 CMR 138.44, and update the master list in the database within seven days of receipt of the request.
  - (c) Upon receipt of notice that such individual’s name has been removed from the list, a gaming licensee may reinstate such person’s credit upon re-verification of the information required by 205 CMR 138.43(2)(c)1. through 4., or may extend credit to such person in accordance with the procedures set forth in 205 CMR 138.43.
- (6) Information furnished to or obtained by the commission pursuant to 205 CMR 138.44 shall be securely maintained. No gaming licensee shall divulge any information relative to the placement of an individual’s name on the master list other than to authorized credit department employees at the gaming establishment or to an authorized commission employee.

## Financial Instruments Restrictions

### **Statute: M.G.L. Ch.23K, §27. Issuance of credit by gaming licensee to patron of a gaming establishment**

- (f) The commission shall, in consultation with the department of transitional assistance, the department of labor and workforce development, the department of housing and community development or the applicable administering agency, establish by regulation procedures and standards to prohibit a gaming establishment or any person acting on behalf of a gaming establishment from:
- (i) cashing a government-issued check;
  - (ii) from operating on its premises any credit card or automated teller machine that would allow a patron to obtain cash from a government-issued electronic benefits transfer card; and
  - (iii) from extending or issuing credit to a patron of a gaming establishment who receives any form of income-based public assistance including, but not limited to, the supplemental nutrition assistance program, temporary assistance for needy families, emergency aid to elders, disabled and children, public housing assistance, MassHealth and unemployment insurance. The procedures and standards established shall ensure the privacy of all patrons receiving public assistance.

**Regulation: 205 CMR 138.40. Procedure for Acceptance of Checks, Cash Equivalents, Wire Transfers, and Credit/Debit Cards; Issuance of Counter Checks**

A system of internal controls submitted by a gaming licensee, in accordance with 205 CMR 138.02, shall include policies and procedures relative to the acceptance of checks and cash equivalents presented by patrons, and the issuance of counter checks to patrons for gaming purposes. These policies and procedures shall include, but not be limited to:

- (8) Procedures to ensure that any credit card or automated teller machine operating in the gaming establishment does not allow a patron to obtain cash from a government-issued electronic benefits transfer card and that it is otherwise in conformance with 205 CMR 138.47.

**Treatment and Research Funding**

**Statute: M.G.L. Ch.23K, §56. Fees and annual assessment of costs not otherwise covered by fees or other sources of funding**

- (e) In addition to the fees collected under this section and any additional costs of the commission, the commission shall assess an annual fee of not less than \$5,000,000 in proportional shares against each gaming licensee in proportion to the number of gaming positions at each gaming establishment for the costs of service and public health programs dedicated to addressing problems associated with compulsive gambling or other addiction services. Such assessed fees shall be deposited into the Public Health Trust Fund established in section 58.

**Statute: M.G.L. Ch.23K, §58. Public Health Trust Fund**

There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Public Health Trust Fund. The fund shall consist of fees assessed under section 56 and all other monies credited or transferred to the fund from any other source under law. The secretary of health and human services shall be the trustee of the fund and may only expend monies in the fund, without further appropriation, to assist social service and public health programs dedicated to addressing problems associated with compulsive gambling including, but not limited to, gambling prevention and addiction services, substance abuse services, educational campaigns to mitigate the potential addictive nature of gambling and any studies and evaluations necessary, including the annual research agenda under section 71, to ensure the proper and most effective strategies.

**Statute: M.G.L. Ch.23K, §59. Gaming Revenue Fund**

There shall be established and set up on the books of the commonwealth a Gaming Revenue Fund which shall receive revenues collected from the tax on gross gaming revenue received from gaming licensees. The commission shall be the trustee of the fund and shall transfer monies in the fund as follows:

- (2) 100 per cent of the revenue received from a category 1 licensee shall be transferred as follows:
  - (k) 5 per cent to the Public Health Trust Fund established in section 58.

**Statute: M.G.L. Ch.23K, §71. Development of annual research agenda in furtherance of understanding the social and economic effects of expanded gaming in the commonwealth**

The commission, with the advice of the gaming policy advisory committee, shall develop an annual research agenda in order to understand the social and economic effects of expanding gaming in the commonwealth and to obtain

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scientific information relative to the neuroscience, psychology, sociology, epidemiology and etiology of gambling. The secretary of health and human services, with the advice and consent of the commission, may expend funds from the Public Health Trust Fund established in section 58 to implement the objectives of the research agenda which shall include, but not be limited to:

- (1) a baseline study of the existing occurrence of problem gambling in the commonwealth; provided, however, that the study shall examine and describe the existing levels of problem gambling and the existing programs available that prevent and address the harmful consequences of problem gambling; provided further, that the commission shall contract with scientists and physicians to examine the current research as to the causes for problem gambling and the health effects of problem gambling and the treatment methods currently available in the commonwealth; provided further, that the commission shall report on the findings of the baseline study and provide recommendations to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on mental health and substance abuse and the joint committee on public health relative to methods to supplement or improve problem gambling prevention and treatment services;
- (2) comprehensive legal and factual studies of the social and economic impacts of gambling in the commonwealth on: (a) state, local and Indian tribal governments; and (b) communities and social institutions generally, including individuals, families and businesses within such communities and institutions; provided, however, that the matters to be examined in such studies shall include, but not be limited to:
  - (i) a review of existing federal, state, local and Indian tribal government policies and practices with respect to the legalization or prohibition of gambling, including a review of the costs of such policies and practices;
  - (ii) an assessment of the relationship between gambling and levels of crime and of existing enforcement and regulatory practices intended to address any such relationship;
  - (iii) an assessment of pathological or problem gambling, including its impact on individuals, families, businesses, social institutions and the economy;
  - (iv) an assessment of the impact of gambling on individuals, families, businesses, social institutions and the economy generally, including the role of advertising in promoting gambling and the impact of gambling on depressed economic areas;
  - (v) an assessment of the extent to which gaming has provided revenues to other state, local and Indian tribal governments;
  - (vi) an assessment of the costs of added infrastructure, police force, increased unemployment, increased health care and dependency on public assistance;
  - (vii) an assessment of the impact of the development and operation of the gaming establishment on small businesses in host communities and surrounding communities, including a review of any economic harm experienced and potential solutions to mitigate associated economic harm; and
  - (viii) the costs of implementing this chapter.
- (3) individual studies conducted by academic institutions and individual researchers in the commonwealth to study topics which shall include, but not be limited to: (i) reward and aversion, neuroimaging and neuroscience in humans, addiction phenotype genotype research, gambling-based experimental psychology and mathematical modeling of reward-based decision making; (ii) the sociology and psychology of gambling behavior, gambling technology and marketing; and (iii) the epidemiology and etiology of gambling and problem gambling in the general population; provided, however, that when contracting with researchers to study such issues, the commission shall encourage the collaboration among researchers in the commonwealth and other states and jurisdictions.

The commission and the committee shall annually make scientifically-based recommendations which reflect the results of this research to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on mental health and substance abuse and the joint committee on public health. The commission shall consider any such recommendations, research and findings in all decisions related to enhancing responsible gambling and mitigating problem gambling.

**Regulation: 205 CMR 121.01. Licensing and Assessment Fees**

- (3) The following fees are due and payable to the commission for each gaming establishment:
  - (c) An annual fee, as provided by M.G.L. c. 23K, § 56(e) reflecting each gaming establishment’s share of at least \$5,000,000 to be deposited into the Public Health Trust Fund in proportion to the number of gaming positions projected for the gaming establishment; provided, however, that such assessment may be adjusted by the commission at any time after payment is made where required to reflect the actual number of gaming positions at a gaming establishment, and accordingly, the payment of additional funds may be required or a credit may be issued towards the payment due the following year.

**Alcoholic Beverage Restrictions**

**Statute: M.G.L. Ch.23K, §26. Sale and distribution of alcoholic beverages at gaming establishments; gaming beverage license**

- (d) The request submitted to the commission for a gaming beverage license by an applicant for a gaming license shall detail all areas where alcoholic beverages will be served within the gaming establishment. In issuing a gaming beverage license, the commission shall describe the scope of the particular license and any restrictions and limitations; provided, however, that the gaming beverage license shall not permit the sale or distribution of alcoholic beverages between the hours of 2 a.m. and 8 a.m.

**Regulation: 205 CMR 136.02. General Provisions**

- (1) No person may sell or distribute alcoholic beverages to be drunk on the premises of a gaming establishment except as allowed by a gaming beverage license. Alcoholic beverages served in a licensed area, in accordance with the terms of a gaming beverage license, may be consumed in any part of the premises of the gaming establishment subject to any restrictions or conditions placed on the gaming beverage license in the interest of the integrity of gaming and/or public health, welfare, or safety.

**Regulation: 205 CMR 136.07. Practices and Conditions of License**

- (5) Postings. The gaming beverage licensee shall post in a location continuously conspicuous to the public within each licensed area and wherever alcoholic beverages are served:
  - (a) a copy of the licensed area addendum pursuant to 205 CMR 136.09(2) for the licensed area, and
  - (b) a summary of M.G.L. c. 90, § 24 prohibiting driving under the influence and stating the maximum penalties provided therefore.
- (7) Prohibited Distribution. A gaming beverage licensee, jointly responsible person, and their respective agents and employees, except as otherwise provided by 205 CMR 136.07:
  - (a) may not offer or deliver more than two drinks to one individual at a time (except that a bottle of wine may be served to one or more patrons);

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- (b) may not sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price (i.e., open bar), except at invitation-only private functions not open to the public;
- (c) may not increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
- (d) may not offer or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
- (e) may not encourage or permit any game or contest which involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes;
- (f) may not serve an alcoholic beverage to any person who is visibly intoxicated;
- (g) may not serve an alcoholic beverage to any person who is younger than 21 years old;
- (h) may not serve or distribute alcoholic beverages at the gaming establishment between 2:00 A.M. and 8:00 A.M. subject to 205 CMR 136.07(7)(i); and
  - (i) may, with the commission's approval, serve alcoholic beverages between the hours of 2:00 A.M. and 4:00 A.M. to patrons of the gaming establishment who are actively engaged in gambling, as defined by M.G.L. c. 23K, § 2, in the gaming area. Such service shall be conducted in accordance with the procedures approved in accordance with 205 CMR 138.12.

### **Regulation: 205 CMR 138.12. Alcoholic Beverage Control**

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures designed to ensure compliance with 205 CMR 136.00: Sale and Distribution of Alcoholic Beverages at Gaming Establishments including, at a minimum, procedures designed to ensure proper training of employees involved in the service of alcoholic beverages, procedures designed to prevent serving alcoholic beverages to underage or visibly intoxicated individuals, procedures to ensure that visibly intoxicated or impaired patrons are not permitted to play slot machines or table games (as further detailed in 205 CMR 138.14), and procedures to ensure that alcohol is properly secured and stored. If the gaming licensee intends to serve alcoholic beverages between the hours of 2:00 A.M. and 4:00 A.M., it shall include policies and procedures in its alcoholic beverage control submission designed to ensure that such service is only provided to patrons who are in the gaming area and actively engaged in gambling as defined by M.G.L. c. 23K, § 2.

## Other

### **Statute: M.G.L. Ch.23K, §70. Annual reporting of activities including review of implementation and enforcement of chapter and establishment of governance structure**

The commission shall annually submit a complete and detailed report of the commission's activities, including a review of the implementation and enforcement of this chapter and the governance structure established in this chapter, within 90 days after the end of the fiscal year to the governor, the attorney general, the treasurer and receiver general, the clerks of the senate and the house of representatives, the chairs of the joint committee on economic development and emerging technologies and the chairs of the house and senate committees on ways and means.

### **Statute: M.G.L. Ch.23K, §51. Disbursement by gaming licensee of cash or prize to IV-D agency or department of revenue in satisfaction of winner's past-due child support or past-due tax liability to commonwealth**

- (a) Prior to disbursement of cash or a prize in excess of \$600, a gaming licensee shall review information made available by the IV-D agency, as set forth in chapter 119A and by the department of revenue to

ascertain whether the winner of the cash or prize owes past-due child support to the commonwealth or to an individual to whom the IV-D agency is providing services and to ascertain whether the winner of the cash or prize owes any past-due tax liability to the commonwealth.

- (b) If the winner of the cash or prize owes past-due child support or has a past-due tax liability, the gaming licensee shall notify the IV-D agency or the commonwealth, respectively, of the winner's name, address and social security number. Subsequent to statutory state and federal tax withholding, the gaming licensee shall first disburse to the IV-D agency the full amount of the cash or prize or such portion of the cash or prize that satisfies the winner's past-due child support obligation.
- (c) If funds remain available after the disbursement to the IV-D agency or if no such obligation to the IV-D agency is owed, the gaming licensee shall disburse to the department of revenue the full amount of the cash or prize or such portion of the cash prize that satisfies the winner's past-due tax liability. The licensee shall disburse to the holder only that portion of the prize, if any, remaining after the holder's past-due child support obligation and the holder's past-due tax liability have been satisfied.

# Michigan



Sports Betting Statute/Regulation



iGaming Statute/Regulation

Michigan established its responsible gaming regulatory framework through legislation in 1996 that authorized land-based casino gaming in Detroit. In 2020, new responsible gaming requirements were adopted following the authorization of internet gaming and land-based and mobile sports betting.

Since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019, Michigan's responsible gaming framework has expanded to include requirements surrounding wager and time limits for both sports betting and internet gaming, as well as restrictions on advertising.

## Self-Exclusion

### Statute: MCL 432.225. Disassociated persons

- (1) The board shall create a list of disassociated persons. The board shall, with the assistance of casino licensees, inform each patron of the list of disassociated persons and explain how the patron may add his or her name to the list.
- (2) The board may add an individual's name to the list of disassociated persons if the individual has notified the board in writing of his or her pledge not to visit a casino in this state by filing an application for placement on the list of disassociated persons with the board.
- (3) The board shall create and make available an application for placement on the list of disassociated persons. The application shall include all of the following information about the individual who is applying:
  - (a) Full name and all aliases.
  - (b) Physical description including height, weight, hair and eye color, skin color, and any other noticeable physical characteristics.
  - (c) Occupation.
  - (d) Current home and work addresses and phone numbers.
  - (e) Social security number.
  - (f) Date of birth.
  - (g) Statement that the individual believes he or she is a problem gambler and is seeking treatment.
  - (h) A photograph suitable for the board and casino licensees to use to identify the individual.
    - (i) Other information that the board considers necessary.
- (4) An individual's name shall be placed on the list of disassociated persons after all of the following have occurred:
  - (a) The individual has submitted an application to be placed on the list of disassociated persons to the Michigan gaming control board.
  - (b) The application has been verified by a representative of the board.
  - (c) The individual has signed an affidavit in which he or she affirms that he or she wishes to be placed on the list of disassociated persons and authorizing the board to release the contents of his or her application to all casino licensees in this state.
  - (d) The individual signs a form releasing the state of Michigan, the board, and the casino licensees from any injury the individual suffers as a consequence of placing his or her name on the list of disassociated persons.
  - (e) The individual signs a form stating that he or she understands and authorizes all of the following:

- (i) That a criminal complaint for trespassing will be filed against him or her if he or she is found on the premises of a casino in this state and he or she will be immediately removed from the casino premises.
  - (ii) That if he or she enters a casino and wins any money, the board will confiscate the winnings.
- (5) An individual who has his or her name placed on the list of disassociated persons shall remain on the list for the remainder of his or her life.
- (6) After an application has been submitted to the board, the chairperson of the board shall file a notice of placement on the list of disassociated persons with the board at the next closed session. Information contained in an application under subsection (4) is exempt from disclosure under section 4c of this act and is not open for public inspection. The information shall be disclosed to the board, each casino licensee in this state, the department of attorney general, and the department of state police.
- (7) The list of disassociated persons shall be provided to each casino licensee, the department of attorney general, and the department of state police.
- (8) Each casino licensee in this state shall submit to the board a plan for disseminating the information contained in the applications for placement on the list of disassociated persons. The board shall approve the plan. The plan shall be designed to safeguard the confidentiality of the information but shall include dissemination to all of the following:
  - (a) The general casino manager or the managerial employee who has responsibility over the entire casino operations.
  - (b) All security and surveillance personnel.
  - (c) The department of state police.
- (9) A casino licensee shall not extend credit, offer check cashing privileges, offer coupons, market its services, or send advertisements to, or otherwise solicit the patronage of, those persons whose names are on the list of disassociated persons.
- (10) The casino licensee shall keep a computer record of each individual whose name is on the list of disassociated persons. If a casino licensee identifies a person on the premises of a casino, the licensee shall immediately notify the board, a representative of the board, or a representative of the department of state police who is on the premises of the casino. After the licensee confirms that the individual has filed an affidavit under this section, the licensee shall do all of the following:
  - (a) Immediately remove the individual from the casino premises.
  - (b) Report the incident to the prosecutor for the county in which the casino is located.
- (11) A casino licensee who violates this act is subject to disciplinary action by the board.
- (12) The board shall promulgate rules to implement and administer this act.
- (13) An individual who has placed his or her name on the list of disassociated persons who enters a casino in this state is guilty of criminal trespassing punishable by imprisonment for not more than 1 year, a fine of not more than \$1,000.00, or both.
- (14) This act does not create any right or cause of action on behalf of the individual whose name is placed on the list of disassociated persons against the state of Michigan, the board, or a casino licensee.
- (15) Any winnings collected by the board under this act shall be deposited into the compulsive gaming prevention fund.

### Regulation: Mich. Admin. Code 432.674. Self-exclusion list

- (7) Each internet gaming operator and internet gaming platform provider must establish and maintain a self-exclusion list as prescribed in this act, in these rules, by direction of the executive director, and in accordance with internal controls.
- (8) The self-exclusion list must be designed to safeguard the confidentiality of the information.
- (9) An individual may have his or her name added to the self-exclusion list maintained by the internet gaming operator or internet gaming platform provider if her or she agrees to release the state, the board and its employees and agents, the internet gaming operator, the internet gaming betting platform provider, and each of their respective officers, directors, employees and agents from any harm, monetary or otherwise, that may arise as a consequence of placing his or her name in the responsible gaming database or self-exclusion list.
- (10) Any individual requesting placement in the self-exclusion list must submit through his or her internet wagering account or by another means authorized by the board, a completed request for self-exclusion.
- (11) An internet gaming operator or internet gaming platform provider may disclose the names of voluntarily excluded persons on the self-exclusion list to a person licensed or registered by the board for the purpose of allowing the third-party to remove the names of such individuals from a targeted mailing or other advertising or promotion to be made on behalf of an internet gaming operator or internet gaming platform provider.
- (12) A licensed or registered third-party that obtains the self-exclusion list from an internet gaming operator or internet gaming platform provider is permitted to use the list solely to exclude names and other information from targeted mailings or other advertising or promotion made on behalf of the internet gaming operator or internet gaming platform provider. The third-party to whom the information is disclosed shall not distribute or disclose the information to the public or any other person. Disclosure may result in disciplinary action or civil fine.

### Regulation: Mich. Admin. Code 432.675. Prohibited persons

- (5) An internet gaming operator and an internet gaming platform provider must make reasonable efforts to prevent a prohibited person from establishing an internet wagering account and not permit the prohibited person to place an internet wager based on the most current information available to the internet gaming operator and internet gaming platform provider. This subrule shall not be construed to prevent an individual from creating an internet gaming account and depositing funds to such an account even if they are prohibited from placing certain wagers.
- (6) If an internet gaming operator or internet gaming platform provider detects, or is notified of, an individual suspected of being a prohibited person who had engaged or is engaging in prohibited internet wagering, the internet gaming operator or internet gaming platform provider, or both, must use reasonable measures to verify whether the individual is prohibited or not. If the internet gaming operator or internet gaming platform provider cannot establish by reasonable measures that the individual is prohibited, the individual is presumed to not be a prohibited person for the purposes of this rule.
- (7) Upon verification of a prohibited status, the internet gaming operator or internet gaming platform provider, or both, must do both of the following:
  - (a) Immediately prohibit access to the individual's internet wagering account.
  - (b) Seize from the individual any winnings or things of value obtained from engaging in internet wagering.
- (8) The internal controls of an internet gaming operator or internet gaming platform provider must contain procedures for processing any winnings or things of value confiscated or withheld from a prohibited person.

### **Regulation: Mich. Admin. Code 432.676. Duty of internet gaming operator and internet gaming platform provider**

- (3) An internet gaming operator and internet gaming platform provider must make reasonable efforts to prohibit a prohibited person from establishing an internet wagering account and from participating in internet wagering offered under the act and these rules. This subrule shall not be construed to prevent an individual from creating an internet gaming account and depositing funds to such an account even if they are prohibited from placing certain wagers.
- (4) If an internet gaming operator or internet gaming platform provider becomes aware that a prohibited person has established an internet wagering account or has participated in internet wagering, the internet gaming operator or internet gaming platform provider must provide written notice to the executive director. Any wager made by a prohibited person must be cancelled and the internet wagering account used to place the wager must be suspended or closed.

### **Regulation: Mich. Admin. Code 432.774. Self-exclusion list**

- (7) Each sports betting operator and internet sports betting platform provider must establish and maintain a self-exclusion list as prescribed in the act, in these rules, by direction of the executive director, and in accordance with internal controls.
- (8) The self-exclusion list must be designed to safeguard the confidentiality of the information.
- (9) An individual may have his or her name added to the self-exclusion list maintained by the sports betting operator or internet sports betting platform provider if her or she agrees to release the state, the board and its employees and agents, the sports betting operator, the internet sports betting platform provider, and each of their respective officers, directors, employees and agents from any harm, monetary or otherwise, that may arise as a consequence of placing his or her name in the responsible gaming database or self-exclusion list.
- (10) Any individual requesting placement in the self-exclusion list must submit through his or her internet sports betting account or by another means authorized by the board, a completed request for self-exclusion.
- (11) A sports betting operator or internet sports betting platform provider may disclose the names of voluntarily excluded persons on the self-exclusion list to a person licensed or registered by the board for the purpose of allowing the third-party to remove the names of such individuals from a targeted mailing or other advertising or promotion to be made on behalf of a sports betting operator or internet sports betting platform provider.
- (12) A licensed or registered third-party that obtains the self-exclusion list from a sports betting operator or internet sports betting platform provider is permitted to use the list solely to exclude names and other information from targeted mailings or other advertising or promotion made on behalf of the sports betting operator or internet sports betting platform provider. The third-party to whom the information is disclosed shall not distribute or disclose the information to the public or any other person. Disclosure may result in disciplinary action or civil fine.

### **Regulation: Mich. Admin. Code. 432.775. Prohibited persons**

- (2) A sports betting operator and an internet sports betting platform provider must make reasonable efforts to prevent a prohibited person from establishing an internet sports betting account and not permit the prohibited person to place an internet sports betting wager. This subrule shall not be construed to prevent an individual from creating an internet sports betting account and depositing funds to such an account even if they are prohibited from placing certain wagers.

- (5) If a sports betting operator or internet sports betting platform provider detects, or is notified of, an individual suspected of being a prohibited person who had engaged or is engaging in prohibited internet sports betting, the sports betting operator or internet sports betting platform provider, or both, must use reasonable measures to verify whether the individual is prohibited or not. If the sports betting operator or internet sports betting platform provider cannot establish by reasonable measures that the individual is prohibited, the individual is presumed to not be a prohibited person for the purposes of this rule.
- (6) Upon verification of a prohibited status, the sports betting operator or internet sports betting platform provider, or both, must do both of the following:
  - (a) Immediately prohibit access to the individual's internet sports betting account.
  - (b) Seize from the individual any winnings or things of value obtained from engaging in internet sports betting.
- (7) The internal controls of a sports betting operator or internet sports betting platform provider must contain procedures for processing any winnings or things of value confiscated or withheld from a prohibited person.

### **Regulation: Mich. Admin. Code 432.776. Duty of sports betting operator and internet sports betting platform provider**

- (3) A sports betting operator and internet sports betting platform provider must make reasonable efforts to prohibit a prohibited person from establishing an internet sports betting account and from participating in internet sports betting offered under the act and these rules. This subrule shall not be construed to prevent an individual from creating an internet sports betting account and depositing funds to such an account even if they are prohibited from placing certain wagers.
- (4) If a sports betting operator or internet sports betting platform provider becomes aware that a prohibited person has established an internet sports betting account or has participated in internet sports betting, the sports betting operator or internet sports betting platform provider must provide written notice to the executive director. Any wager made by a prohibited person must be cancelled and the internet sports betting account used to place the wager must be suspended or closed.

### **Regulation: Mich. Admin. Code 432.11601. Providing change in information to board**

If a casino licensee learns of any change in information previously disclosed to the casino licensee under section 25(6) to (7) of the act, MCL 432.225, it must advise the board in writing of the change within 2 days.

### **Regulation: Mich. Admin. Code 432.11602. Maintaining certain information of person on the disassociated persons list**

- (1) Immediately after the board discloses to a casino licensee the identity of a person on the disassociated person list, the casino licensee must cause that person to be identified by name, address, and date of birth on all mailing, marketing, and promotion lists maintained by a casino licensee or provided by the casino licensee to a third party as ineligible to receive promotional material.
- (2) A casino licensee must not cash checks for, extend credit to, or otherwise assist a person on the disassociated persons list in obtaining funds at the cage and must maintain and use a system designed to identify whether a person who requests such services is on the board's disassociated persons list when the person provides his or her name, address, or date of birth in conjunction with completing such a transaction.

## Property Signage and Responsible Gaming Disclosures

### Regulation: Mich. Admin. Code 432.654. Responsible gaming

Each internet gaming operator's website or internet gaming platform must display a responsible gaming logo in a manner approved by the board to direct an authorized participant to the internet gaming operator's website or internet gaming platform responsible gaming page. The responsible gaming page must be accessible to an authorized participant during an authorized participant session and must contain, but is not limited to, the following:

- (e) A prominent message, that states "If you or someone you know has a gambling problem and wants help, call the Michigan Department of Health and Human Services Gambling Disorder Help-line at: 800-270-7117."
- (f) A direct link to the Michigan Gaming Control Board Compulsive/Problem Gambling website and other organizations based in the United States dedicated to helping people with potential gambling problems.
- (g) A clear statement of the internet gaming operator's or internet gaming platform provider's policy and commitment to responsible gaming.
- (h) Other responsible gaming measures required by the board.

### Regulation: Mich. Admin. Code 432.754. Responsible gaming

Each sports betting operator's website or internet sports betting platform must display a responsible gaming logo in a manner approved by the board to direct an authorized participant to the sports betting operator's website or internet sports betting platform responsible gaming page. The responsible gaming page must be accessible to an authorized participant during an authorized participant session and must contain, but is not limited to, the following:

- (e) A prominent message, that states "If you or someone you know has a gambling problem and wants help, call the Michigan Department of Health and Human Services Gambling Disorder Help-line at: 800-270-7117."
- (f) A direct link to the Michigan Gaming Control Board Compulsive/Problem Gambling website and other organizations based in the United States dedicated to helping people with potential gambling problems.
- (g) A clear statement of the sports betting operator's or internet sports betting platform provider's policy and commitment to responsible gaming.
- (h) Other responsible gaming measures required by the board.

### Statute: MCL 432.209c. Toll-free compulsive gaming helpline number; posting

- (1) A person who holds a casino license issued pursuant to this act shall conspicuously post at each entrance and exit of the casino, on each electronic funds transfer terminal, and at each credit location a visually prominent sign on which is printed a toll-free compulsive gaming helpline number.
- (2) A person who holds a casino license shall include a toll-free compulsive gaming helpline number on all of its printed advertisement and promotional materials.

### Statute: MCL 432.412. Statewide responsible gaming database

- (4) A sports betting operator shall display or require its internet sports betting platform provider to display, on the internet sports betting platform used by the sports betting operator, in a clear, conspicuous, and accessible manner the number of the toll-free compulsive gambling hotline maintained by this state and offer responsible gambling services and technical controls to authorized participants, consisting of both temporary and permanent self-exclusion for all internet sports betting offered and the ability for authorized participants to establish their own periodic deposit and internet sports betting wagering limits and maximum playing times.

## Advertising Restrictions

### **Statute: MCL 432.225. Disassociated persons**

- (9) Except as otherwise provided in this subsection, a casino licensee shall not extend credit, offer check cashing privileges, or offer coupons to, or market its services, or send advertisements to, or otherwise solicit the patronage in the casino of, those persons whose names are on the list of disassociated persons. A casino licensee may market or advertise its services, other than by direct mail, for the casino licensee's nongaming amenities such as hotels, restaurants, and event centers.

### **Regulation: Mich. Admin. Code 432.749. Tournaments/contests, bonus and promotional wagering, advertising, and player loyalty programs**

- (1) A sports betting operator or internet sports betting platform provider must provide a clear and conspicuous method for an authorized participant to cancel his or her participation in a bonus or promotional wagering offer that utilizes restricted gaming credits that cannot be cashed out until a wagering requirement or other restrictions associated with the credits is met. If an authorized participant elects to proceed with cancellation, unrestricted funds remaining in an authorized participant's internet sports betting account must be returned according to the terms and conditions.
- (2) A sports betting operator or internet sports betting platform provider may conduct internet sports betting bonus and promotional wagering offers subject to all of the following:
  - (b) All bonus and promotional wagering offers must be stated in clear and unambiguous terms and must be accessible by the authorized participant after the offer is accepted and before completion.
  - (c) Offer terms and the record of all offers must include all of the following at a minimum:
    - (1) The date and time the offer is active and expires.
    - (2) Authorized participant eligibility, including any limitations on participation.
    - (3) Any restriction on withdrawals of funds.
    - (4) Wagering requirements and limitations on events or wager types.
    - (5) The order in which funds are used for wagers.
    - (6) Eligible events or wager types.
    - (7) Rules regarding cancellation.
- (5) All tournaments or contests, bonus and promotional wagering, advertising, and player loyalty programs offered or conducted by a sports betting operator or internet sports betting platform provider on the internet sports betting platform must comply with the technical standards adopted in R. 432.733(2), as applicable.

## Wager/Time Limits

### **Statute: MCL 432.312. Statewide responsible gaming database**

- (4) An internet gaming operator or its internet gaming platform provider shall offer responsible gambling services and technical controls to authorized participants, consisting of both temporary and permanent self-exclusion for all internet games offered and the ability for authorized participants to establish their own periodic deposit and internet wagering limits and maximum playing times.

**Statute: MCL 432.412. Statewide responsible gaming database**

- (4) A sports betting operator shall display or require its internet sports betting platform provider to display, on the internet sports betting platform used by the sports betting operator, in a clear, conspicuous, and accessible manner the number of the toll-free compulsive gambling hotline maintained by this state and offer responsible gambling services and technical controls to authorized participants, consisting of both temporary and permanent self-exclusion for all internet sports betting offered and the ability for authorized participants to establish their own periodic deposit and internet sports betting wagering limits and maximum playing times.

## Restrictions on Extension of House Credit

**Statute: MCL 432.209d. Acceptance of lien prohibited**

A person who holds a casino license shall not accept from a wagerer a lien on real or personal property to extend credit or for the payment of a debt.

**Regulation: Mich. Admin. Code 432.11206. Procedures for exchange of checks submitted by gaming patrons and granting credit**

- (1) Except as otherwise provided in this rule, a casino licensee shall not make a loan, or otherwise provide credit to an individual to enable an individual to take part in gambling. The failure to deposit a negotiable instrument for collection by the next banking day after the instrument is received shall be considered an extension of credit.
- (2) A casino licensee may extend credit to a patron only in the manner provided in its internal control system approved by the board.
- (3) The internal control system shall ensure both of the following:
  - (a) That each credit transaction is promptly and accurately recorded in appropriate credit records.
  - (b) That credit may be extended only in a commercially reasonable manner considering the assets, liabilities, prior payment history, and income of the patron to the extent available.
- (4) Credit shall not be extended beyond the approved credit line.

## Financial Instruments Restrictions

**Statute: MCL 432.209a. Electronic funds transfer terminal**

- (1) A person who holds a casino license shall not install, own, or operate or allow another person to install, own, or operate an electronic funds transfer terminal on the premises of the casino that is less than 50 feet from any game in the casino.
- (2) A person who holds a casino license shall not install, own, or operate or allow another person to install, own, or operate on the premises of the casino a game that is played with a device that allows a player to operate the game by transferring funds electronically from a credit or debit card.
- (3) As used in this section, “electronic funds transfer terminal” means an information processing device used for the purpose of executing deposit account transactions between financial institutions and their customers by either the direct transmission of electronic impulses or the recording of electronic impulses for delayed processing. The fact that a device is used for other purposes does not prevent it from being an electronic funds transfer terminal.

## Treatment and Research Funding

### **Statute: MCL 432.212a. Payment of regulatory and enforcement costs, programs, activities, and services; total annual assessment; state services fee fund**

- (1) In addition to application and license fees described in this act, all regulatory and enforcement costs, compulsive gambling programs, casino-related programs and activities, casino-related legal services provided by the attorney general, and the casino-related expenses of the department of state police shall be paid by casino licensees as provided by this section.
- (2) The total annual assessment for the first year in which any casino licensee under this act begins operating a casino in this state shall be \$25,000,000.00.
- (3) The total annual assessment required under this subsection shall be adjusted each year by multiplying the annual assessment for the immediately preceding year by the Detroit consumer price index for the immediately preceding year. As used in this subsection, "Detroit consumer price index" means the annual consumer price index for Detroit consumers as defined and reported by the United States department of labor, bureau of labor statistics.
- (4) On or before the date the casino licensee begins operating the casino and annually on that date thereafter, each casino licensee shall pay to the state treasurer an equal share of the total annual assessment required under this section. In no event shall a casino's assessment exceed 1/3 of the total annual assessment required under this section.
- (5) From the amount collected under subsection (4), \$2,000,000.00 shall be deposited in the compulsive gaming prevention fund.
- (6) The state services fee fund is created in the department of treasury and shall be administered by the department in accordance with this act.
- (7) Except as provided in subsections (5) and (8), all funds collected under this section shall be deposited in the state services fee fund. Distributions from the fund shall be made by the legislature through the appropriations process.
- (8) The balance of the state services fee fund shall not exceed \$65,000,000.00. If the funds collected under this section would cause the balance to exceed the limitation of this subsection, the surplus funds shall be credited in equal shares against each casino licensee's annual assessment made under section 12a.
- (9) The funds collected under this section and deposited in the state services fee fund shall not revert to the general fund at the close of the fiscal year but shall remain in the fund.

### **Statute: MCL 432.253. Compulsive gaming prevention fund; creation; disposition; distributions; investment; credit of interest and earnings; lapsed funds; fees for addiction treatment**

- (1) The compulsive gaming prevention fund is created within the department of treasury.
- (2) All of the following shall be deposited in the compulsive gaming prevention fund:
  - (a) The money appropriated from the state services fee fund created in section 12a of the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.212a, for the compulsive gaming prevention fund.
  - (b) A percentage of the net revenue in the state lottery fund created in section 41 of the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.41, that is equal to not less than 10% of each year's state lottery advertising budget but not to exceed \$1,000,000.00.

- (c) A percentage of the Michigan agriculture equine industry development fund created in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320, that is equal to 1/10 of 1% of the gross wagers made each year in each of the racetracks licensed under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.
- (3) Of the money available in the compulsive gaming prevention fund, up to \$1,040,000.00 may be distributed annually to the domestic violence and treatment board created in section 2 of 1978 PA 389, MCL 400.1502. The remaining money in the compulsive gaming prevention fund shall be distributed as determined by the director of community health to be used exclusively for the treatment, prevention, education, training, research, and evaluation of pathological gamblers and their families and to fund the toll-free compulsive gaming helpline number.
  - (4) The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
  - (5) Money remaining in the compulsive gaming prevention fund at the close of the fiscal year shall remain in the compulsive gaming prevention fund and shall not lapse to the general fund.
  - (6) The department of community health may establish fees for the treatment of pathological gambling addictions.

#### **Statute: MCL 432.254. Distribution of funds; authorization; use**

The director of the department of community health, after consulting with the racing commissioner, the commissioner of the state lottery, and the chairperson of the Michigan gaming control board, shall authorize the distribution of funds from the compulsive gaming prevention fund to be used exclusively for the treatment, prevention, education, training, research, and evaluation of pathological gamblers and their families.

#### **Statute: MCL 432.255. Funding levels; changes; submission of results and recommendations; assessment of fee on casinos licensed under MCL 432.201 to 432.216**

- (1) The results of funded studies and recommendations for any changes in funding levels shall be submitted to the racing commissioner, the commissioner of the state lottery, the chairperson of the Michigan gaming control board, the chairs of the senate and house committees on gaming issues, the senate and house of representatives appropriations committees and the director of the department of community health.
- (2) If the director of the department of community health determines that the money in the compulsive gaming prevention fund is inadequate to fund the services, programs, or research required under this act, the Michigan gaming control board may assess a fee on each of the 3 casinos licensed under the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.216, that will equal the additional amount needed to adequately fund the services, programs, and research required under this act.

#### **Statute: MCL 432.256. Public funds for treatment of pathological gamblers; legislative intent**

It is the intent of the legislature to preserve the funds appropriated for the department of community health for the treatment of individuals pursuant to the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106. Therefore, public funds for the treatment of pathological gamblers shall be taken exclusively from the compulsive gaming prevention fund.

#### **Statute: MCL 432.316. Internet gaming fund**

- (5) The internet gaming fund is created in the state treasury.

- (6) The state treasurer may receive money or other assets required to be paid into the fund under this act or from any other source to deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
- (7) The board is the administrator of the fund for auditing purposes.
- (8) Except as otherwise provided in section 15(2), the board shall expend money from the fund, on appropriation, for all of the following:
  - (a) The board's costs of regulating and enforcing internet gaming under this act.
  - (b) After the expenditure under subdivision (a), each year, \$500,000.00 to the compulsive gaming prevention fund created in section 3 of the compulsive gaming prevention act.

### **Statute: MCL 432.416. Internet sports betting fund**

- (5) The internet sports betting fund is created in the state treasury.
- (6) The state treasurer may receive money or other assets required to be paid into the fund under this act or from any other source to deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
- (7) The board is the administrator of the fund for auditing purposes.
- (8) The board shall expend money from the fund, on appropriation, for all of the following:
  - (a) The board's costs of regulating and enforcing internet sports betting under this act.
  - (b) After the expenditure under subdivision (a), each year, \$500,000.00 to the compulsive gaming prevention fund created in section 3 of the compulsive gaming prevention act.

## Other

### **Statute: MCL 432.215. Annual report of board; annual study of licensee; "minor" defined**

- (1) The board shall make an annual report to the governor, for the period ending December 31, of each year. The report shall be filed with the governor and submitted to the chairs of the legislative committees that govern casino-related issues on or before April 15 of the year following the year that the report covers. The report shall include an account of the board actions, its financial position and results of operation under this act, and any recommendations for legislation that the board considers advisable. The report shall also include the information required under subsection (2).
- (2) Each casino licensee shall annually have a study conducted on minors and compulsive gaming and compile all of the following information for the casino that licensee is licensed to operate:
  - (a) The number of minors who were denied entry into the casino.
  - (b) The number of minors who were physically escorted from the casino premises.
  - (c) The number of minors who were detected participating in gambling games other than slot machines and the number of minors who were detected using slot machines.
  - (d) The number of minors who were taken into custody by a law enforcement agency on the casino premises.
  - (e) The number of minors who were detected illegally consuming alcohol on the casino premises.
- (3) As used in this section, "minor" means a person less than 21 years of age.

**Statute: MCL 432.312. Statewide responsible gaming database**

- (7) The board may develop responsible gaming measures, including a statewide responsible gaming database identifying individuals who are prohibited from establishing an internet wagering account or participating in internet gaming offered by an internet gaming operator. The executive director of the board may place an individual's name in the responsible gaming database if any of the following apply:
  - (a) The individual has been convicted in any jurisdiction of a felony, a crime of moral turpitude, or a crime involving gaming.
  - (b) The individual has violated this act or another gaming-related law.
  - (c) The individual has performed an act or has a notorious or unsavory reputation such that the individual's participation in internet gaming under this act would adversely affect public confidence and trust in internet gaming.
  - (d) The individual's name is on a valid and current exclusion list maintained by this state or another jurisdiction in the United States.
- (8) The board may promulgate rules for the establishment and maintenance of the responsible gaming database.
- (9) An internet gaming operator, in a format specified by the board, may provide the board with names of individuals to be included in the responsible gaming database.
- (10) An internet gaming operator or its internet gaming platform provider shall offer responsible gambling services and technical controls to authorized participants, consisting of both temporary and permanent self-exclusion for all internet games offered and the ability for authorized participants to establish their own periodic deposit and internet wagering limits and maximum playing times.
- (11) An authorized participant may voluntarily prohibit himself or herself from establishing an internet wagering account with an internet gaming operator. The board may incorporate the voluntary self-exclusion list into the responsible gaming database and maintain both the self-exclusion list and the responsible gaming database in a confidential manner.
- (12) The self-exclusion list and responsible gaming database established under this section and any information and records used by the board in the administration of the self-exclusion list and responsible gaming database are exempt from disclosure under section 13 of the freedom of information act.

**Statute: MCL 432.412. Statewide responsible gaming database**

- (7) The board may develop responsible gaming measures, including a statewide responsible gaming database identifying individuals who are prohibited from establishing an internet sports betting account or participating in internet sports betting offered by a sports betting operator. The executive director of the board may place an individual's name in the responsible gaming database if any of the following apply:
  - (a) The individual has been convicted in any jurisdiction of a felony, a crime of moral turpitude, or a crime involving gaming.
  - (b) The individual has violated this act or another gaming-related law.
  - (c) The individual has performed an act or has a notorious or unsavory reputation such that the individual's participation in sports betting under this act would adversely affect public confidence and trust in sports betting.
  - (d) The individual's name is on a valid and current exclusion list maintained by this state or another jurisdiction in the United States.
- (8) The board may promulgate rules for the establishment and maintenance of the responsible gaming database.

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- (9) A sports betting operator, in a format specified by the board, may provide the board with names of individuals to be included in the responsible gaming database.
- (10) A sports betting operator shall display or require its internet sports betting platform provider to display, on the internet sports betting platform used by the sports betting operator, in a clear, conspicuous, and accessible manner the number of the toll-free compulsive gambling hotline maintained by this state and offer responsible gambling services and technical controls to authorized participants, consisting of both temporary and permanent self-exclusion for all internet sports betting offered and the ability for authorized participants to establish their own periodic deposit and internet sports betting wagering limits and maximum playing times.
- (11) An authorized participant may voluntarily prohibit himself or herself from establishing an internet sports betting account with a sports betting operator. The board may incorporate the voluntary self-exclusion list into the responsible gaming database and maintain both the self-exclusion list and the responsible gaming database in a confidential manner.
- (12) The self-exclusion list and responsible gaming database established under this section and any information and records used by the board in the administration of the self-exclusion list and responsible gaming database are exempt from disclosure under section 13 of the freedom of information act.

# Mississippi



Mississippi established its responsible gaming regulatory framework in 1990 through legislation that authorized dockside casino gaming. New requirements were adopted through regulations for land-based sports betting, which was authorized following the overturning of the federal ban in 2018. Mississippi's responsible gaming framework includes a statewide self-exclusion program, credit restrictions and employee training.

Mississippi has not enacted substantial changes to the state's framework since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019.

## Self-Exclusion

### Regulation: MGC Regs. Title 13, Part 4, Rule 1.1. Duty to Exclude

No excluded person shall be permitted entry into any portion of a licensed gaming establishment. When a person is placed on the exclusion list by the Executive Director, such person shall be prohibited from contact of any kind with any licensed establishment unless and until a determination is made by the Commission or a court to the contrary. It shall be the duty of the licensee and of his employees to exclude or eject from a licensed establishment any excluded person when such licensee or employee knows or reasonably should know of the presence of such excluded person. It shall further be the duty of the licensee to inform the Executive Director in writing of the names of persons such licensee reasonably believes meet the criteria for placement on an Exclusion List.

### Regulation: MGC Regs. Title 13, Part 4, Rule 1.2. Distribution And Availability Of Exclusion Lists

The Commission shall maintain a list of persons to be ejected or excluded from licensed establishments. The list shall be distributed to each licensed establishment which shall acknowledge receipt of the list in writing. The list shall also be distributed to law enforcement agencies. The following information, to the extent known, shall be provided for each excluded person:

- (a) The full name and date of birth and all aliases;
- (b) A physical description;
- (c) The effective date the person's name was placed on the list;
- (d) A photograph, if available;
- (e) The person's occupation and his current home and business address; and
- (f) Such other information as deemed necessary by the Executive Director.

### Regulation: MGC Regs. Title 13, Part 4, Rule 1.3. Criteria for Exclusion Or Ejection and Placement On An Exclusion List

The Executive Director may place a person on the exclusion list pending a hearing if such person has:

- (a) Been convicted of a felony in any jurisdiction, of any crime of moral turpitude or of a crime involving Gaming;
- (b) Violated or conspired to violate the provisions of the Act relating to involvement in gaming without required licenses, or willful evasion of fees or taxes;
- (c) A notorious or unsavory reputation which would adversely affect public confidence and trust in gaming; or
- (d) His name on any valid and current exclusion list from another jurisdiction in the United States.

## **Regulation: MGC Regs. Title 13, Part 4, Rule 1.4. Procedure For Entry Of Names**

- (a) Upon a determination that a person comes under any one of the criteria listed in Part 4 Chapter 1 Rule 1.3, such person shall be deemed a candidate for exclusion and a petition for exclusion may be filed by the Executive Director. Such petition shall include the identity of the candidate and the nature and scope of the circumstances or reasons that such person should be placed on the exclusion list. The petition shall also notify such person of the availability of a hearing by the Commission pursuant to Section 20 of the Act. Notice of the petition must be given pursuant to Section 19 of the Act.
- (b) If the Commission or a subsequent judicial review finds in favor of the candidate or excluded person, then his name shall be removed from the exclusion list and his exclusion shall be terminated as of the date of the action by the Commission or the court. If the finding is against the candidate or excluded person, his name shall be placed on the exclusion list. If no hearing is requested, the person's name shall be placed on the exclusion list.

## **Regulation: MGC Regs. Title 13, Part 4, Rule 1.5. Petition For Removal From Exclusion List**

Any person who has been placed on any exclusion list may petition the Commission in writing and request that his name be removed from the list.

## **Regulation: MGC Regs. Title 13, Part 3, Rule 10.2. Request for Self-Exclusion**

- (a) Any person may request self-exclusion pursuant to these regulations by appearing personally at any office of the Mississippi Gaming Commission where he or she shall:
  - 1. Present valid identification credentials containing:
    - i. His or her signature; and
    - ii. Either a photograph or a general physical description;
  - 2. Be photographed by the Commission; and
  - 3. Submit a completed Request for Self-Exclusion form; and
  - 4. Turn over to the Commission all player club cards and similar items issued by any casinos to the person for purposes of gambling.
- (b) The Request for Self-Exclusion shall be on a form prescribed by the Commission, and shall be available at all licensed casinos and at any office of the Mississippi Gaming Commission.
- (c) The Request for Self-Exclusion form shall include:
  - 1. The following identifying information concerning the person submitting the self exclusion request:
    - i. Name, including any aliases or nicknames;
    - ii. Date of birth;
    - iii. Address of current residence;
    - iv. Telephone number of current residence;
    - v. Social Security number, if such information is voluntarily provided by the person requesting self-exclusion;
    - vi. A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;
  - 2. The length of the self-exclusion period requested by the person, which may be for any length of time up to lifetime, but in no event for less than five years.

3. A waiver and release that shall be in the following form: “I hereby release and hold the State of Mississippi, the Mississippi Gaming Commission and its employees, and all casinos and their affiliated companies, employees, officers and agents harmless from any claim by me or any third party for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion or maintenance or enforcement of the self-exclusion list, including, but not limited to, the forfeiture of any money or thing of value obtained by me from, or owed to me by, a casino as a result of wagers made by me while on the self-exclusion list.”
  4. The signature of the person submitting the Request for Self-Exclusion indicating acknowledgment of the following statement: “Because I am a problem gambler, I am voluntarily requesting exclusion from the entire premises of all Mississippi casinos, including gaming premises, restaurants, and hotels, and from the issuance of gaming credit, check-cashing privileges, receipt of direct marketing and promotional materials regarding gaming opportunities, and collection of any winnings or recovery of any losses during the exclusionary period. I understand that no further points, rewards or benefits may be accumulated or redeemed from the player recognition programs I have participated in. I understand that this self-exclusion request does not release me from any debts incurred prior to or during the self-exclusion period. I understand that during the self-exclusion period, any money or thing of value obtained by me from, or owed to me by, a casino as a result of wagers made by me while on the self-exclusion list shall be subject to forfeiture to the Mississippi Gaming Commission. I hereby consent to having this form, my photograph and identifying information disseminated to necessary casino personnel to identify me should I attempt to return to any casino, and further consent to having said information disclosed to casino affiliated companies outside of Mississippi and that I may be excluded from those casinos without further action on my part. I likewise acknowledge that my self-exclusion information may be forwarded by the Mississippi Gaming Commission to the Louisiana and/ or Choctaw Gaming Commissions for dissemination to casinos in those jurisdictions, such that I may be self-excluded from those casinos. I acknowledge that for my request of self exclusion to be truly effective, I must exercise self-restraint and shall not attempt to enter the premises of any casino or ask any casino employee to assist me with any of the services or privileges, which are the subject of this request. I acknowledge that I am hereby banned and forbidden from entering the premises of any casino and that if I am found anywhere on the premises of a Mississippi casino, I will immediately be ejected, and, within the discretion of the casino, may be arrested and prosecuted for criminal trespass pursuant to Miss. Code Ann. 97-17-97; and my continued non-cooperation or attempt to breach my self-exclusion may result in placement by the Commission on the involuntary exclusion list. I certify that the information that I have provided herein is true and accurate, and that I have read, understand and agree to the waiver and release above.”
  5. An indication of the type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether said credentials included a photograph or just a general physical description of the person; and
  6. The signature of a Commission employee authorized to accept such request, indicating that the signature of the person on the Request for Self-Exclusion appears to agree with that contained on his or her identification credentials, and that the photograph or physical description of the person contained on his identification credentials appears to agree with his or her actual appearance.
- (d) The request for self-exclusion may be made only by the individual for whom exclusion would apply, and not by any other person.

## **Regulation: MGC Regs. Title 13, Part 3, Rule 10.3. Self-Exclusion List**

- (a) The Commission shall maintain the official self-exclusion list and shall notify each casino of any addition to or deletion from the list.
- (b) The notice provided by the Commission to all casinos concerning any person whose name shall be either added to or deleted from the self-exclusion list will include the following information:
  - 1. All of the identifying information required by Section 2(c)(1) which was given on the Request for Self-Exclusion, or the request for removal from self-exclusion, whichever is applicable; and,
  - 2. A copy of the photograph taken by the Commission pursuant to Section 2(a).
- (c) Each casino shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino are notified of any addition to or deletion from the list within ten (10) days after the day the notice is received by the casino.
- (d) Casinos with affiliated gaming establishments in other jurisdictions may choose to share the self-exclusion list with and invoke it in those establishments, in accordance with applicable laws and regulations in those jurisdictions, and without violation of the confidentiality requirements of these regulations.
- (e) Information furnished to or obtained by the Commission pursuant to these regulations shall be deemed confidential and shall not be disclosed except in accordance with these regulations.
- (f) No casino, its affiliates, officers or employee thereof shall disclose the self-exclusion list or portion thereof except as necessary to comply with the provisions of these regulations. Notwithstanding the foregoing, such information may be disclosed to casino employees, officers, agents and affiliated companies, to law enforcement, and in response to a subpoena request or court order in criminal or civil proceedings.
- (g) Any self-excluded person who is an employee of a casino may request permission from the Commission to enter a specific casino to carry out the duties of employment. Such requests must be made in writing by the human resources department of the casino and state with specificity the reason for the request along with employment documentation. The approval of this request is subject to rescission at any time by the Executive Director.

## **Regulation: MGC Regs. Title 13, Part 3, Rule 10.4. Duties of Casino**

- (a) Each casino shall have and make available to all patrons the Self-Exclusion Form developed and provided by the Commission.
- (b) Each casino shall designate a person or persons to be the contact person with the Commission for purposes of self-exclusion procedures, including receipt and maintenance of the self-exclusion list, submission of the casino licensee's procedures, and all other communications between the Commission and the casino for self-exclusion purposes.
- (c) Each casino shall establish procedures and systems which:
  - 1. Require employees of the casino, upon identification of a self-excluded person present in the casino, to notify:
    - i. Those employees of the casino designated to monitor the presence of self-excluded persons; and
    - ii. Designated representatives of the Commission via Email.
  - 2. Utilize the player tracking systems and other electronic means, including checking all taxable patron winnings against the self-exclusion list, to assist in determining whether self-excluded persons are participating in any gaming activities;

3. Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;
  4. Ensure that self-excluded persons do not receive, either from the casino or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relative to gaming activities at its licensed casino
- (e) Upon discovery by a casino that a self-excluded person has breached his self-exclusion and obtained access to the premises, said casino shall take steps to immediately eject such person from the premises, and notify the Commission of the breach on forms provided by the Commission. The net winnings of the self-excluded person should be confiscated and the related transactions reversed in a manner which will provide effective control over the winnings, the details of which should be included in the Licensee's Self-Exclusion plan.
- (f) Each casino shall submit to the Commission for written approval a copy of its procedures established pursuant to these regulations within 90 days from the adoption of this regulations concerning self-exclusion. Any amendment to the casino's procedures shall be submitted to the Commission at least fourteen (14) days prior to their implementation.

**Regulation: MGC Regs. Title 13, Part 3 Rule 10.5. Removal from self-exclusion. list (a) Except for those persons choosing a lifetime self-exclusion, removal from the self-exclusion shall be automatic upon expiration of the period of self-exclusion specified under Section 2(c)(2) above**

- (b) Upon the expiration of the self-exclusion period, the Commission shall delete the name of the person from the self-exclusion list and notify each casino of such deletion from the list as set out in Section 3(a) and (b) above.

**Regulation: MGC Regs. Title 13, Part 3, Rule 10.7. Noncompliance**

- (a) Any casino violating any requirements of these regulations on self-exclusion may be subject to disciplinary action by the Mississippi Gaming Commission.
- (b) Any self-excluded person violating the terms of his or her self-exclusion agreement during the self-excluded period may be subject to (1) conviction for criminal trespass, and/or (2) placement by the Commission on the involuntary exclusion list as set out in Part V. of these regulations.
- (c) The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.

**Regulation: MGC Regs. Title 13, Part 3, Rule 10.8. Sharing the Self-Exclusion List with other jurisdictions**

The Commission may enter into agreements with the Louisiana Gaming Commission, the Choctaw Gaming Commission, or other regulated gaming jurisdiction for the mutual sharing of self-exclusion lists, by which the Commission would forward Mississippi's self-exclusion list to the other commission and likewise receive from that commission the self-exclusion list from that jurisdiction. The Commission may then provide and update the casinos with the exclusion lists from those jurisdictions in the same manner and using the same procedures as is provided in these regulations for Mississippi's self-exclusion list. In that event, all rules and regulations concerning self-exclusion in Mississippi shall be applicable to the self-exclusion lists from those jurisdictions, just as if those persons had submitted a self-exclusion request in Mississippi; likewise, those persons who have self-excluded in Mississippi will be excluded in the other jurisdictions just as they are in Mississippi.

### Property Signage and Responsible Gaming Disclosures

#### **Regulation: MGC Regs. Title 13, Part 3, Rule 10.4. Duties of Casino**

- (d) Each casino shall post or provide at each entrance and exit to the gaming premises, and in conspicuous places in or near gaming or cage areas and cash dispensing machines located on the gaming premises written materials concerning the nature and symptoms of problem gambling, the procedure for self-exclusion, including where they can obtain the Request for Self-Exclusion form, and the toll free number of the Mississippi Council on Compulsive Gambling or a similar entity approved by the Executive Director that provides information and referral services for problem gamblers.

### Advertising Restrictions

#### **Regulation: MGC Regs. Title 13, Part 3, Rule 1.2. Grounds for Disciplinary Action**

The Commission deems any activity on the part of any licensee, his agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Mississippi or that would reflect or tend to reflect discredit upon the State of Mississippi or the gaming industry, to be an unsuitable method of operation and shall be grounds for disciplinary action by the Commission in accordance with the Mississippi Gaming Control Act and the regulations of the Commission. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

- (d) Failure to conduct advertising and public relations activities in accordance with decency, dignity, good taste, honesty and inoffensiveness.

### Restrictions on Extension of House Credit

#### **Regulation: MGC Regs. Title 13, Part 3, Rule 1.2. Grounds for Disciplinary Action**

The Commission deems any activity on the part of any licensee, his agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Mississippi or that would reflect or tend to reflect discredit upon the State of Mississippi or the gaming industry, to be an unsuitable method of operation and shall be grounds for disciplinary action by the Commission in accordance with the Mississippi Gaming Control Act and the regulations of the Commission. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

- (k) Issuing credit to a patron to enable the patron to satisfy a debt owed to another licensee or person, including an affiliate of the licensee. This subsection does not prohibit a licensee from collecting a debt owed to an affiliate of the licensee;

#### **Regulation: MGC Regs. Title 13, Part 3, Rule 1.8. Gaming By, and Issuance of Gaming Credit to Owners, Directors, Officers And Employees**

- (a) Except as provided in Subsection 2, no officer, director, owner, general manager, or key employee of an entity which holds a gaming license in this state, or of an affiliate or an affiliated company of an entity which holds a gaming license in this state, shall play or place a wager at any gambling game or slot machine owned, leased or possessed:
  - (2) By an affiliate or an affiliated company of that gaming licensee.

- (ii) An employee may not play or place a wager at any gambling game or slot machine located on the premises of the employing licensee or an affiliate or an affiliated company of that employing licensee:
- 3) A licensee shall not issue credit for purposes of gaming to any employees of that licensee or of an affiliate or affiliated company of an entity which holds a gaming license in this state, whether or not such credit is evidenced by a player card, wagering account or credit instrument.

## Employee Training

### **Regulation: MGC Regs. Title 13, Part 3, Rule 10.6. Training of Casino Employees**

Each casino shall implement procedures for training for all new employees, and annual retraining for all employees who directly interact with gaming patrons in gaming areas. That training shall, at a minimum, consist of information concerning the nature of problem gambling, the procedures for requesting self-exclusion, and assisting patrons in obtaining information about problem gambling programs. This section shall not be construed to impose a duty upon employees of casinos to identify problem gamblers nor to impose any liability for failure to do so. Each licensee shall designate personnel responsible for maintaining the training program. Training programs conducted or certified by the Mississippi Gaming Commission or the Mississippi Council on Compulsive Gambling are presumed to provide adequate training under this section.

## Alcoholic Beverage Restrictions

### **Regulation: MGC Regs. Title 13, Part 3, Rule 1.2. Grounds for Disciplinary Action**

The Commission deems any activity on the part of any licensee, his agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Mississippi or that would reflect or tend to reflect discredit upon the State of Mississippi or the gaming industry, to be an unsuitable method of operation and shall be grounds for disciplinary action by the Commission in accordance with the Mississippi Gaming Control Act and the regulations of the Commission. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

- (b) Permitting persons who are visibly intoxicated to participate in gaming activity;
- (c) Complimentary service of intoxicating beverage in the casino area to persons who are visibly intoxicated.

# Missouri



Missouri established its responsible gaming framework in 1992 following voter approval of a constitutional amendment authorizing riverboat casinos. Missouri's responsible gaming regulations include a self-exclusion program as well as rules concerning advertising.

There have been no significant changes to the state's responsible gaming framework since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019.

## Self-Exclusion

### **Statute: Mo. Rev. Stat. § 313.813. Commission authorized to promulgate rules allowing problem gambler to self-exclude — violation of self-exclusion, penalty**

The commission may promulgate rules allowing a person that is a problem gambler to voluntarily exclude him/herself from an excursion gambling boat. Any person that has been self-excluded is guilty of trespassing in the first degree pursuant to section 569.140 if such person enters an excursion gambling boat.

### **Regulation: 11 CSR 45-17.010. Disassociated Persons List Created—Right to Remove From Premises**

- (1) There is hereby created a "List of Disassociated Persons" (List) which shall consist of those persons who have complied with the applicable provisions of 11 CSR 45-17 and have been placed on such List by the director. The List is established for the purpose of allowing problem gamblers to formally notify the commission that they no longer intend to visit excursion gambling boats in Missouri. The request to be placed on the List shall be made only by the individual seeking to be placed on the List. Each person seeking placement on the List acknowledges that it is his/her responsibility to refrain from visiting excursion gambling boats in Missouri and that by being placed on the List s/he shall have a criminal complaint filed against him/her for trespassing if s/he is discovered on an excursion gambling boat by the commission or any Class B licensee.
- (2) Any Class B licensee or its agent or employee that identifies a person present on an excursion gambling boat and has knowledge that such person is included on the List shall immediately notify or cause to notify the commission and a Class B licensee's security officer on duty. Once it is confirmed that the person is on the List, the Class B licensee shall—
  - (A) Notify the commission agent on duty of the presence of a Disassociated Person on the excursion gambling boat;
  - (B) Refrain from paying out any jackpots or winnings to patrons on the List; and
  - (C) Cooperate with the commission agent in reporting the incident to the proper prosecuting authority and request charges be filed under section 313.813 or 569.140, RSMo, for criminal trespassing, a class B misdemeanor.
- (3) A Class B licensee or its agent(s) or employee(s) may be disciplined by the commission if—
  - (A) It can be shown by a preponderance of the evidence that the Class B licensee or its employee(s) or agent(s) knew a person on the List was present on the excursion gambling boat and, despite such knowledge, failed to follow the procedures required by this rule; or
  - (B) The Class B licensee or its employee(s) or agent(s) failed to follow its procedures for complying with the provisions of 11 CSR 45- 17 et seq.

- (4) All Class B licensees shall have thirty (30) days from the effective date of this rule to submit internal controls that are subject to approval by the commission which set forth the following:
  - (A) The licensee's plan for removing those persons on the List from mailing lists advertising its Missouri operation, such as marketing offers, slot club programs, VIP member programs, telemarketing programs, and other such marketing promotions, however this rule shall not be construed to prohibit mass mailings to "Resident"; and
  - (B) The licensee's plan for denying access by persons on the List to—
    1. Check cashing privileges, cash advances, credit/debit card transactions, and wire transfers;
    2. Special club programs such as slot clubs and VIP cards;
    3. The issuance of credit, if applicable; and
    4. Gaming privileges, tournaments, promotions, and payment of taxable winnings or prizes.
- (5) After an individual's application for placement on the List has been processed by the commission staff and the individual's name is added to the List, that individual shall remain on the List until such time as the requirements for removal from the List as described in 11 CSR 45-17.060 have been met.

### **Regulation: 11 CSR 45-17.015. Access to Excursion Gambling Boat for Purposes of Employment**

- (1) The provisions of 11 CSR 45-17 et seq. to the contrary notwithstanding, anyone on the List of Disassociated Persons may access an excursion gambling boat for the purpose of carrying out the duties of their employment or to apply for employment. Prior to entering the excursion gambling boat, the Disassociated Person shall notify the commission that they are on the List of Disassociated Persons and the reason their employment or application for employment requires their presence on the excursion gambling boat.
- (2) If the Disassociated Person's employment requires their presence on the excursion gambling boat on a regular basis, the Disassociated Person shall so notify the commission and such notice shall fulfill the notice requirements of section (1) of this rule.

### **Regulation: 11 CSR 45-17.020. Procedure for Applying for Placement on List of Disassociated Persons**

- (1) The commission may place a person on the List of Disassociated Persons (List) if the person has—
  - (A) Notified the commission in writing of his/her pledge not to visit licensed excursion gambling boats by filing an Application for Placement on the List with the commission on forms provided by the commission. By filing such application the person acknowledges that s/he is a problem gambler. The applicant agrees that placement on the List is for life and the commission is not authorized to remove a person from the List, except as provided in 11 CSR 45-17.060. In addition, the applicant acknowledges that licensees may use the information provided in the application to notify its affiliated gaming operations that the applicant is a problem gambler. Therefore, the applicant may be excluded from casinos in other jurisdictions as a result of their request to be placed on the List. The person understands, by filing such application, s/he is granting the commission and all Class A and B licensees the right to eject them from the premises of all excursion gambling boats and s/he may be arrested for trespassing if discovered on an excursion gambling boat. Furthermore, the applicant agrees that once placed on the List if s/he is discovered on an excursion gambling boat, jackpots or winnings in his/her possession at the time of the discovery will be forfeited. Such application shall include:

1. The person's full name and all aliases;
  2. A physical description including height, weight, hair and eye color, ethnic origin, and any other noticeable physical characteristics;
  3. The person's current home and email address(es) and phone numbers;
  4. Social Security Number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. section 552a) or International Identification Number;
  5. Date of birth;
  6. A statement that the applicant believes s/he is a problem gambler;
  7. A photograph suitable for the commission and Class B licensees to use in identifying the person requesting to be placed on the List;
  8. The person's occupation and place of employment, if access to excursion gambling boats is necessary for the purpose of carrying out the duties of the individual's employment, per 11 CSR 45-17.015;
  9. Interpreter information and affirmation, if applicable; and
  10. Other information as deemed necessary by the commission;
- (B) The commission may convert the application to a format that may be filled in and signed electronically;
- (C) Signed an acknowledgement verifying s/he wishes to be placed on the commission's List and the commission is specifically authorized and requested to release all contents of the person's application to all Class B licensees and their agents and employees; and
- (D) Any person applying to be placed on the List shall execute a full and complete Waiver/Release on a form provided by the commission releasing the commission, all Class A and B licensees, and all their affiliates and agents as identified in 11 CSR 45- 17.040 from any liability associated with acts or omissions relating to the provisions of 11 CSR 45-17 et seq.
- (2) The application shall be verified and reviewed as designated by the executive director of the commission.
- (3) An individual applying for placement on the List agrees to forfeit all points or complimentaries earned by the individual before the individual completes the application for placement on the List. Points or complimentaries refer to credits earned by a person under the terms of a Class B licensee's or its agent's marketing program per 11 CSR 45-5 as approved by the commission and shall include, but not be limited to:
- (A) Food complimentaries;
  - (B) Coupons for chips, cash, or electronic gaming device (EGD) credits;
  - (C) Hotel complimentaries; or
  - (D) Any other cash or non-cash benefit assigned to the player's account.
- (4) Neither this chapter, 11 CSR 45-17, nor any of the rights, duties, or obligations established herein, shall create any cause of action, right of action, claim, or other right whatsoever in favor of any person other than the commission against the state of Missouri, the commission, any Class A or B licensee, or any of its agents or employees.

## **Regulation: 11 CSR 45-17.030. Procedure for Entry of Names onto List of Disassociated Persons**

- (1) Upon filing of an application for placement on the List of Disassociated Persons (List), the director may file a Notice of Placement on the List. Notwithstanding the status of some information contained therein that may be closed under sections 313.847, 313.945, and 610.021, RSMo, the application and notice

may be disclosed to all Class B licensees and licensed fantasy sports contest operators, and their agents and employees.

- (2) The director shall deliver a copy of the Notice of Placement on the List to the applicant via regular U.S. mail to the address contained on the application, or other address provided by the applicant, or by appointment. The applicant is deemed to be placed on the List at the time the person executes the application for placement on the List, not at the time such notice is delivered to the applicant.
- (3) Should the director find that an applicant does not qualify for placement on the List, s/he shall so notify the applicant via regular U.S. mail to the address contained on the application, or other address provided by the applicant, or by appointment.

### **Regulation: 11 CSR 45-17.040. Confidentiality of List of Disassociated Persons**

- (1) The director shall notify each Class B licensee of the placement of any person on the List of Disassociated Persons (List), or the removal of any person from the List per 11 CSR 45-17.060, and may disclose to the Class B licensee and any of its agents or employees any or all information contained on the person's application(s).
- (2) Each Class B licensee shall submit to the commission a plan for the dissemination of the information regarding persons placed on the List, as well as persons who have been removed from the List. The plan shall be designed to safeguard, as best as is reasonably possible, the confidentiality of the information but shall include dissemination to at least the general manager; casino manager; and all ticketing/player's club, cage, security, and surveillance personnel. Licensees may not disclose the name of, or any information about, a person who has been placed on or removed from the List to anyone other than employees and agents of the licensee whose duties and functions require access to the information. The plan must be approved by the commission. All information disclosed to any Class B licensee regarding anyone placed on or removed from the List shall be deemed a closed record; however, the information may be disclosed as authorized by the individual seeking placement on the List, by law and through the provisions contained in this chapter, 11 CSR 45-17.
- (3) Class B licensees may disclose the information contained in the applications to its affiliates as defined in subsection (A) of this section, or agents of such affiliates. The disclosed information shall be used solely for the limited purposes of assisting in the administration of problem and responsible gaming programs and allowing the affiliate or agent of the affiliate to determine whether to deny a person on the List access to areas where gambling games are played. All disclosures must be made in accordance with procedures approved by the commission. Written approval of the executive director of the commission is required prior to disclosing this information. The Class B licensee is responsible for maintaining the confidentiality of any information disclosed. Such information shall not be used to deny services located at non-gaming properties to a person on the List. (A) "Affiliate" means: The holding company, as defined by 11 CSR 45-10.040, or any person sharing a holding company in common with a gaming licensee, provided that the affiliate is in the business of operating gambling games.
- (4) The director may notify each licensed Fantasy Sports Contest Operator (FSCO) of the placement of any person on the List of Disassociated Persons (List), or the removal of any person from the List pursuant to 11 CSR 45-17.060, and may disclose to the licensed FSCO and any of its agents or employees any or all information contained on the person's application(s).

## **Regulation: 11 CSR 45-17.060. Procedure to Discontinue Self-Exclusion on the List of Disassociated Persons**

- (1) Notwithstanding the provisions of 11 CSR 45-17.070, at any time after five (5) years from the original date of placement on the List of Disassociated Persons (List), a Disassociated Person (DAP) may petition the commission for removal from the List. In order to be eligible for removal from the List, a person shall execute and submit, in a manner acceptable to the commission, an application for removal on a form provided by the commission. Such application shall include:
  - (A) The person's full name and all aliases;
  - (B) The person's current home address, email address, and phone number(s);
  - (C) Social Security Number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. section 552a) or International Identification Number;
  - (D) Date of birth and gender;
  - (E) A statement that the DAP wishes to be removed from the List and accepts full responsibility for any adverse consequences which may result from removal;
  - (F) A photograph suitable for the commission to use in identifying the person requesting to discontinue self-exclusion on the List;
  - (G) A signed acknowledgement verifying s/he wishes to be removed from the List, authorizing the commission to release all contents of the person's application for removal to all Class B licensees and their agents and employees;
  - (H) A statement acknowledging that the individual understands each licensee may choose to continue exclusion or reinstate privileges at the licensee's sole discretion; and
  - (I) Other information as deemed necessary by the commission.
- (2) The application shall be verified and reviewed as designated by the executive director of the commission.
- (3) Once an application for removal from the List has been deemed complete and valid, the director shall file a Notice of Removal from the List.
- (4) The director shall provide a copy of the Notice of Removal from the List to the applicant via regular U.S. mail to the address contained on the application, other address provided by the applicant, or by appointment.
- (5) Should the director find an applicant does not qualify for removal from the List, s/he shall so notify the applicant via regular U.S. mail to the address contained on the application, other address provided by the applicant, or by appointment.
- (6) Each Class B licensee shall file with the commission a letter stating its policy regarding whether persons removed from the List will be allowed access to its property.
  - (A) If a Class B licensee adopts a policy to allow prior DAPs to patronize its establishment, any prior notice of trespass is voided allowing prior DAPs to gamble at the property. If a casino has cause to exclude a prior DAP, a separate notice of trespass shall be provided to that individual to notify the individual of his/her excluded status.
  - (B) If a Class B licensee adopts a policy to continue the exclusion of all persons removed from the List, the Class B licensee shall not cash checks, process cash advances, enroll these individuals in any tournaments or promotion, or provide marketing materials to these individuals except in mass mailings to "resident" or the like.
- (7) Neither the rules in 11 CSR 45-17, nor any of the rights, duties, or obligations established herein, shall create any cause of action, right of action, claim, or other right whatsoever in favor of any person other

than the commission against the state of Missouri, the commission, any Class A or B licensee, or any of its agents or employees.

### **Regulation: 11 CSR 45-17.070. Procedure to Re-Establish Self-Exclusion on the List of Disassociated Persons**

- (1) A former Disassociated Person who has had his/her name removed from the List of Disassociated Persons (List) may request at any time to re-establish his/her self-exclusion on the List one (1) time by submitting a new application for placement on the List per the procedures provided in 11 CSR 45-17.030. Re-establishing self-exclusion results in permanent placement on the List. The Disassociated Person may not again request removal. The commission shall inform all such applicants that this self-exclusion is for life and there is no process for removal from the List.

## Advertising Restrictions

### **Regulation: 11 CSR 45-5.053. Policies**

- (3) The holder of a Class A or B license is expressly prohibited from the following activities:
  - (C) Failing to conduct advertising and public relations activities in accordance with decency, dignity, good taste, and honest and fair representation.

## Restrictions on Extension of House Credit

### **Statute: Mo. Rev. Stat. § 313.812. [Conditions of operator license]**

- (9) Except as provided in section 313.817, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, other than a credit instrument, must be deposited within twenty-four hours. Except for any credit instrument, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

### **Statute: Mo. Rev. Stat. § 313.817. [Credit instruments, use of, requirements]**

- (9) In addition to the other creditor protections contained in this section, a licensee shall not lend anything of value or extend credit to any person for the purpose of permitting that person to wager on any gambling game except through the use of a credit instrument. Credit\* instruments of ten thousand dollars or less may be accepted only if the licensee determines the qualified person's creditworthiness to be at least twice the amount of the credit instrument or ten thousand dollars, whichever is less. Credit\* instruments of more than ten thousand dollars may be accepted only if the licensee determines the qualified person's creditworthiness to be equal or in excess of the amount of the credit instrument. No\*\* credit instrument shall be secured by any individual's house or other real property, tangible personal property, investments, IRAs, a 401(k), pensions or other retirement accounts, any college savings plans, or any assets whatsoever other than a demand deposit account or accounts. All credit instruments shall provide that any credit extended shall be due no later than thirty days from the date credit is extended. Credit instruments shall be considered an unsecured loan and shall not bear interest.

## Treatment and Research Funding

### **Statute: Mo. Rev. Stat. § 313.820. Admission fee, amount, division of — licensees subject to all other taxes, collection of nongaming taxes by department of revenue**

- (1) An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

### **Statute: Mo. Rev. Stat. § 313.842. Compulsive gamblers fund, created, purpose — programs may be established — department of mental health to administer — fund not to lapse into general revenue**

There may be established programs which shall provide treatment, prevention and education services for compulsive gambling. As used in this section, “compulsive gambling” means a condition suffered by a person who is chronically and progressively preoccupied with gambling and the urge to gamble. Subject to appropriation, such programs shall be funded from the one-cent admission fee authorized pursuant to section 313.820, and in addition, may be funded from the taxes collected and distributed to any city or county under section 313.822. Such moneys shall be submitted to the state and credited to the “Compulsive Gamblers Fund”, which is hereby established within the department of mental health. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. The department of mental health shall administer programs, either directly or by contract, for compulsive gamblers. The commission may administer programs to educate the public about problem gambling and promote treatment programs offered by the department of mental health. In addition, the commission shall administer the voluntary exclusion program for problem gamblers authorized by section 313.833.

## Alcoholic Beverage Restrictions

### **Regulation: 11 CSR 45-12.090. Rules of Liquor Control**

- (3) Sale to Minors and Other Persons. An excursion liquor licensee shall not, through actions of its own or of an agent or employee, sell, vend, give away its or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, to any person intoxicated or appearing to be in the state of intoxication, or to a habitual drunkard. A licensee shall not permit any person under

the age of twenty-one (21) years, any intoxicated person, or any habitual drunkard to consume intoxicating liquor on the licensed premises.

- (12) Advertising. (A) Prohibited Advertising. No advertisement of intoxicating liquor visible outside the premises shall contain any statement offering any coupon, premium, prize, rebate, or sale price below the licensee's actual cost or at a discount, as an inducement to purchase intoxicating liquor.
- (25) Complimentary Service of Intoxicating Liquor. An excursion liquor licensee shall not, through actions of its own or of an employee, supply any intoxicating liquor in any quantity whatsoever free of charge or as a complimentary to any person on the gaming floor of the premises.

# Montana



Montana established its responsible gaming framework through legislation authorizing card games and bingo in 1973. New requirements were adopted through legislation in 1989 that consolidated all gaming statutes and centralized regulation within the state's department of justice. Most recently, additional rules were adopted following the legalization of sports wagering in 2019. Montana's responsible gaming framework includes a statewide self-exclusion program, advertising restrictions and credit restrictions.

Responsible gaming provisions have remained largely unchanged since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019.

## Self-Exclusion

### Statute: MCA § 23-7-202. Powers and duties of commission

The commission shall:

- (10) adopt rules relating to lottery and sports wagering and sales agents' commissions and any other rules necessary to carry out this part, including but not limited to:
  - (g) player exclusion requirements.

## Advertising Restrictions

### Statute: MCA § 23-5-154. Soliciting participation in illegal gambling activity prohibited

A person who purposely or knowingly advertises for or solicits another person to participate in an illegal gambling enterprise or use an illegal gambling device is guilty of a misdemeanor and is punishable under 23-5-161.

## Financial Instruments Restrictions

### Statute: MCA § 23-7-302. Sales restrictions

- (3) Tickets, chances, wagers, or bets may not be purchased on credit. Tickets, chances, wagers, or bets may be purchased only with cash, check, or debit card and may not be purchased on credit. The use of a debit card is limited to the daily withdrawal amount of the issuing debit card lending institution.

## Other

### Statute: MCA § 23-7-202. Powers and duties of commission

The commission shall:

- (10) adopt rules relating to lottery and sports wagering and sales agents' commissions and any other rules necessary to carry out this part, including but not limited to:
  - (h) protections for an individual placing a wager.
  - (i) contribution and participation in responsible gaming and consumer protection activities and programs.

# Nebraska



Nebraska established its responsible gaming regulatory framework through legislation approved in May 2021 that authorized casino gaming and land-based sports betting within the state. Nebraska's responsible gaming framework includes requirements regarding a comprehensive gambling assistance plan, responsible gaming training for all relevant employees and involuntary exclusion. Further regulations are expected to be developed as Nebraska's first land-based casino gaming establishments are licensed to begin operations.

## Responsible Gaming Plan Required

### Regulation: Neb. Admin. Title 296, R. 12.001. Compulsive gambling assistance plan

- 12.001.01 An applicant for an Authorized Gaming Operator License must submit with the application a plan to address compulsive gambling in accordance with the requirements of these regulations for assisting in the prevention and education of compulsive gambling.
- 12.001.02 No Authorized Gaming Operator application will be approved unless the Commission first approves the applicant's compulsive gambling assistance plan
  - 12.001.02A Failure to implement the compulsive gambling assistance plan or to satisfactorily maintain and administer a plan once implemented will be grounds for suspension or revocation of the Authorized Gaming Operator License, assessment of a fine, or both. The plan must meet or exceed the minimum standards set forth in these Rules and Regulations. The development of such a plan by the applicant and the approval of a plan by the Commission are conditions of issuance of the original Authorized Gaming Operator License. The maintenance of a plan, as approved by the Commission, is a condition of annual renewal of the license.
- 12.001.03 Minimum standards for Compulsive Gambling Assistance Plan.
  - 12.001.03A The compulsive gambling assistance plan must include all of the following elements:
    - 12.001.03A(i) Identification of a plan manager or other Person responsible for ensuring that a plan is implemented and administered by the Authorized Gaming Operator and monitored to maintain the minimum standards established by these Rules;
    - 12.001.03A(ii) A mission statement that identifies the goals of the Authorized Gaming Operator in administering a plan;
    - 12.001.03A(iii) Policies concerning the handling of compulsive gambling problems, commitment to training, intervention, the employee's role and duties, management's role and duties, and the Patron's responsibilities;
    - 12.001.03A(iv) Procedures to determine appropriate intervention techniques in a given circumstance, and carrying out the intervention techniques;
    - 12.001.03A(v) Printed materials to educate Patrons about compulsive gambling and inform them of local and Statewide resources available to compulsive gamblers and their families. The materials may include signs and posters located inside the licensed premises and brochures discussing compulsive gambling issues and sources of treatment and information. A plan must also specify a source of the printed materials and proposed distribution methods;
    - 12.001.03A(vi) A comprehensive Gaming Employee training program satisfactory to the Commission, including training manuals and other materials necessary to

educate Casino Employees about compulsive gambling issues. The training plan must include instruction in the psychology of the compulsive gambling behavior, intervention techniques and other subjects as determined by the Commission;

- 12.001.03A(vii) Completion and submission of a form certifying to the Commission's satisfaction that each employee required to obtain the training has done so within the time period specified by these Rules and Regulations;
- 12.001.03A(viii) Details of a follow-up training program to periodically reinforce employee training;
- 12.001.03A(ix) Estimated costs for implementation and administration;
- 12.001.03A(x) Timetable and procedures for implementing the compulsive gambling assistance plan. A plan must be implemented no later than thirty (30) days from the date gaming commences on the licensed premises;
- 12.001.03A(xi) Preventing gaming by Minors; and
- 12.001.03A(xii) Any other policies and procedures designed to encourage responsible gaming that the applicant or Authorized Gaming Operator wishes to include.

## Self-Exclusion

### **Statute: Neb. Rev. Stat. § 9-1118. List of self-excluded persons**

- (1) The commission shall establish a list of persons self-excluded from licensed racetrack enclosures in Nebraska. A person may request such person's name to be placed on the list of self-excluded persons by filing an application with the commission, on forms prescribed by the commission, requesting to be self-excluded and agreeing to take personal responsibility for not visiting licensed racetrack enclosures in Nebraska. The application shall specify that, by applying to be a person self-excluded from licensed racetrack enclosures, the applicant agrees that during any period of voluntary self-exclusion the person is not eligible to collect any winnings or recover any losses resulting from any gaming activity at a licensed racetrack enclosure or be present at a licensed racetrack enclosure.
- (2) The commission shall adopt and promulgate rules and regulations for the list of self-excluded persons, including:
  - (a) Procedures for placement on the list;
  - (b) The terms for self-removal from the list;
  - (c) Procedures for providing the list to licensed racetrack enclosures; and
  - (d) Other such procedures the commission determines are necessary for the effective and efficient administration of the list.
- (3) The commission may revoke, limit, condition, suspend, or fine an authorized gaming operator or any officer, employee, or agent of the operator if such licensee knowingly or recklessly fails to exclude or eject from its premises any person on the list of self-excluded persons.
- (4) An authorized gaming operator or the officers, agents, and employees of the operator shall not market directly to any person on any list of self-excluded persons. An authorized gaming operator shall deny access to complimentary check-cashing privileges, club programs, and other similar benefits to any person on the list of self-excluded persons.
- (5) The list of self-excluded persons shall not be open to public inspection. Nothing in this section shall prohibit an authorized gaming operator from disclosing the identity of any person on the list of self-

excluded persons to any affiliated gaming facility operator or other jurisdiction for the limited purpose of assisting in the proper administration of responsible gaming programs in Nebraska or as authorized by law in another jurisdiction.

- (6) A person placed on the list of self-excluded persons is prohibited from entering a licensed racetrack enclosure in Nebraska and is ineligible to place a legal wager in Nebraska at such licensed racetrack enclosure. A person on the list of self-excluded persons shall not collect any winnings or recover losses resulting from prohibited gaming activity, and such winnings shall be forfeited to the commission to be used for problem gambling treatment, prevention, and education programs.

## Restrictions on Extension of House Credit

### Regulation: Neb. Admin. Title 296, R. 7.006. Check Cashing Procedures and Restrictions on Credit

- 7.006.01 No holder of an Authorized Gaming Operator License will make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in Gaming activity. The failure to deposit for collection a negotiable instrument by the next banking day following receipt will be considered an extension of credit.

## Financial Instruments Restrictions

### Regulation: Neb. Admin. Title 296, R. 7.006. Check Cashing Procedures and Restrictions on Credit

- 7.006.02 Each Authorized Gaming Operator will establish policies and procedures for the authorization and issuance of check cashing privileges in its Commission-approved Internal Control System. These procedures will include the approval process for establishing check cashing privileges and setting check cashing limits.
- 7.006.03 Only the following checks may be cashed at a cashier's cage:
- 7.006.03A Personal checks;
  - 7.006.03B Cashier's checks;
  - 7.006.03C Money order;
  - 7.006.03D Traveler's checks; and
  - 7.006.03E Wire transfer service checks.
- 7.006.04 An Authorized Gaming Operator may not issue nor cause to be issued a Voucher as a means of extending credit.

## Treatment and Research Funding

### Statute: Neb. Rev. Stat. § 9-1204. Tax; proceeds; distribution

Of the tax imposed by section 9-1203, seventy-five percent shall be remitted to the State Treasurer for credit as follows: Two and one-half percent to the Compulsive Gamblers Assistance Fund, two and one-half percent to the General Fund, and seventy percent to the Property Tax Credit Cash Fund. The remaining twenty-five percent of the tax shall be remitted to the county treasurer of the county in which the licensed racetrack enclosure is located to be distributed as follows: (1) if the licensed racetrack enclosure is located completely within an unincorporated area

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of a county, the remaining twenty-five percent shall be distributed to the county in which such licensed racetrack enclosure is located; or (2) if the licensed racetrack enclosure is located at least partially within the limits of a city or village in such county, one-half of the remaining twenty-five percent shall be distributed to such county and one-half of the remaining twenty-five percent to the city or village in which such licensed racetrack enclosure is at least partially located.

### Employee Training

#### **Regulation: Neb. Admin. Title 296, R. 12.002. Employee training regarding Compulsive Gambling Assistance Plan**

- 12.002.01 The compulsive gambling assistance plan must be designed with employee training and education as fundamental aspects of a plan. The purpose of the training is to develop awareness of compulsive gambling and to provide resources to assist the employee in handling compulsive gambling issues.
- 12.001.02 The employee training program must include training and materials on the following topics:
  - 12.002.02A Characteristics and symptoms of compulsive gambling behavior;
  - 12.002.02B Prevalence of compulsive gambling in the general population;
  - 12.002.02C Comparison of compulsive gambling to other addictions;
  - 12.002.02D Social costs of compulsive gambling, such as indebtedness, costs for treatment, suicide, criminal behavior, lost jobs, and counseling for family problems;
  - 12.002.02E Identification of vulnerable populations, persons with co-occurring addictions, such as addictions to drugs and alcohol;
  - 12.002.02F Recommended intervention techniques to be employed where a compulsive gambling problem is identified or suspected; and
  - 12.002.02G Assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a Patron and give advice concerning access to available services.
- 12.001.03 Training must be conducted as part of the Authorized Gaming Operator's employee hiring process. Certification of such training must be submitted on a form approved by the Commission.

### Other

#### **Regulation: Neb. Admin. Title 296, R. 8.001. Establishment of involuntary exclusion list**

- 8.001.01 The "involuntary exclusion list" will consist of the names and information of those individuals who meet the criteria under the act and this chapter and have been placed on the list by the Commission.
- 8.001.02 An individual on the involuntary exclusion list is prohibited from entering any Gaming Facility in this state.
- 8.001.03 This chapter does not preclude a casino operator from ejecting any individual from its Gaming Facility for any lawful reason. The casino operator may seek to have the Commission place an individual the casino operator has ejected on the involuntary exclusion list.

### **Regulation: Neb. Admin. Title 296, R. 8.002. Contents and Publication of the Involuntary Exclusion**

- 8.002.01 The Commission will maintain the involuntary exclusion list. The Commission will notify each Authorized Gaming Operator of the initial list. The Commission will then periodically update Authorized Gaming Operators of updates to the list in a manner prescribed by the Commission.
- 8.002.02 The involuntary exclusion list will contain the name, physical description and, if available, the following information for each excluded individual:
  - 8.002.02A All known aliases;
  - 8.002.02B A photograph;
  - 8.002.02C The date the individuals name was placed on the list; and
  - 8.002.02D Any other relevant information as deemed necessary by the Commission.
- 8.002.03 The involuntary exclusion list will be published on the Commission's website.

### **Regulation: Neb. Admin. Title 296, R. 8.003. Criteria for Placement on the Involuntary Exclusion List**

- 8.003.01 The Commission will consider the following criteria to determine if an individual is a threat to the interests of the state, to achieving the intents and purposes of the Act or to the strict and effective regulation of gaming in Nebraska and should be placed on the involuntary exclusion list:
  - 8.003.01A Whether the individual is included on another jurisdiction's exclusion list;
  - 8.003.01B Been convicted of a felony in any jurisdiction of any crime of moral turpitude or of a crime involving gaming;
  - 8.003.01C Violated either the Act or these rules;
  - 8.003.01D Performed any act or had a notorious or unsavory reputation which would adversely affect public confidence and trust in gaming; or
  - 8.003.01E Whether the individual is subject to an order of the courts of this state excluding the individual from any gaming facility.
  - 8.003.01F Any criteria deemed appropriate by the Commission.

### **Regulation: Neb. Admin. Title 296, R. 8.004. Notice of Placement on the Involuntary Exclusion List**

- 8.004.01 Upon a determination that a person comes under any one (1) of criteria listed in Section 3 of this rule, this person will be deemed a candidate for exclusion, and the Commission will file a Notice of Exclusion. This notice will include the identity of the candidate, the nature and scope of the circumstances or reasons that the person should be placed on the exclusion list, names of potential witnesses and a recommendation as to whether the exclusion or ejection will be permanent. The notice will also inform the person of the availability of a hearing by the Commission. A request for a hearing must be made within thirty (30) days from the date the Notice of Exclusion was filed.
- 8.004.02 When a person is excluded or ejected, that person is prohibited from further contact of any kind with any Gaming Facility in Nebraska unless and until a determination is made by the Commission on the merits of a requested hearing. If a determination by the Commission is examined under judicial review, then the exclusion will continue until the judicial review is completed.

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- 8.004.03 If the Commission or a subsequent judicial review finds in favor of the candidate or excluded person, then their name will be removed from the exclusion list and their exclusion will be terminated as of the date of the action by the Commission or the court.

### **Regulation: Neb. Admin. Title 296, R. 8.005. Authorized Gaming Operator Requirements for Involuntary Exclusion**

- 8.005.01 Each Authorized Gaming Operator will submit to the Commission for its approval detailed internal control plans for compliance with this rule.
- 8.005.02 Each Authorized Gaming Operator will exclude any individual on the involuntary exclusion list from the Gaming Facility.
- 8.005.03 Each Authorized Gaming Operator will notify the Commission's gaming agents, in writing and within 48 hours, if an excluded individual has entered or attempted to enter the Gaming Facility.
- 8.005.04 Each Authorized Gaming Operator will train all relevant employees to understand the exclusion list and its function.
- 8.005.05 Each Authorized Gaming Operator will distribute the most up-to-date copy of the involuntary exclusion list to all relevant employees.
- 8.005.06 After the Commission approves the authorized gaming operator's plan, it may not make any changes to the plan without notifying the Commission and obtaining written approval of the proposed change(s).

### **Regulation: Neb. Admin. Title 296, R. 12.003. Annual report regarding Compulsive Gambling Activities**

- 12.003.01 Each Authorized Gaming Operator must submit to the Commission an annual report regarding compulsive gambling activities within a form developed by the Commission.

### **Regulation: Neb. Admin. Title 296, R. 12.004. Human Trafficking Training**

- 12.004.01 The Commission will establish a required training program for all employees of the gaming industry. Training will take into account suggestions made by the Nebraska Human Trafficking Task Force. Each Gaming Facility will also display posters and other human trafficking literature and assistance throughout the Gaming Facility as directed by the Commission.

# Nevada



Nevada's gaming regulatory framework dates back to 1931. Responsible gaming requirements for traditional casino gaming were expanded and enhanced following the adoption of interactive gaming regulations in 2012 applicable to online poker. Nevada's responsible gaming framework includes credit restrictions, a requirement for wager and time limits for interactive gaming, as well as treatment and research provisions.

Nevada has seen little change in its responsible gaming infrastructure since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019.

## Self-Exclusion

### Regulation: NAC 5.170. Programs to address problem gambling

4. Each licensee that engages in the issuance of credit, check cashing, or the direct mail marketing of gaming opportunities, shall implement a program containing the elements described below, as appropriate, that allows patrons to self-limit their access to the issuance of credit, check cashing, or direct mail marketing by that licensee. As appropriate, such program shall contain, at a minimum, the following:
  - (a) The development of written materials for dissemination to patrons explaining the program;
  - (b) The development of written forms allowing patrons to participate in the program; issuance of credit, and the participation in direct mail marketing of gaming opportunities;
  - (c) Standards and procedures that allow a patron to be prohibited from access to check cashing, the issuance of credit, and the participation in direct mail marketing of gaming opportunities;
  - (d) Standards and procedures that allow a patron to be removed from the licensee's direct mailing and other direct marketing regarding gaming opportunities at that licensee's location; and
  - (e) Procedures and forms requiring the patron to notify a designated office of the licensee within 10 days of the patron's receipt of any financial gaming privilege, material or promotion covered by the program.

### Regulation: NAC 5A.070. Internal Controls for Operators of Interactive Gaming

Each operator shall establish, maintain, implement and comply with standards that the Chair shall adopt and publish pursuant to the provisions of Regulation 6.090. Such minimum standards shall include internal controls for:

9. Promoting responsible interactive gaming and preventing individuals who have self-excluded from engaging in interactive gaming. Such internal controls shall include provisions for substantial compliance with Regulation 5.170.

### Regulation: NAC 5A.110. Registration of Authorized Player

2. An operator may register an individual as an authorized player only if the individual provides the operator with the following information:
  - (e) That the individual had not previously self-excluded with the operator and otherwise remains on the operator's self-exclusion list

## Regulation: NAC 5A.130. Self-Exclusion

1. Operators must have and put into effect policies and procedures for self-exclusion and take all reasonable steps to immediately refuse service or to otherwise prevent an individual who has self-excluded from participating in interactive gaming. These policies and procedures include without limitation the following:
  - (a) The maintenance of a register of those individuals who have self-excluded that includes the name, address and account details of self-excluded individuals;
  - (b) The closing of the interactive gaming account held by the individual who has self-excluded;
  - (c) Employee training to ensure enforcement of these policies and procedures; and
  - (d) Provisions precluding an individual who has self-excluded from being allowed to again engage in interactive gaming until a reasonable amount of time of not less than 30 days has passed since the individual self-excluded.
2. Operators must take all reasonable steps to prevent any marketing material from being sent to an individual who has self-excluded.

## Regulation: NAC 5A.140. Acceptance of Wagers

1. Operators shall not accept or facilitate a wager:
  - (c) On any game which the operator knows or reasonably should know is made by a person on the self-exclusion list.

## Regulation: NAC 5A.150. Information Displayed on Website

Operators must provide for the prominent display of the following information on a page which, by virtue of the construction of the website, authorized players must access before beginning a gambling session:

6. Active links to the following:
  - (d) A website that allows for an authorized player to choose to be excluded from engaging in interactive gaming.

## Regulation: Technical standard 6.110. Interactive gaming account requirements

4. Interactive gaming systems must employ a mechanism to collect the following information prior to the creation of any interactive gaming account:
  - e) That the individual had not previously self-excluded with the operator and otherwise remains on the operator's self exclusion list.
15. Interactive gaming systems must employ a mechanism to allow authorized players to self-exclude their interactive gaming account from conducting any gaming activities. The mechanism must be able to do the following:
  - (a) Immediately restrict all gaming activity and clearly indicate to the authorized player when the exclusion will take effect;
  - (b) Provide the authorized player with information regarding the terms of the self-exclusion;
  - (c) Remove the authorized player from all mailing and marketing lists within a reasonable timeframe; and
  - (d) Require multi-factor authentication upon any request to remove a self-exclusion.

## Property Signage and Responsible Gaming Disclosures

### Regulation: NAC 5.170. Programs to address problem gambling

1. As used in this section “licensee” means each person who is licensed to conduct restricted or nonrestricted gaming operations.
2. Each licensee shall post or provide in conspicuous places in or near gaming and cage areas and cash dispensing machines located in gaming areas written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number of the National Council on Problem Gambling or a similar entity approved by the Board Chair that provides information and referral services for problem gamblers.

### Regulation: NAC 5.225. Wagering accounts

18. Responsible Gambling.
  - (b) Licensees shall conspicuously display and make available to patrons, upon access to their wagering account, the following responsible gambling message:
 

[Licensee’s name] encourages you to gamble responsibly. For problem gambling information and assistance, call the 24-hour confidential Problem Gamblers HelpLine at 1-800-522-4700, or visit [www.WhenTheFunStops.org](http://www.WhenTheFunStops.org).

If either the helpline number or website address changes, the Chair may administratively approve the use of an alternative helpline number or website address.

### Regulation: NAC 5A.150. Information Displayed on Website

Operators must provide for the prominent display of the following information on a page which, by virtue of the construction of the website, authorized players must access before beginning a gambling session:

6. Active links to the following:
  - (b) A problem gambling website that is designed to offer information pertaining to responsible gaming.
  - (d) A website that allows for an authorized player to choose to be excluded from engaging in interactive gaming.

## Advertising Restrictions

### Regulation: NAC 5.011. Grounds for disciplinary action

The Board and the Commission deem any activity on the part of any licensee, the licensee’s agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Nevada, or that would reflect or tend to reflect discredit upon the State of Nevada or the gaming industry, to be an unsuitable method of operation and shall be grounds for disciplinary action by the Board and the Commission in accordance with the Nevada Gaming Control Act and the regulations of the Board and the Commission. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

4. Failure to conduct advertising and public relations activities in accordance with decency, dignity, good taste, honesty and inoffensiveness, including, but not limited to, advertising that is false or materially misleading.

## **Regulation: NAC 5.170. Programs to address problem gambling**

4. Each licensee that engages in the issuance of credit, check cashing, or the direct mail marketing of gaming opportunities, shall implement a program containing the elements described below, as appropriate, that allows patrons to self-limit their access to the issuance of credit, check cashing, or direct mail marketing by that licensee. As appropriate, such program shall contain, at a minimum, the following:
  - (a) The development of written materials for dissemination to patrons explaining the program;
  - (b) The development of written forms allowing patrons to participate in the program;
  - (c) Standards and procedures that allow a patron to be prohibited from access to check cashing, the issuance of credit, and the participation in direct mail marketing of gaming opportunities;
  - (d) Standards and procedures that allow a patron to be removed from the licensee's direct mailing and other direct marketing regarding gaming opportunities at that licensee's location; and
  - (e) Procedures and forms requiring the patron to notify a designated office of the licensee within 10 days of the patron's receipt of any financial gaming privilege, material or promotion covered by the program.

## **Regulation: NAC 5A.130. Self-Exclusion**

2. Operators must take all reasonable steps to prevent any marketing material from being sent to an individual who has self-excluded.

## **Regulation: NAC 5A.140. Acceptance of Wagers**

2. Operators may use a celebrity player for marketing purposes to attract authorized players if the operator clearly identifies the celebrity player to the authorized players and does not profit beyond the rake. For purposes of this subsection, a "celebrity player" is an authorized player under agreement with the operator whereby the celebrity player is paid a fixed sum by the operator to engage in interactive gaming and whom may or may not use their own funds to engage in interactive gaming.

## **Regulation: NAC 5A.155. Advertising and Promotions**

An operator, including its employees or agents, shall be truthful and non-deceptive in all aspects of its interactive gaming advertising and promotions. An operator which engages in any promotion related to interactive gaming shall clearly and concisely explain the terms of the promotion and adhere to such terms.

## **Wager/Time Limits**

### **Regulation: NAC 5.225. Wagering accounts**

18. Responsible Gambling.
  - (a) Licensees shall ensure that, within one year following the effective date of this regulation, its patrons have the ability to select responsible gambling options associated with their wagering account that include deposit limits establishing the amount of total deposits a patron can make to their wagering account within a specified period of time.

## **Regulation: NAC 5A.120. Interactive Gaming Accounts**

4. An operator shall ensure that an authorized player has the ability, through the authorized player's interactive gaming account, to select responsible gambling options that include without limitation:

- (a) Loss limits establishing the net loss that can occur within a specified period of time;
- (b) Deposit limits establishing the amount of total deposits an authorized player can make to his or her interactive gaming account within a specified period of time;
- (c) Tournament limits establishing the total dollar amount of tournament entries a patron can purchase within a specified period of time;
- (d) Buy in limit establishing the total amount of funds an authorized player can allocate for the play of poker within a specified period of time, exclusive of tournament entries purchased;
- (e) Play time limits establishing the total amount of time available for play during a specified period of time; and
- (f) Time based exclusion from gambling settings.

### **Regulation: Technical standard 6.110. Interactive gaming account requirements**

14. Interactive gaming systems must employ a mechanism that allows authorized players to set limits on their interactive gaming account. This mechanism must require that the authorized player acknowledge how the limit works, the amount of the limit, and whether or not the limit may take effect in the middle of a game session, player session, or tournament play. The mechanism must require that the authorized player wait at least 24 hours after a change to a limit is made before allowing any changes that would increase a limit. At a minimum, the following limits must be available to the authorized player:
  - (a) “Wager limit” that specifies the maximum amount that can be wagered within a given timeframe;
  - (b) “Loss limit” that specifies the maximum amount of money that can be lost within a given timeframe;
  - (c) “Time available for play limit” that specifies the amount of time an authorized player can play within a given timeframe or session which must require player acknowledgement during game play to extend a game session or tournament play;
  - (d) “Deposit Limit” that specifies the amount of money an authorized player can deposit into their interactive gaming account within a given timeframe; and
  - (e) “Buy-in limit” that specifies the maximum amount of money that can be brought to a table or tournament within a given timeframe.

## Restrictions on Extension of House Credit

### **Regulation: NAC 5A.120. Interactive Gaming Accounts**

In addition to the requirements established pursuant to Regulation 5.225, an operator shall comply with the following for interactive gaming accounts:

3. Notwithstanding subsection 9 of Regulation 5.225, an operator shall neither extend credit to an authorized player for use in interactive gaming player nor allow the deposit of funds into an interactive gaming account for use in interactive gaming that are derived from the extension of credit by affiliates or agents of the operator. For purposes of this subsection, credit shall not be deemed to have been extended where, although funds have been deposited into an interactive gaming account, the operator is awaiting actual receipt of such funds in the ordinary course of business.

## Financial Instruments Restrictions

### **Statute: NRS 463.3557. Electronic transfer of money to game or gaming device by credit card prohibited; exception**

1. Except as otherwise provided in subsection 2, an electronic transfer of money from a financial institution directly to a game or gaming device may not be made with a credit card.
2. The provisions of subsection 1 do not apply to an interactive gaming system.

## Treatment and Research Funding

### **Statute: NRS 458A.090. Creation; administration; use of money in Account**

1. The Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling is hereby created in the State General Fund. The Director shall administer the Account.
2. Except as otherwise provided in this subsection, the money in the Account must be expended:
  - (a) To award grants of money or contracts for services to state agencies and other political subdivisions of the State or to organizations or educational institutions to provide programs for the prevention and treatment of problem gambling or to provide services related to the development of data, the assessment of needs, the performance of evaluations or technical assistance. The Director may use not more than 10 percent of the money in the Account to administer the Account.
  - (b) For any other purpose authorized by the Legislature.
3. The existence of the Account does not create a right in any state agency or other political subdivision of the State or in any organization or educational institution to receive money from the Account.

### **Statute: NRS 458A.100. Gifts, grants and donations**

1. The Director may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received must be deposited in the Account.
2. The interest and income earned on money in the Account from any gift, donation or bequest, after deducting any applicable charges, must be credited to the Account.
3. Money from any gift, donation or bequest that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

### **Statute: NRS 458A.110. Director to adopt regulations**

1. The Director shall adopt regulations to carry out the provisions of NRS 458A.090 and 458A.100.
2. The regulations adopted by the Director must include, without limitation:
  - (a) The procedure by which a state agency or other political subdivision of the State or an organization or educational institution may apply for a grant of money or a contract for services to be paid from the Account;
  - (b) The criteria that the Director must consider in determining whether to award a grant of money or a contract for services to be paid from the Account; and
  - (c) The procedure used by the Director to ensure that the money in the Account is distributed in a fair and equitable manner.

### **Statute: NRS 463.320. Collection and disposition of state fees for licenses and penalties**

2. All state gaming license fees and penalties must be collected by the Commission and paid over immediately to the State Treasurer to be disposed of as follows:
  - (e) The Commission shall deposit quarterly in the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling created by NRS 458A.090 an amount equal to \$2 for each slot machine that is subject to the license fee imposed pursuant to NRS 463.373 and 463.375 and collected by the Commission.

### **Regulation: NAC 458A.100. Duties of Department: Process for applying for grants of money or contracts for services from Account; distribution of money; publication of requests for applications; provision of support staff to Advisory Committee; annual report**

The Department shall:

1. Prescribe the process for applying for a grant of money or a contract for services from the Account, including, without limitation, a process for a request for applications or other accepted method of obtaining proposals or bids;
2. Distribute the money from the Account in accordance with the provisions of this chapter, chapter 458A of NRS and the terms of the grant or contract established with each provider of a program or services whose application is approved;
3. To the extent that money is available in the Account, publish a request for applications or other accepted method of obtaining proposals or bids for programs and services once every 2 years;
4. Provide staff support to the Advisory Committee, including, without limitation, assistance with meetings, travel preparation and administering any payment to a member which is authorized pursuant to subsection 5 of NRS 458A.060; and
5. On or before January 31 of each year, prepare and submit to the Director of the Legislative Counsel Bureau the written report required pursuant to subsection 4 of NRS 458A.090.

### **Regulation: NAC 458A.110. Distribution of money in Account: Duties of Director, Department and Advisory Committee to ensure fair and equitable distribution**

To ensure that the money in the Account is distributed in a fair and equitable manner:

1. The Director will prepare a notice indicating the money that is available in the Account and:
  - (a) Make the notice available to each person, state agency or other political subdivision of the State or an organization or educational institution known to the Department to have an interest in programs and services for the prevention and treatment of problem gambling;
  - (b) Publish the notice in a newspaper of general circulation in each county whose population is 100,000 or more; and
  - (c) Post the notice on the Internet website maintained by the Department.
2. The Department shall:
  - (a) Publish the process and instructions for applying for a grant of money or a contract for services from the Account;

- (b) Provide a technical review of each application to ensure compliance with the application process and to determine whether the applicant is eligible to submit an application in accordance with NAC 458A.120; and
  - (c) Score applications using a weighted scoring matrix approved by the Advisory Committee.
3. The Advisory Committee shall:
- (a) Review and approve the scoring matrix for use in the review of applications; and
  - (b) Review all applications and make recommendations to the Director for awards of money from the Account in a public meeting of the Advisory Committee.

### **Regulation: NAC 458A.120 Eligibility for grant of money or contract for services from Account**

To be eligible for a grant of money or a contract for services from the Account, a program or service must provide:

1. Treatment by a problem gambling counselor certified pursuant to the provisions of chapter 641C of NRS;
2. Workforce development and training by an instructor or institution who is qualified and has the expertise required to provide counseling in the area of problem gambling;
3. Research and the performance of an evaluation of the prevention and treatment of problem gambling;
4. Public education relating to the prevention and treatment of problem gambling;
5. Data collection and reporting relating to the prevention and treatment of problem gambling; or
6. Technical assistance to providers of programs for the prevention and treatment of problem gambling.

### **Regulation: NAC 458A.130 Considerations in awarding grant of money or contract for services from Account**

When determining whether to award a grant of money or a contract for services from the Account, the Director will consider:

1. Whether the program meets the needs and priorities established by the Department in consultation with the Advisory Committee pursuant to subsection 5 of NRS 458A.070;
2. Whether the program meets the criteria established by the Advisory Committee pursuant to subsection 3 of NRS 458A.070;
3. The qualifications and experience of the applicant;
4. The ability of the applicant to achieve the outcomes proposed in the application within the money available for the grant or contract from the Account; and
5. The ability of the applicant to accurately measure and report on the outcomes proposed in the application.

### **Regulation: NAC 458A.140 Status reports required of grantees and contractors who receive money from Account; Department to establish system of reporting**

1. Each grantee or contractor who receives money from the Account shall submit to the Department on a quarterly basis, unless a different time period is specified in the grant or contract, a:
  - (a) Progress report prepared in accordance with the standards established by the Department pursuant to subsection 2, which provides a measurement of progress on the goals, objectives and deliverables required by the grant or contract; and

- (b) Financial status report prepared in accordance with the standards established by the Department pursuant to subsection 2, which may include a request for funds as authorized in the grant or contract.
- 2. The Department shall establish and carry out a system for reporting the progress of each grant or contract and a system for reporting the financial status of each grant or contract.

## Employee Training

### Regulation: NAC 5.170. Programs to address problem gambling

- 3. Each licensee shall implement procedures and training for all employees who directly interact with gaming patrons in gaming areas. That training shall, at a minimum, consist of information concerning the nature and symptoms of problem gambling behavior and assisting patrons in obtaining information about problem gambling programs. This subsection shall not be construed to require employees of licensees to identify problem gamblers. Each licensee shall designate personnel responsible for maintaining the program and addressing the types and frequency of such training and procedures. Training programs conducted or certified by the Nevada Council on Problem Gambling are presumed to provide adequate training for the period certified by the Nevada Council on Problem Gambling.

## Alcoholic Beverage Restrictions

### Regulation: NAC 5.011. Grounds for disciplinary action

The Board and the Commission deem any activity on the part of any licensee, the licensee's agents or employees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Nevada, or that would reflect or tend to reflect discredit upon the State of Nevada or the gaming industry, to be an unsuitable method of operation and shall be grounds for disciplinary action by the Board and the Commission in accordance with the Nevada Gaming Control Act and the regulations of the Board and the Commission. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

- 2. Permitting persons who are visibly impaired by alcohol or any other drug to participate in gaming activity.
- 3. Complimentary service of intoxicating beverages in the casino area to persons who are visibly impaired by alcohol or any other drug.

## Other

### Statute: NRS 458A.060. [Creation]

- 1. The Advisory Committee on Problem Gambling, consisting of nine regular members, is hereby created within the Department.

### Statute: NRS 458A.070. Additional duties

The Advisory Committee shall:

- 1. Provide advice and information to the Governor, the Legislature, the Department and other state agencies on issues and trends in the area of problem gambling for the purposes of:
  - (a) Assisting in the establishment of priorities and criteria for funding programs and services for the prevention and treatment of problem gambling;

- (b) Providing services relating to the development of data, the assessment of needs, the performance of evaluations and technical assistance concerning problem gambling; and
- (c) Recommending legislation, regulations or the adoption of public policy concerning problem gambling.
- 2. Review recommendations made by the Department for granting money or contracting for services for the prevention and treatment of problem gambling and make recommendations to the Director concerning the award of such grants and contracts.
- 3. Review reports compiled by the Department concerning the outcome and evaluation of programs and services funded by the Department for the prevention and treatment of problem gambling and services funded by the Department related to the development of data, the assessment of needs, the performance of evaluations or technical assistance.

### **Statute: NRS 458A.080. Appointment of groups to consider specific issues and policy and assist in research and development of strategic plans**

The Chair of the Advisory Committee may appoint groups consisting of members of the Advisory Committee, former members of the Advisory Committee and members of the public who have appropriate experience or knowledge to:

- 1. Consider specific issues and policy matters that are related to the prevalence, impact, prevention and treatment of problem gambling; and
- 2. Assist in researching and developing strategic plans to fund and deliver comprehensive programs and services to prevent and treat problem gambling and make recommendations concerning such strategic plans.

### **Statute: NRS 458A.200. Authority of court to establish program of treatment; conditions for assignment; administration**

- 1. A court may establish a program for the treatment of problem gambling to which it may assign a person pursuant to NRS 458A.210.

### **Regulation: NAC Technical standard 6.110. Interactive gaming account requirements**

- 11. Interactive gaming systems must be able to provide an account statement to authorized players both periodically and on demand. The account statement must include detailed information about their account activity for a defined time period. Information to be provided must include at a minimum, the following:
  - (a) Deposits to the interactive gaming account;
  - (b) Withdrawals from the interactive gaming account;
  - (c) Money wagered in total during each table session;
  - (d) Money won in each table session;
  - (e) Promotional or bonus credits issued to the interactive gaming account;
  - (f) Promotional or bonus credits wagered in each game session;
  - (g) Manual adjustments or modifications to the interactive gaming account; and
  - (h) Any other information that the chairman may require.
- 16. Interactive gaming systems must employ a mechanism that can detect and prevent any player initiated wagering or withdrawal activity that would result in a negative balance of an interactive gaming account. The mechanism must also detect whether an interactive gaming account balance is negative and place the account in a suspended mode if the account balance is negative.

# New Hampshire



While commercial casinos are not currently authorized in New Hampshire, the state legalized sports betting in 2019. New Hampshire instituted various responsible gaming requirements for sports betting including the creation of a self-exclusion program, a requirement for property signage and responsible gaming disclosures, as well as a mandate that time and wager limits be made available for mobile sports bettors.

## Responsible Gaming Plan Required

### Statute: N.H. Rev. Stat. §287-I:8. Sports Wagering Supervision

The commission shall create a division of sports wagering which will be responsible for ensuring compliance with the requirements of this chapter and any rules promulgated by the commission in accordance with the authorities granted under this chapter. In addition, the division, under the direction of the director and commission, shall ensure that the commission's agents and vendors comply with the following obligations:

- V. The commission's agents shall submit a responsible gaming plan for the division's review and approval prior to conducting any sports wagering within the state and every year thereafter. This plan should include identification of posting and materials related to problem gaming, resources to be made available to bettors expressing concerns about problem gaming, house imposed player limits, and self-exclusion programs.

## Self-Exclusion

### Statute: N.H. Rev. Stat. §287-I:7. Mobile Sports Wagering Authorized

The commission and its agents are authorized to operate a sports books that offer tier I, tier II, and tier III sports wagers through a mobile sports wagering platform by mobile devices or over the Internet. No more than 5 mobile sports wagering agents shall be in operation at any given time. With respect to mobile sports wagering, the commission, either independently, or through its agent, shall provide:

- V. A voluntary self-exclusion program for players to self-exclude themselves from wagering for set periods of time.

### Statute: N.H. Rev. Stat. §287-I:8. Sports Wagering Supervision

The commission shall create a division of sports wagering which will be responsible for ensuring compliance with the requirements of this chapter and any rules promulgated by the commission in accordance with the authorities granted under this chapter. In addition, the division, under the direction of the director and commission, shall ensure that the commission's agents and vendors comply with the following obligations:

- I. Each agent or vendor engaged in sports wagering shall submit a security and internal control report for the division's review and approval prior to conducting any sports wagering within the state and every year thereafter. This report shall address all aspects of security and controls including physical security, personnel security, and computer systems security including:
  - (i) Systems and procedures to prevent prohibited sports bettors from placing wagers.

## NEW HAMPSHIRE

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### **Regulation: Administrative Rules of the New Hampshire Lottery Commission Lot 3003.05 Problem Gambling and Self-exclusion**

- (b) Each agent shall report to the commission any information, including names, relative to the individuals on its self-exclusion list, so that such information can be used by the commission to create a central database of such individuals.
- (c) Information housed on the central database described in (c) above deemed confidential, and such information shall not be subject to requests for documents pursuant to RSA 91-A.

## Property Signage and Responsible Gaming Disclosures

### **Regulation: Administrative Rules of the New Hampshire Lottery Commission Lot 3003.05 Problem Gambling and Self-exclusion**

- (a) Each agent shall post and make readily available to its patrons a copy of its responsible gaming plan, which shall include:
  - (1) Materials related to problem gaming, resources available to patrons expressing concerns about problem gaming;
  - (2) House-imposed player limits; and
  - (3) Options available for patrons to self-exclude from wagering.

## Wager/Time Limits

### **Statute: N.H. Rev. Stat. §287-I:7. Mobile Sports Wagering Authorized**

The commission and its agents are authorized to operate a sports books that offer tier I, tier II, and tier III sports wagers through a mobile sports wagering platform by mobile devices or over the Internet. No more than 5 mobile sports wagering agents shall be in operation at any given time. With respect to mobile sports wagering, the commission, either independently, or through its agent, shall provide:

- IV. Wager limits for daily, weekly, and monthly amounts consistent with the best practices in addressing problem gambling.

## Treatment and Research Funding

### **Statute: N.H. Rev. Stat. §338-B Council for Responsible Gambling**

- 338-B:2 Statement of Purpose. Education, prevention, and treatment relating to gambling disorders are an integral part of a responsible gaming environment within the state.
- 338-B:3 Establishment. There is established the council for responsible gambling which shall promote education, prevention, and treatment of problem gambling within the state.
- 338-B:5 Powers and Duties. The council shall have the authority to enter into grants and contracts for the purposes of furthering education, prevention, and treatment of problem gambling within the state.
- 338-B:6 Report of the Council. The council shall submit a biennial report to the governor and executive council on or before October 1 of each even-numbered year. The report shall include a description of the council's activities including a financial report for the relevant time period.

338-B:7 Administrative Attachment. The council shall be administratively attached to the lottery commission in accordance with RSA 21-G:10. In addition to the support provided to an administratively attached agency, the lottery commission shall also provide the following to the council:

- I. Funding in an amount not to exceed \$250,000 per fiscal year to conduct the activities prescribed by this chapter. In accordance with the purpose of this chapter, these payments shall be considered administrative expenses of the lottery commission as set forth in RSA 284:21-j.

# New Jersey



Sports Betting Statute/Regulation



iGaming Statute/Regulation

New Jersey established its responsible gaming regulatory framework through legislation in 1977 that authorized land-based casino gaming in Atlantic City. New Jersey adopted new requirements through regulations for internet gaming, approved in 2013, and for land-based and online sports betting, which were authorized in 2018. New Jersey's responsible gaming framework includes a statewide self-exclusion program applicable to all forms of commercial gaming, an annual state-sponsored academic study on internet gaming player behaviors and requirements for sports betting and internet gaming operators to offer players the opportunity to set their own deposit and time limits for online play.

There have been no substantial changes to the state's regulatory framework since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019. However, the New Jersey Division of Gaming Enforcement has issued official best practices and other guidance for iGaming and sports betting to strengthen the state's responsible gaming framework. This includes best practices to be implemented in early 2023 that suggest operators integrate automatic alerts and interventions whenever a player shows risky behavior or possible signs of harm based on their account activity.

## Self-Exclusion

### **Statute: N.J.S.A. 5:5-65.1. List of persons voluntarily excluded from certain racetracks, off-track wagering facilities, account wagering, or exchange wagering**

- a. The commission shall provide by regulation for the establishment of a list of persons who voluntarily seek to be excluded from entry into permitted racetracks and licensed off-track wagering facilities located in this State and from opening or maintaining a wagering account with the account wagering system or with the exchange wagering system established in this State. A person may request placement on the self-exclusion list by acknowledging in a manner to be established by the commission that the person is a problem gambler and by agreeing that, during a period of voluntary exclusion, the person may not collect winnings or recover losses resulting from wagering at a racetrack or off-track wagering facility or from account wagering or exchange wagering.
- b. The commission shall promulgate regulations to: (1) establish procedures for placements on, and removals from, the list of self-excluded persons; (2) establish procedures for the transmittal to the permitted racetracks, licensed off-track wagering facilities, the account wagering system, and the exchange wagering licensee of identifying information concerning persons on the self-exclusion list; and (3) require permitted racetracks, licensed off-track wagering facilities, the account wagering system, and the exchange wagering licensee to establish procedures designed, at a minimum, to remove persons on the self-exclusion list from targeted mailings or other forms of advertising or promotions and deny such persons access to credit, complimentary, check cashing privileges, club programs, and other similar benefits.
- c. The commission, a permitted racetrack, a licensed off-track wagering facility, the account wagering system, the exchange wagering licensee, or an employee thereof shall not be liable to a person on the self-exclusion list or to another party in a judicial proceeding for harm, monetary or otherwise, which may arise as a result of:
  - (1) the failure of a permitted racetrack, licensed off-track wagering facility or the account wagering system or the exchange wagering licensee to withhold wagering privileges from, or restore wagering privileges to, a person on the self-exclusion list; or

- (2) permitting a person on the self-exclusion list to engage in wagering activity at a permitted racetrack or licensed off-track wagering facility, or through the account wagering system, or through the exchange wagering system.
- d. Notwithstanding the provisions of section 8 of P.L.1940, c.17 (C.5:5-28), the commission's self-exclusion list shall be privileged and confidential and shall not be accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.
- e. The commission, a permitted racetrack, a licensed off-track wagering facility, the account wagering system, the exchange wagering licensee, or an employee thereof shall not be liable to a person on the self-exclusion list or to another party in a judicial proceeding for harm, monetary or otherwise, which may arise as a result of disclosure or publication, other than a willfully unlawful disclosure or publication, of the identity of a self-excluded person.

### **Statute: N.J.A.S. 5:5-65.2. Regulations applicable to persons on self-exclusion list; enforcement; sanctions**

- a. A person on the self-exclusion list established pursuant to section 1 of P.L.2002, c.89 (C.5:5-65.1), shall not collect, in any manner or proceeding, winnings or recover losses arising as a result of wagering activity at a permitted racetrack or licensed off-track wagering facility, or through the account wagering system, or through the exchange wagering system.
- b. Money or a thing of value which has been obtained by, or is owed to, a person on the self-exclusion list from a permitted racetrack, licensed off-track wagering facility or account wagering system or exchange wagering system as a result of wagers made by that person shall be subject to forfeiture by order of the executive director of the commission, following notice to the person on the self-exclusion list and opportunity to be heard. Money or a thing of value forfeited shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Human Services to provide funds for compulsive gambling treatment and prevention programs in the State.
- c. In a proceeding brought by the commission against a live racing permit holder, the off-track wagering licensee, the account wagering licensee, or the exchange wagering licensee for a willful violation of the commission's self-exclusion regulations, the commission may order in addition to a permit or license suspension, a fine not to exceed \$5,000 per wagering incident, the forfeiture of money or a thing of value obtained by the permit holder, off-track wagering licensee, account wagering licensee, or exchange wagering licensee from a person on the self-exclusion list and other remedial conditions the commission deems appropriate. Money or a thing of value so forfeited shall be disposed of in the same manner as money or a thing of value forfeited pursuant to subsection b. of this section.

### **Statute: N.J.S.A. 5:12-71.2. List of persons self-excluded from gaming activities**

- a. The division shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. Any person may request placement on the list of self-excluded persons by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such casinos and facilities.
- b. The regulations of the division shall establish procedures for placements on, and removals from, the list of self-excluded persons. Such regulations shall establish procedures for the transmittal to licensed casinos and simulcasting facilities of identifying information concerning self-excluded persons, and shall require licensed casinos and simulcasting facilities to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-

- excluded persons access to credit, complimentaries, check cashing privileges club programs, and other similar benefits.
- c. A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of:
    - (1) the failure of a licensed casino or simulcasting facility to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person; or
    - (2) otherwise permitting a self-excluded person to engage in gaming activity in such licensed casino or simulcasting facility while on the list of self-excluded persons.
  - d. Notwithstanding the provisions of P.L.1977, c.110 (C.5:12-1 et seq.) or any other law to the contrary, the division's list of self-excluded persons shall not be open to public inspection. Nothing herein, however, shall be construed to prohibit a casino licensee from disclosing the identity of persons self-excluded pursuant to this section to affiliated gaming entities in this State or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by such gaming affiliated entities.
  - e. A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of the identity of any self-excluded person.

### **Statute: N.J.S.A. 5:12-71.3. Penalties for gaming by prohibited persons**

- a. A person who is prohibited from gaming in a licensed casino or simulcasting facility by any provision of P.L.1977, c.110 (C.5:12-1 et seq.) or any order of the director, commission, or court of competent jurisdiction, including any person on the self-exclusion list pursuant to section 1 of P.L.2001, c.39 (C.5:12-71.2), shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.
- b. For the purposes of P.L.1977, c.110 (C.5:12-1 et seq.), any gaming activity in a licensed casino or simulcasting facility which results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the casino or simulcasting facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.
- c. In addition to any other penalty provided by law, any money or thing of value which has been obtained by, or is owed to, any prohibited person by a licensed casino or simulcasting facility as a result of wagers made by a prohibited person shall be subject to forfeiture following notice to the prohibited person and opportunity to be heard. A licensed casino or simulcasting facility shall inform a prohibited person of the availability of such notice on the division's Internet website when ejecting the prohibited person and seizing any chips, vouchers or other representative of money owed by a casino to the prohibited person as authorized by this subsection.

Of any forfeited amount under \$100,000, one-half shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Human Services to provide funds for compulsive gambling treatment and prevention programs in the State and the remaining one-half shall be deposited into the Casino Revenue Fund. Of any forfeited amount of \$100,000 or more, \$50,000 shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Human Services to provide funds for compulsive gambling treatment and prevention programs and the remainder shall be deposited into the Casino Revenue Fund.

- d. In any proceeding brought by the division against a licensee or registrant pursuant to section 108 of P.L.1977, c.110 (C.5:12-108) for a willful violation of the commission's self-exclusion regulations, the division may order, in addition to any other sanction authorized by section 129 of P.L.1977, c.110 (C.5:12-129), the forfeiture of any money or thing of value obtained by the licensee or registrant from any self-excluded person. Any money or thing of value so forfeited shall be disposed of in the same manner as any money or thing of value forfeited pursuant to subsection c. of this section.

### **Statute: N.J.S.A. 5:12-101. Credit**

- j. A person may request the division to put that person's name on a list of persons to whom the extension of credit by a casino as provided in this section would be prohibited by submitting to the division the person's name, address, and date of birth. The person does not need to provide a reason for this request. The division shall provide this list to the credit department of each casino; neither the division nor the credit department of a casino shall divulge the names on this list to any person or entity other than those provided for in this subsection. If such a person wishes to have that person's name removed from the list, the person shall submit this request to the division, which shall so inform the credit departments of casinos no later than three days after the submission of the request.

### **Statute: N.J.S.A. 5:12A-11. Issuance, renewal of sports wagering licenses**

- f. (3) An operator shall adopt procedures to prevent persons from wagering on sports events who are prohibited from placing sports wagers. An operator shall not accept wagers from any person whose identity is known to the operator and:
  - i. whose name appears on the exclusion list maintained by the division pursuant to section 71 of P.L.1977, c.110 (C.5:12-71);
  - ii. whose name appears on any self-exclusion list maintained by the division pursuant to sections 1 and 2 of P.L.2001, c.39 (C.5:12-71.2 and C.5:12-71.3, respectively);
  - iii. who is the operator, director, officer, owner, or employee of the operator or any relative thereof living in the same household as the operator;
  - iv. who has access to nonpublic confidential information held by the operator; or
  - v. who is an agent or proxy for any other person.

### **Regulation: N.J.A.C. 13:69G-2.2. Request for self-exclusion and Internet self-exclusion**

- (a) Any person may have his or her name placed on the self-exclusion list or Internet self-exclusion list by submitting a request in the form and manner required by this section.
- (b) Any person requesting placement on the self-exclusion list shall submit, in person, a completed request for self-exclusion as required in (c) below. The request shall be delivered to either the Identification Unit of the Division located at the Arcade Building, Tennessee Avenue and the Boardwalk, in Atlantic City, or to the Trenton office of the Division of Gaming Enforcement located at 140 East Front Street. The Division may designate other locations for submission of completed requests for self-exclusion in accordance with this subchapter, which locations may be designated on a temporary basis. Any person submitting a self-exclusion request shall be required to present valid identification credentials containing his or her signature and either a photograph or a general physical description. Any person requesting self-exclusion pursuant to this subchapter shall be required to have his or her photograph taken by the Division upon submission of the request.

- (c) Any person requesting placement on the Internet self-exclusion list shall submit through his or her Internet gaming account using strong authentication as defined in N.J.A.C. 13:690-1.1 or other means approved by the Division, a completed request for Internet self-exclusion as required in (d) below. Notwithstanding the above, if a person requests to be placed on the Internet self-exclusion list for life such request shall be made in person at a location designated by the Division.
- (d) A request for self-exclusion or Internet self-exclusion shall be in a form prescribed by the Division, which form shall include:
  - 1. The following identifying information concerning the person submitting the request:
    - i. The name, including any aliases or nicknames;
    - ii. The date of birth;
    - iii. The address of current residence;
    - iv. The telephone number of current residence; and
    - v. The Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a; and
    - vi. For self-exclusion, a physical description of the person, including height, weight, gender, hair color, eye color, and any other physical characteristic that may assist in the identification of the person.
  - 2. The length of self-exclusion or Internet self-exclusion, as applicable, requested by the person:
    - i. One year;
    - ii. Five years; or
    - iii. Lifetime.
  - 3. A waiver and release, which shall release and forever discharge the State of New Jersey, the Division, and its employees and agents, and all casino licensees and their employees and agents from any liability to the person requesting self-exclusion or Internet self-exclusion, as applicable, and his or her heirs, administrators, executors, and assigns for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion or Internet self-exclusion, as applicable, or request for removal from the self-exclusion list or Internet self-exclusion list, including:
    - i. Its processing or enforcement;
    - ii. The failure of a casino licensee to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person;
    - iii. Permitting a self-excluded person to engage in gaming activity in a licensed casino or simulcasting facility while on the list of self-excluded persons;
    - iv. Permitting an Internet self-excluded person to engage in Internet gaming activity while on the list of Internet gaming self-excluded persons; and
    - v. Disclosure of the information contained in the self-exclusion or Internet self-exclusion request or list, except for a willfully unlawful disclosure of such information.
  - 4. For self-exclusion:
    - i. The signature of the person submitting the request indicating acknowledgment of the following statement:

“I am voluntarily requesting exclusion from all gaming activities at all New Jersey licensed casinos and simulcasting facilities. I certify that the information that I have provided above is true and accurate, and that I have read and understand and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Division of

- Gaming Enforcement to direct all New Jersey casino licensees to restrict my gaming activities in accordance with this request and, unless I have requested to be excluded for life, until such time as the Division removes my name from the self-exclusion list in response to my written request to terminate my voluntary self-exclusion. I am aware and agree that during any period of self-exclusion any money or thing of value seized from me, or owed to me by, a casino licensee shall be subject to forfeiture.”;
- ii. The type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether said credentials included a photograph or general physical description of the person; and
  - iii. The signature of a Division employee authorized to accept such request, indicating that the signature of the person on the request for self-exclusion appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.
5. For Internet self-exclusion:
- i. The Internet gaming system shall provide a link within the patron’s Internet gaming account directly to an Internet self-exclusion application form and provide his or her acknowledgment of the following statement: “I am voluntarily requesting exclusion from all New Jersey Internet gaming. I certify that the information I have provided is true and accurate, and that I have read and understand and agree to the waiver and release included with this request for Internet self-exclusion. I am aware that my digital signature authorizes the Division of Gaming Enforcement to direct all New Jersey casino licensees to restrict my Internet gaming in accordance with this request and until such time as the Division removes my name from the Internet self-exclusion list in response to my request to terminate my voluntary Internet self-exclusion. I am aware and agree that during any period of Internet self-exclusion any money or thing of value seized from me, or owed to me by, a casino licensee shall be subject to forfeiture.”; and
  - ii. The Division shall confirm the patron’s request to be placed on the Internet gaming self-exclusion list.

### **Regulation: N.J.A.C. 13:69G-2.3. Self-exclusion list; Internet self-exclusion list**

- (a) The Division shall maintain the official self-exclusion list and Internet self-exclusion list and shall notify each casino licensee of any addition to or deletion from the lists by transmitting a notice directly to each casino licensee.
- (b) Each casino licensee shall maintain its own copy of each list and shall establish procedures to ensure that its copy of each list is updated. All appropriate employees and agents of the casino licensee notified of any addition to or deletion from either self-exclusion list shall update the lists accordingly. For the official self-exclusion list, changes shall be made within five business days after the day the notice is transmitted pursuant to (a) above. For the Internet self-exclusion list, changes shall be made within 24 hours after the notice is transmitted pursuant to (a) above, and any remaining balance in the patron’s Internet gaming account balance shall be refunded pursuant to the licensee’s internal controls. The notice provided by the Division shall include the name and date of birth of any person whose name shall be removed from the applicable list and the following information concerning any person whose name shall be added to the applicable list:
  1. The name, including any aliases or nicknames;
  2. The date of birth;
  3. The address of current residence;

4. The telephone number of current residence;
  5. The Social Security number, if voluntarily provided by the person requesting self-exclusion or Internet self-exclusion;
  6. If applicable, a physical description of the person, including height, weight, gender, hair color, eye color, and any other physical characteristic that may assist in the identification of the person; and
  7. If applicable, a copy of the photograph taken by the Division pursuant to N.J.A.C. 13:69G-2.2(b).
- (c) Information furnished to or obtained by the Division pursuant to this subchapter shall be deemed confidential and not be disclosed except in accordance with this subchapter and N.J.A.C. 13:69-4.
- (d) Except as provided in (d)2 and 3 below, no casino licensee or employee or agent thereof shall disclose the name of, or any information about, any person who has requested self-exclusion or Internet self-exclusion to anyone other than employees and agents of the casino licensee whose duties and functions require access to such information.
1. Notwithstanding the foregoing, a casino licensee may disclose the name of and information about a self-excluded or Internet self-excluded person to appropriate employees of other casino licensees in Atlantic City for the purpose of alerting other casino licensees that a self-excluded or Internet self-excluded person has tried to gamble or obtain gaming related privileges or benefits in the casino licensee's casino or simulcasting facility, or Internet gaming site.
  2. It shall be permissible for a casino licensee, or an employee or agent thereof, to disclose the names of persons on the self-exclusion list or Internet self-exclusion list to a third party that is registered or licensed by the Division pursuant to N.J.A.C. 13:69J for the purpose of allowing the third party to remove the names of such persons from a targeted mailing or other advertising or promotion to be made on behalf of a casino licensee or any of its Internet gaming affiliates. The company to whom such self-exclusion list is disclosed by a casino licensee shall be prohibited from distributing or disclosing the list to the public or to any other party and shall be required to establish procedures approved by the Division to ensure the self-exclusion list or Internet self-exclusion list is not disclosed.
  3. A licensed or registered company that obtains the self-exclusion list or Internet self-exclusion list from a casino licensee shall be permitted to use the list solely to exclude names or addresses from a marketing campaign on behalf of a casino or Internet gaming operator. Such company may not use the self-exclusion list or Internet self-exclusion list for any other type of marketing or for any other purpose whatsoever.

### **Regulation: N.J.A.C. 13:69G-2.4. Duties of casino licensee**

- (a) For self-excluded patrons, a casino licensee shall establish procedures that are designed, to the greatest extent practicable, to:
1. Permit appropriate employees of the casino licensee to identify a self-excluded person when present in a casino or simulcasting facility and, upon such identification, notify:
    - i. Those employees of the casino licensee designated to monitor the presence of self-excluded persons; and
    - ii. Designated representatives of the Division;
  2. Refuse wagers from and deny any gaming privileges to any self-excluded person;
  3. Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;

4. Ensure that self-excluded persons do not receive, either from the casino licensee or any agent thereof, junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed casino or simulcasting facility; and
  5. Enforce the provisions of N.J.A.C. 13:69G-2.3(d).
- (b) For Internet self-excluded patrons, a casino licensee shall establish procedures that are designed, to the greatest extent practicable, to:
1. Ensure that self-excluded persons do not receive, either from the casino licensee or any agent thereof, junket solicitations, targeted mailings, telemarketing promotions, player club materials, or other promotional materials relating to Internet gaming; and
  2. Enforce the provisions of N.J.A.C. 13:69G-2.3(d).
- (c) Without limitation of the requirements imposed by (a) above, each casino licensee shall, upon notification that a person has been added to or deleted from the self-exclusion list, comply with all relevant provisions of N.J.A.C. 13:69D-1.27A as if such person has also been added to or deleted from the list of persons who have requested suspension of their credit privileges pursuant to that section.
- (d) Each casino licensee shall maintain on file a current copy of its internal control procedures established pursuant to N.J.A.C. 13:69G-2.3(b) and (a) and (b) above.

### **Regulation: N.J.A.C. 13:69G-2.5. Removal from self-exclusion list**

- (a) Except for those persons choosing a lifetime self-exclusion, any self-excluded person may, upon the expiration of the period of self-exclusion requested pursuant to N.J.A.C. 13:69G-2.2(c)2, request removal of his or her name from the self-exclusion list by submitting, in person, a completed request for removal as required in (b) below. The request shall be delivered to the Identification Unit of the Division located at the Arcade Building, Tennessee Avenue and the Boardwalk, in Atlantic City, or to the Trenton office of the Division of Gaming Enforcement located at 140 East Front Street. Any person submitting a request for removal from the list shall be required to present valid identification credentials containing his or her signature and either a photograph or a general physical description.
- (b) A request for removal from the self-exclusion list shall be in a form prescribed by the Division, which form shall include:
1. The identifying information specified in N.J.A.C. 13:69G-2.2(c)1i through iv;
  2. The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement: "I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Division to permit all New Jersey casino licensees to reinstate my gaming privileges at licensed casinos and simulcasting facilities.";
  3. The type of identification credentials examined containing the signature of the person requesting removal from the self-exclusion list, and whether said credentials included a photograph or general physical description of the person; and
  4. The signature of a Division employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.
- (c) The Division shall, by the end of the fifth business day following receipt of the request, delete the name of the person requesting removal from the self-exclusion list and notify each casino licensee of such removal by transmitting a notice directly to each casino licensee.

### **Regulation: N.J.A.C. 13:69G-3.2. Prohibited person; forfeiture of winnings**

- (a) If a casino licensee detects, or is notified of, the presence of a patron suspected of being a prohibited person, who had engaged or is engaging in gaming activity, such casino licensee shall verify, using reasonable measures, that the patron is a prohibited person and the basis for the person's prohibition. If the person is unable to establish that he or she is not underage, the person shall be presumed to be a prohibited person for the purposes of this section.
- (b) Upon verification of a prohibited status, the casino licensee shall:
  - 1. Remove the prohibited person from the gaming floor or immediately prohibit access to the person's Internet gaming account, as applicable;
  - 2. Seize from such person any winnings or things of value obtained from engaging in a gaming transaction as follows:
    - i. Confiscate all gaming chips, gaming plaques, slot machine tokens and gaming vouchers;
    - ii. Process any slot machine jackpot obtained by the prohibited person pursuant to N.J.A.C. 13:69D-1.40 through 1.40F, depending upon the type of jackpot obtained;
    - iii. Cash out any cashable credits remaining on a slot machine credit meter or automated table game credit meter and confiscate the gaming voucher that is issued as payment thereof; and
    - iv. Obtain control and physical possession of any other form of winnings or things of value not specifically enumerated and obtained by or owed to the prohibited person as a result of engaging in any type of gaming transaction; and
  - 3. Deliver any winnings or things of value obtained from a prohibited person pursuant to (b)2 above to the cashiers' cage, where they shall be converted into cash, maintained separately and designated as funds that are subject to forfeiture.

### **Regulation: N.J.A.C. 13:690-1.4. Internet or mobile gaming system standards and operational controls**

- (c) An Internet or mobile gaming system shall be designed to detect and report:
  - 2. Excluded persons pursuant to N.J.S.A. 5:12-71, 5:12-71.2, or any person who is prohibited from entering a casino or a casino simulcasting facility pursuant to N.J.S.A. 5:12-119(a).

### **Regulation: N.J.A.C. 13:74A-2.1 Self-exclusion list; application for placement on self-exclusion list**

- (a) The Racing Commission shall maintain a self-exclusion list for the purpose of effectuating N.J.S.A. 5:5-65.1 and 65.2 and this chapter, subject to the restrictions set forth in N.J.A.C. 13:74A-3.1. The Racing Commission shall make available the names and identifying information of persons who appear on the self-exclusion list to permitted racetracks in this State, to the off-track wagering licensee in this State, and to the account wagering licensee in this State.
- (b) Any person may, consistent with this chapter and on a written application form provided by the Racing Commission, voluntarily request that the Racing Commission place his or her name on the self-exclusion list. The application form shall be available at the Racing Commission offices located at 140 East Front Street (fourth floor), Trenton, New Jersey during regular business hours and may be downloaded from the Racing Commission's website at [www.njrconline.com](http://www.njrconline.com). The application form shall also be available at other locations identified on the Commission's website on the days and during the hours specified therein. These locations may include the Meadowlands Racetrack, Freehold Raceway and Monmouth Park primarily while

live racing is taking place at the racetracks. The applicant shall complete, sign and date the application form authorizing placement on the self-exclusion list. The application, upon completion, may be mailed to the Racing Commission's Trenton office at P.O. Box 088, Trenton, New Jersey 08625-0088 or delivered to the Trenton office at the street address listed above. The completed application may also be submitted at the locations identified on the Racing Commission's website on the days and during the hours specified therein. The application form shall include the following:

1. Identifying information consisting of: name, including any aliases or nicknames; date of birth; address of current residence; telephone number of current residence; social security number if voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a; and physical description, including height, weight, gender, hair color, and any other physical characteristics that may assist in the identification of the individual;
  2. An acknowledgement by the applicant that: he or she is a problem gambler; that, during the period of exclusion, he or she as a self-excluded person may not enter a permitted racetrack or off-track wagering facility for any reason and that, if he or she improperly does so, is subject to immediate ejection from and by said facility; that, during the period of voluntary exclusion, he or she as a self-excluded person may not open or maintain a wagering account with the account wagering licensee; and that he or she as a self-excluded person may not collect winnings, an item of value or recover losses resulting from or related to wagering at a racetrack, an off-track wagering facility, or from account wagering;
  3. An acknowledgement by the applicant that he or she shall be placed on the self-exclusion list for a minimum period of one year;
  4. An acknowledgement by the applicant that he or she has read and consents to this chapter; and
  5. A certification by the applicant that the information provided on the application form is true and accurate.
- (c) The Racing Commission may require that the applicant submit photographs of himself or herself, and appear at its office for the taking of photographs or for the purpose of providing additional information, before placing such person's name on the self-exclusion list or subsequent to such person's name being placed on the self-exclusion list. It shall be the applicant's responsibility to furnish to the Racing Commission in writing any change in information disclosed in the application, including address of current residence, should such information change after submission of the application to the Racing Commission.
- (d) Following receipt of an application, and a determination that the application is complete, the Executive Director or designee shall send a letter to the applicant, at his or her address of current residence, indicating the date upon which his or her name will be entered on the self-exclusion list as a self-excluded person. The Executive Director or designee shall also forward the name of the self-excluded person, as well as his or her identifying information, to each permitted racetrack, the off-track wagering licensee, and to the account wagering licensee, indicating the date upon which the person's name shall be added to the self-exclusion list.

### **Regulation: N.J.A.C. 13:74A-2.2. Effect of placement on self-exclusion list; entry and wagering restrictions; forfeiture of gambling or other proceeds**

- (a) A person whose name appears on the self-exclusion list shall be:
1. Prohibited from entry into the premises of permitted racetracks for any reason;
  2. Prohibited from entry into the premises off-track wagering facilities for any reason; and
  3. Prohibited from opening or maintaining a wagering account with the account wagering system.

- (b) Once a person's name is entered on the self-exclusion list, that person shall not collect winnings, recover losses or any money or thing of value subsequently arising as a result of or related to wagering activity at a permitted racetrack, at an off-track wagering facility, or from account wagering. Any winnings, money or thing of value owed to or obtained by such a self-excluded person shall be subject to forfeiture consistent with the provisions of (d) below.
- (c) A person whose name appears on the self-exclusion list, and who subsequently enters a permitted racetrack or off-track wagering facility, shall be subject to immediate ejection from the facility by that facility. A person, who at the time of requesting that his or her name appear on the self-exclusion list has an open wagering account with the account wagering licensee, shall have that account closed by the account wagering licensee promptly upon the placement of said person's name on the self-exclusion list by the Racing Commission.
- (d) Any money or thing of value which is obtained by, or is owed to, a person on the self-exclusion list by a permitted racetrack, licensed off-track wagering facility or by the account wagering licensee, during the time period that such person's name appears on the self-exclusion list, shall be subject to forfeiture by Order of the Racing Commission's Executive Director or designee. Any such forfeiture shall follow: notice to the self-excluded person to be sent to the residence address provided in the application for inclusion on the self-exclusion list, unless the self-excluded person has in writing advised the Racing Commission of a change of address, in which case said notice shall be sent to such current address; and the opportunity to be heard in a contested case proceeding before the Office of Administrative Law. Following the contested case proceeding before the Office of Administrative Law, and where the consideration of the recommended decision of the Office of Administrative Law by the Racing Commission results in a final decision authorizing forfeiture, the Racing Commission Executive Director shall issue an Order causing the money or thing of value to be forfeited. Any such Order shall provide that such funds are to be deposited into the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services to provide funds for compulsive gambling treatment and prevention programs in the State.

### **Regulation: N.J.A.C. 13:74A-4.1. Application for removal of name from self-exclusion list**

A person whose name appears on the self-exclusion list may, at any time after one year from the date of placement on the self-exclusion list, file a written removal application provided by the Racing Commission to have his or her name removed from the self-exclusion list. A written removal application shall be available at the Racing Commission offices located at 140 East Front Street (fourth floor), Trenton, New Jersey, the Meadowlands Racetrack and at the Freehold Raceway. The removal application shall also be available on the Racing Commission website ([www.njrconline.com](http://www.njrconline.com)).

### **Regulation: N.J.A.C. 13:74A-4.2. Procedure of Racing Commission Upon Receipt of "Removal Application"**

The Racing Commission Executive Director or designee, within 10 days of the receipt of a properly completed removal application filed pursuant to N.J.A.C. 13:74-4.1, shall send a letter to the applicant at his or her address of current residence as set forth in said application, advising of the date upon which his or her name will be removed from the self-exclusion list. The applicant's name shall be removed from the self-exclusion list no more than 20 days from the date of receipt of said removal application by the Racing Commission. The Racing Commission Executive Director or designee shall contemporaneously forward the person's name to each permitted racetrack, the off-track wagering licensee and to the account wagering licensee, indicating the date upon which the person's name shall be removed from the self-exclusion list.

**Regulation: N.J.A.C. 13:74D-2.3. Sports wagering by certain persons excluded**

- (b) All persons appearing on the Racing Commission's self-exclusion list, maintained pursuant to N.J.S.A. 5:5-65.1 and 65.2, shall be excluded from sports wagering as required by the Act.

**Property Signage and Responsible Gaming Disclosures****Statute: N.J.A.S. 5:12-70. Required regulations**

- (a) (16) Governing the gaming-related advertising of casino licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations shall require the words "Bet with your head, not over it," or some comparable language approved by the division, to appear on all billboards, signs, and other on-site advertising of a casino operation and shall require the words "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," or some comparable language approved by the division, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," to appear legibly on all print, billboard, and sign advertising of a casino operation.

**Statute: N.J.A.S. 5:12-95.25. Assistance to people with gambling problem**

A casino licensee shall:

- (a) cause the words "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," or some comparable language approved by the division, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," to be displayed prominently at log on and log off times to any person visiting or logged onto Internet gaming.

**Regulation: N.J.A.C. 13:69N-1.8. Sports wagering lounge requirements**

- (g) A sports pool operator shall include signage in the sports wagering lounge that displays "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," or comparable language approved by the Division, which language shall include the words "gambling problem" and "call 1-800 GAMBLER." A sports pool operator shall ensure this language is included on all print, billboard, sign, online, or broadcast advertisements of a sports pool or online sports pool.

**Regulation: N.J.A.C. 13:690-1.2. General requirements for Internet and mobile gaming**

- (b) The message "If you or someone you know has a gambling problem and wants help, call 1-800-Gambler" shall be displayed prominently within the Internet or mobile gaming log on screen and a command to display this message on the log off screen shall be transmitted whenever the system detects a log off.
- (z) Each Internet gaming site shall display a responsible gaming logo in a manner approved by the Division to direct a patron to the site's responsible gaming page. The responsible gaming page shall be accessible to a patron during a patron session and shall contain, at a minimum, the following:
  1. A prominent message, which states "If you or someone you know has a gambling problem and wants help, call 1-800-Gambler";
  2. A direct link to the Council on Compulsive Gambling New Jersey, Inc., and one other organization based in the United States dedicated to helping people with potential gambling problems;
  3. A clear statement of the Internet gaming operator's policy and commitment to responsible gaming;

4. Information regarding the subjects in (z)4i through iv below, or a direct link to information regarding the following subjects, if available, from an organization based in the United States dedicated to helping people with potential gambling problems:
  - i. Practical tips to stay within safe limits;
  - ii. Myths associated with gambling;
  - iii. Information regarding the risks associated with gambling; and
  - iv. The potential signs of a gambling problem; and
5. Rules governing self-imposed responsible gaming limits and the ability for the patron to establish those limits.

## Advertising Restrictions

### Regulation: N.J.A.C. 13:69C-14.2. Criteria governing advertising

- (a) Advertising shall conform to the requirements of Section 70(a)(16) of the Act and this subchapter.
- (b) Any on-site advertising of casino or casino simulcasting facility operations shall contain the phrase “Bet With Your Head, Not Over It,” or some comparable language approved by the Division.
- (c) All advertising which appears in print, or on a billboard or sign shall contain the words “If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER” or some comparable language approved by the Division, which contains the words “gambling problem” and “call 1-800-GAMBLER” to appear legibly on all print.
- (d) Advertising shall be based upon fact, and shall not be false, deceptive or misleading. Without limitation as to the generality of the foregoing requirement, no advertising shall:
  1. Use any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact; or
  2. Fail to specifically designate any material conditions or limiting factors.

### Regulation: N.J.A.C. 13:69C-14.3. Division approval

- (a) All advertising or in the case of standard or recurring advertising, a sample thereof, which is directly related to casino gaming or casino gaming activity, shall be maintained by the casino licensee or applicant, or the casino service industry licensee or applicant for a period of one year from the date of placement of such advertisement. Advertising which must be maintained shall include such advertising as may have been placed for or on behalf of the casino licensee or applicant. Advertising required to be maintained by this section shall be maintained at the principal place of business of the licensee or applicant, and shall be made available or produced for inspection upon the request of the Division.
- (b) Each casino licensee or applicant shall maintain a file containing samples of the types and forms of advertising and promotional materials not directly related to casino gaming or casino gaming activity for a period of six months from the date of placement of such advertisement or promotion. Such advertising shall be maintained at the principal place of business of the casino licensee or applicant, and shall be made available or produced for inspection upon the request of the Division.
- (c) Standard or recurring advertisement for purposes of this section shall be deemed to be standard advertisements in standard formats which may be used more than once with minor changes to the copy and/or pictures in such advertisement.

### **Regulation: N.J.A.C. 13:690-1.4. Internet or mobile gaming system standards and operational controls**

- (w) Internet gaming operators may utilize celebrity or other players to participate in peer-to-peer games for advertising or publicity purposes. Such players may have their accounts funded in whole or in part by an Internet gaming operator. An Internet gaming operator may pay a fee to the celebrity player. If a celebrity player is utilized and the celebrity player generates winnings that the Internet gaming operator does not permit the celebrity player to retain, such winnings shall be included as Internet gaming gross revenue in a manner approved by the Division.

## Wager/Time Limits

### **Statute: N.J.A.S. 5:12-95.25 Assistance to people with gambling problem**

A casino licensee shall:

- (b) provide a mechanism by which a holder of a wagering account may establish the following controls on wagering activity through the wagering account:
  - (1) a limit on the amount of money deposited within a specified period of time and the length of time the holder will be unable to participate in gaming if the holder reaches the established deposit limit.
  - (2) a temporary suspension of gaming through the account for any number of hours or days.

The casino licensee shall not send gaming-related electronic mail to an account holder while gaming through his or her wagering account is suspended, if the suspension is for at least 72 hours. The casino licensee shall provide a mechanism by which an account holder may change these controls, except that while gaming through the wagering account is suspended, the account holder may not change gaming controls until the suspension expires, but the holder shall continue to have access to the account and shall be permitted to withdraw funds from the account upon proper application therefor.

### **Regulation: N.J.A.C. 13:690-1.2. General requirements for Internet and mobile gaming**

- (d) If a patron has suspended his or her account, a casino licensee shall not send gaming-related electronic mail to such patron while the account is suspended.
- (h) Software utilized for Internet or mobile gaming shall either:
  1. Continuously display the current time in the time zone where the game server is physically located and the time elapsed while in the current patron session; or
  2. Cause a pop-up notification, at least every half-hour, to be prominently displayed on the client terminal advising the patron of the current time and the amount of time elapsed since his or her log on.

### **Regulation: N.J.A.C. 13:690-1.4. Internet or mobile gaming system standards and operational controls**

- (j) Internet and mobile gaming systems shall employ a mechanism that places an Internet or mobile gaming account in a suspended mode:
  1. When requested by the patron for a specified period of time, which shall not be less than 72 hours;
  2. When required by the Division;
  3. Upon a determination that a patron is a prohibited person; or

4. When initiated by a licensee that has evidence that indicates:
  - i. Illegal activity;
  - ii. A negative patron account balance;
  - iii. After failed ACH deposit attempts pursuant to N.J.A.C. 13:690-1.3(e); or
  - iv. A violation of the terms of service has taken place on an authorized patron's Internet or mobile gaming account.
- (k) When an Internet or mobile gaming account is in a suspended mode, the system shall:
  1. Prevent the patron from wagering;
  2. Prevent the patron from depositing funds;
  3. Prevent the patron from withdrawing funds from his or her Internet or mobile gaming account, unless the suspended mode was initiated by the patron;
  4. Prevent the patron from making changes to his or her Internet or mobile gaming account;
  5. Prevent the removal of the Internet or mobile gaming account from the gaming system; and
  6. Prominently display to the authorized patron that the account is in a suspended mode, the restrictions placed on the account, and any further course of action needed to remove the suspended mode.
- (n) An Internet or mobile gaming system shall be capable of allowing a patron to establish the following responsible gaming limits. Any decrease to these limits shall be effective no later than the patron's next log in. Any increase to these limits shall become effective only after the time period of the previous limit has expired.
  1. A deposit limit shall be offered on a daily, weekly, and monthly basis and shall specify the maximum amount of money a patron may deposit into his or her Internet gaming account during a particular period of time.
  2. A spend limit shall be offered on a daily, weekly, and monthly basis and shall specify the maximum amount of patron deposits that may be put at risk during a particular period of time.
  3. A time-based limit shall be offered on a daily basis and shall specify the maximum amount of time, measured hourly from the patron's log in to log off, a patron may spend playing on an Internet gaming system, provided, however, that if the time-based limit is reached a patron will be permitted to complete any round of play, or active or prepaid tournament.
- (u) When a patron's lifetime deposits exceed \$ 2,500, the Internet or mobile gaming system shall immediately prevent any wagering until the patron acknowledges the following:
  1. The patron has met the Division's gaming deposit threshold of \$ 2,500;
  2. The patron has the capability to establish responsible gaming limits or close his or her account; and
  3. The availability of 1-800-GAMBLER.
  - (v) The acknowledgement prescribed in (u)2 and 3 above shall be required on an annual basis thereafter.

## Restrictions on Extension of House Credit

### Statute: N.J.S.A. 5:12-101. Credit

- a. Except as otherwise provided in this section, no casino licensee or any person licensed under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, shall:

- (1) Cash any check, make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in gaming or simulcast wagering activity as a player; or
  - (2) Release or discharge any debt, either in whole or in part, or make any loan which represents any losses incurred by any player in gaming or simulcast wagering activity, without maintaining a written record thereof in accordance with the rules of the division.
- b. No casino licensee or any person licensed under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, may accept a check, other than a recognized traveler's check or other cash equivalent from any person to enable such person to take part in gaming or simulcast wagering activity as a player, or may give cash or cash equivalents in exchange for such check unless:
- (1) The check is made payable to the casino licensee;
  - (2) The check is dated, but not postdated;
  - (3) The check is presented to the cashier or the cashier's representative at a location in the casino approved by the division and is exchanged for cash or slot tokens which total an amount equal to the amount for which the check is drawn, or the check is presented to the cashier's representative at a gaming table in exchange for chips which total an amount equal to the amount for which the check is drawn; and
  - (4) The regulations concerning check cashing procedures are observed by the casino licensee and its employees and agents. Nothing in this subsection shall be deemed to preclude the establishment of an account by any person with a casino licensee by a deposit of cash, recognized traveler's check or other cash equivalent, or a check which meets the requirements of subsection g. of this section, or to preclude the withdrawal, either in whole or in part, of any amount contained in such account.
- c. When a casino licensee or other person licensed under this act, or any person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, cashes a check in conformity with the requirements of subsection b. of this section, the casino licensee shall cause the deposit of such check in a bank for collection or payment, or shall require an attorney or casino key employee with no incompatible functions to present such check to the drawer's bank for payment, within
- (1) seven calendar days of the date of the transaction for a check in an amount of \$1,000.00 or less;
  - (2) 14 calendar days of the date of the transaction for a check in an amount greater than \$1,000.00 but less than or equal to \$5,000.00; or
  - (3) 45 calendar days of the date of the transaction for a check in an amount greater than \$5,000.00.
- Notwithstanding the foregoing, the drawer of the check may redeem the check by exchanging cash, cash equivalents, chips, or a check which meets the requirement of subsection g. of this section in an amount equal to the amount for which the check is drawn; or he may redeem the check by exchanging cash, cash equivalents, chips, or a check which meets the requirements of subsection g. of this section and another check which meets the requirements of subsection b. of this section for the difference between the original check and the cash, cash equivalents, chips, or check tendered; or he may issue one check which meets the requirements of subsection b. of this section in an amount sufficient to redeem two or more checks drawn to the order of the casino licensee. If there has been a partial redemption or a consolidation in conformity with the provisions of this subsection, the newly issued check shall be delivered to a bank for collection of payment or presented to the drawer's bank for payment by an attorney or casino key employee with no incompatible functions within the period herein specified. No casino licensee or any person licensed or registered under this act, and no person acting on behalf of or under any arrangement with a casino licensee or other person licensed under this act, shall accept any checks or series of checks in redemption or consolidation of another check or checks in accordance with this subsection for the purpose of avoiding or delaying the deposit of a check in a bank for

collection or payment or presentment of the check to the drawer's bank within the time period prescribed by this subsection. In computing a time period prescribed by this subsection, the last day of the period shall be included unless it is a Saturday, Sunday, or a State or federal holiday, in which event the time period shall run until the next business day.

- d. No casino licensee or any other person licensed or registered under this act, or any other person acting on behalf of or under any arrangement with a casino licensee or other person licensed or registered under this act, shall transfer, convey, or give, with or without consideration, a check cashed in conformity with the requirements of this section to any person other than:
  - (1) The drawer of the check upon redemption or consolidation in accordance with subsection c. of this section;
  - (2) A bank for collection or payment of the check;
  - (3) A purchaser of the casino license as approved by the commission; or
  - (4) An attorney or casino key employee with no incompatible functions for presentment to the drawer's bank. The limitation on transferability of checks imposed herein shall apply to checks returned by any bank to the casino licensee without full and final payment.
- e. No person other than a casino key employee licensed under this act or a casino employee registered under this act may engage in efforts to collect upon checks that have been returned by banks without full and final payment, except that an attorney-at-law representing a casino licensee may bring action for such collection.
- f. Notwithstanding the provisions of any law to the contrary, checks cashed in conformity with the requirements of this act shall be valid instruments, enforceable at law in the courts of this State. Any check cashed, transferred, conveyed or given in violation of this act shall be invalid and unenforceable for the purposes of collection but shall be included in the calculation of gross revenue pursuant to section 24 of P.L. 1977, c.110 (C.5:12-24).
- g. Notwithstanding the provisions of subsection b. of this section to the contrary, a casino licensee may accept a check from a person to enable the person to take part in gaming or simulcast wagering activity as a player, may give cash or cash equivalents in exchange for such a check, or may accept a check in redemption or partial redemption of a check issued in accordance with subsection b., provided that:
  - (1)
    - (a) The check is issued by a casino licensee, is made payable to the person presenting the check, and is issued for a purpose other than employment compensation or as payment for goods or services rendered;
    - (b) The check is issued by a banking institution which is chartered in a country other than the United States on its account at a federally chartered or state-chartered bank and is made payable to "cash," "bearer," a casino licensee, or the person presenting the check;
    - (c) The check is issued by a banking institution which is chartered in the United States on its account at another federally chartered or state-chartered bank and is made payable to "cash," "bearer," a casino licensee, or the person presenting the check;
    - (d) The check is issued by a slot system operator or pursuant to an annuity jackpot guarantee as payment for winnings from a multi-casino progressive slot machine system jackpot; or
    - (e) The check is issued by an entity that holds a gaming license in any jurisdiction, is made payable to the person presenting the check, and is issued for a purpose other than employment compensation or as payment for goods or services rendered;

- (2) The check is identifiable in a manner approved by the division as a check authorized for acceptance pursuant to paragraph (1) of this subsection;
  - (3) The check is dated, but not postdated;
  - (4) The check is presented to the cashier or cashier's representative by the original payee and its validity is verified by the drawer in the case of a check drawn pursuant to subparagraph (a) of paragraph (1) of this subsection, or the check is verified in accordance with regulations promulgated under this act in the case of a check issued pursuant to subparagraph (b), (c), (d) or (e) of paragraph (1) of this subsection; and
  - (5) The regulations concerning check cashing procedures are observed by the casino licensee and its employees and agents. No casino licensee shall issue a check for the purpose of making a loan or otherwise providing or allowing any advance or credit to a person to enable the person to take part in gaming or simulcast wagering activity as a player.
- h. Notwithstanding the provisions of subsection b. and subsection c. of this section to the contrary, a casino licensee may, at a location outside the casino, accept a personal check or checks from a person for up to \$5,000 in exchange for cash or cash equivalents, and may, at such locations within the casino or casino simulcasting facility as may be permitted by the division, accept a personal check or checks for up to \$5,000 in exchange for cash, cash equivalents, tokens, chips, or plaques to enable the person to take part in gaming or simulcast wagering activity as a player, provided that:
- (a) The check is drawn on the patron's bank or brokerage cash management account;
  - (b) The check is for a specific amount;
  - (c) The check is made payable to the casino licensee;
  - (d) The check is dated but not post-dated;
  - (e) The patron's identity is established by examination of one of the following: valid credit card, driver's license, passport, or other form of identification credential which contains, at a minimum, the patron's signature;
  - (f) The check is restrictively endorsed "For Deposit Only" to the casino licensee's bank account and deposited on the next banking day following the date of the transaction;
  - (g) The total amount of personal checks accepted by any one licensee pursuant to this subsection that are outstanding at any time, including the current check being submitted, does not exceed \$5,000;
  - (h) The casino licensee has a system of internal controls in place that will enable it to determine the amount of outstanding personal checks received from any patron pursuant to this subsection at any given point in time; and
  - (i) The casino licensee maintains a record of each such transaction in accordance with regulations established by the division.
- i. A person may request the division to put that person's name on a list of persons to whom the extension of credit by a casino as provided in this section would be prohibited by submitting to the division the person's name, address, and date of birth. The person does not need to provide a reason for this request. The division shall provide this list to the credit department of each casino; neither the division nor the credit department of a casino shall divulge the names on this list to any person or entity other than those provided for in this subsection. If such a person wishes to have that person's name removed from the list, the person shall submit this request to the division, which shall so inform the credit departments of casinos no later than three days after the submission of the request.

### Treatment and Research Funding

#### **Statute: N.J.A.S. 5:12-95.29. Annual fees for issuance, renewal of Internet gaming permits**

- d. In addition to the permit issuance and renewal fees, a casino licensee with an Internet gaming permit shall pay annually to the division \$250,000 to be deposited into the State General Fund for appropriation by the Legislature to the Department of Human Services, \$140,000 of which shall be allocated to the Council on Compulsive Gambling of New Jersey and \$110,000 of which shall be used for compulsive gambling treatment programs in the State.

#### **Statute: N.J.A.S. 5:12-145. Casino Revenue Fund**

- a. There is hereby created and established in the Department of the Treasury a separate special account to be known as the “Casino Revenue Fund,” into which shall be deposited all revenues from the tax imposed by section 144 of this act; the investment alternative tax imposed by section 3 of P.L.1984, c.218 (C.5:12-144.1); the taxes and fees imposed by sections 3, 4 and 6 of P.L.2003, c.116 (C.5:12-148.1, C.5:12-148.2 and C.5:12-145.8) and any interest and penalties imposed by the division relating to those taxes; the percentage of the value of expired gaming related obligations pursuant to section 24 of P.L.2009, c.36 (C.5:12-141.2); and all penalties levied and collected by the division pursuant to P.L.1977, c.110 (C.5:12-1 et seq.) and the regulations promulgated thereunder, except that the first \$600,000 in penalties collected each fiscal year shall be paid into the General Fund for appropriation by the Legislature to the Department of Human Services, \$500,000 of which is to provide funds to the Council on Compulsive Gambling of New Jersey and \$100,000 of which is to provide funds for compulsive gambling treatment programs in the State. In the event that less than \$600,000 in penalties are collected, the Department of Human Services shall determine the allocation of funds between the Council and the treatment programs eligible under the criteria developed pursuant to section 2 of P.L.1993, c.229 (C.26:2-169).

#### **Statute: N.J.S.A. 5:12A-11. Issuance, renewal of sports wagering licenses**

- a. The license to operate a sports pool shall be in addition to any other license required to be issued pursuant to P.L.1977, c.110 (C.5:12-1 et seq.) to operate a casino or pursuant to P.L.1940, c. 17 (C.5:5-22 et seq.) to conduct horse racing. The division and the racing commission shall each have the authority to charge a casino or a racetrack a fee for the issuance or, in the case of the division renewal, of a sports wagering license in an amount of \$100,000 for initial issuance and in the case of a renewal a reasonable fee that is based upon the expense associated with renewal, enforcement, and gambling addiction programs. No sports wagering license shall be issued by the division or racing commission to any entity unless it has established its financial stability, integrity and responsibility and its good character, honesty and integrity. No casino or racetrack shall be permitted to operate a sports pool or accept wagers via an online sports pool unless a sports wagering lounge is established and has commenced operation in its facility; provided, however, that an applicant for a sports wagering license may petition the agency issuing the sports wagering license pursuant to this act to commence operation of the sports pool at a temporary facility and/or an online sports pool during the pendency of construction of a sports wagering lounge in its facility. Such temporary facility may include, at the discretion of the agency issuing the sports wagering license pursuant to this act, the utilization of designated windows at the current casino cage or racetrack betting window for purposes of placing sports betting wagers and self-service wagering machines located at the racetrack or casino hotel complex. No license to operate a sports pool shall be issued to any entity which is disqualified under the criteria of section 86 of P.L.1977, c.110 (C.5:12-86).

**Regulation: N.J.A.C. 13:69A-9.4. Casino license fees**

- (c) The following fee amounts shall apply:
1. Not less than \$ 200,000 for a casino license or a casino license resubmission;
  2. Not less than \$ 400,000 for an initial Internet gaming permit;
  3. Not less than \$ 250,000 for the renewal of an Internet gaming permit;
  4. A \$ 250,000 Responsible Internet Gaming Fee upon the filing for an initial or renewal of an Internet gaming permit; and
  5. \$ 100,000 for an initial sports wagering license. A minimum of \$ 100,000 for a sports wagering license renewal, with the final cost to be determined after consideration of the costs for renewal, enforcement, and gambling addiction. Fifty percent of the initial sports wagering license fee paid by casinos and racetracks shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Health to provide funds for evidence-based prevention, education, and treatment programs for compulsive gambling that meet the criteria developed pursuant to P.L. 1993, c. 229, section 2 (N.J.S.A. 26:2-169), such as those provided by the Council on Compulsive Gambling of New Jersey, and including the development and implementation of programs that identify and assist problem gamblers. The percentage of the renewal fee to be directed into the State General Fund for appropriation by the Legislature to the Department of Health to provide funds for evidence-based prevention, education, and treatment programs for compulsive gambling that meet the criteria developed pursuant to P.L. 1993, c. 229, section 2 (N.J.S.A. 26:2-169), such as those provided by the Council on Compulsive Gambling of New Jersey, and including the development and implementation of programs that identify and assist problem gamblers shall be established by the Director on an annual basis after considering the licensure and enforcement costs of regulating sports wagering, but shall not be less than \$ 100,000 per licensee.

## Employee Training

**Regulation: N.J.A.C. 13:690-1.2. General requirements for Internet and mobile gaming**

- (x) All Internet gaming operators with employees who have direct contact with patrons via phone, e-mail, electronic chat, or other means, shall implement training for those employees, at the start of their employment and at regular intervals thereafter, addressing areas set forth in (y)1 through 3 below. If the training requirement under this subsection follows the standards set forth by the Council on Compulsive Gambling of New Jersey it shall be deemed sufficient.
1. Recognizing the nature and symptoms of problem gambling behavior and how to assist players in obtaining information regarding help for a gambling problem and self-exclusion programs;
  2. Responding to patrons who may disclose that they have a gambling problem; and
  3. Responding to reports from third parties, such as family members, about patrons who may have a gambling problem.

## Other

**Statute: N.J.A.S. 5:12-95.18. Reports regarding the impact of gaming through the Internet**

8. Reports regarding the impact of gaming through the Internet.  
The division shall annually cause a report to be prepared and distributed to the Governor on the impact of Internet gaming on problem gamblers and gambling addiction in New Jersey. The report shall be prepared

by a private organization or entity with expertise in serving the needs of persons with gambling addictions, which organization or entity shall be selected by the division. The report shall be prepared and distributed under the supervision of, and in coordination with, the division. Any costs associated with the preparation and distribution of the report shall be borne by casino licensees who have been authorized by the division to conduct Internet gaming and the division shall be authorized to assess a fee against such licensees for these purposes. The division may also report periodically to the Governor on the effectiveness of the statutory and regulatory controls in place to ensure the integrity of gaming operations through the Internet.

### **Statute: N.J.A.S. 5:12A-11. Issuance, renewal of sports wagering licenses**

The division and the racing commission following consultation with the sports wagering licensees shall annually cause a report to be prepared and distributed to the Governor on the impact of sports wagering, including Internet wagering on sports events, on problem gamblers and gambling addiction in New Jersey. The report shall be prepared by a private organization or entity with expertise in serving the needs of persons with gambling addictions, which organization or entity shall be selected jointly by the division and the racing commission. The report shall be prepared and distributed under the supervision of, and in coordination with, the division and the racing commission. Any costs associated with the preparation and distribution of the report shall be borne by casino and racetrack licensees who have been authorized by the division or the racing commission to conduct Internet gaming and the division and the racing commission shall be authorized to assess a fee against such licensees for these purposes. The division and the racing commission may also report periodically to the Governor on the effectiveness of the statutory and regulatory controls in place to ensure the integrity of gaming operations through the Internet.

### **Regulation: N.J.A.C. 13:690-1.2. General requirements for Internet and mobile gaming**

- (c) When a patron logs on to an Internet or mobile gaming system, the system shall display the date and time of the patron's previous log on.
- (j) A licensee shall file with the Division, internal controls for all aspects of Internet and mobile gaming operations prior to implementation and any time a change is made thereafter. The internal controls shall include detailed procedures for system security, operations, accounting, and reporting of problem gamblers.
- (l) All terms and conditions for Internet or mobile gaming shall be included as an appendix to the internal controls of the licensee addressing all aspects of the operation, including the following:
  - 5. Availability of account statements detailing patron account activity;
  - 9. Patron's right to set responsible gaming limits and to self-exclude;
  - 10. Patron's right to suspend his or her account for a period of no less than 72 hours;
  - 14. Information to be displayed on a patron protection page. The patron protection page shall be accessible to a patron during a patron session. The patron protection page shall contain, at a minimum, the following:
    - iv. Method for obtaining a copy of the terms and conditions agreed to when establishing an Internet or mobile gaming account;
    - v. Method for the patron to obtain account and game history from the licensee;
    - vi. Notification that underage gambling is a criminal offense and that anyone who facilitates someone under the age of 21 to gamble has committed a criminal offense and shall be prohibited from Internet gaming.
- (m) Whenever the terms and conditions that apply to Internet or mobile gaming are changed, the licensee shall require a patron to acknowledge acceptance of such change. Unless otherwise authorized by the

Division, the patron's acknowledgement shall be date and time stamped by the Internet or mobile gaming system, as applicable.

- (t) An Internet or mobile gaming system shall not induce a patron to continue placing wagers when play is in session, when the patron attempts to end a session, or when the patron wins or loses a bet.
- (u) An Internet or mobile gaming system shall allow patrons to access a player protection page at all times while logged into their Internet or mobile gaming account. The player protection page shall include all features listed in (l)14 above.

### Regulation: N.J.A.C. 13:690-1.3. Internet or mobile gaming accounts

- (j) Internet or mobile gaming systems shall provide an account statement with account details to a patron on demand, which shall include detailed account activity for at least the six months preceding 24 hours prior to the request. In addition, an Internet or mobile gaming system shall, upon request, be capable of providing a summary statement of all patron activity during the past year. Information to be provided on the summary statement shall include, at a minimum, the following:
  1. Deposits to the Internet or mobile gaming account;
  2. Withdrawals from the Internet or mobile gaming account;
  3. Win or loss statistics;
  4. Beginning and ending account balances; and
  5. Self-imposed responsible gaming limit history, if applicable.
- (n) An Internet gaming system shall provide a conspicuous and readily accessible method for a patron to close his or her account through the account management or similar page. Any balance remaining in a patron's Internet gaming account closed by a patron shall be refunded pursuant to the licensee's internal controls.

### Regulation: N.J.A.C. 13:690-1.4. Internet or mobile gaming system standards and operational controls

- (h) Internet and mobile gaming systems shall employ a mechanism that can detect and prevent any patron initiated wagering or withdrawal activity that would result in a negative balance of an Internet and mobile gaming account.
- (p) An Internet or mobile gaming system shall provide a patron with the ability to view the outcome and subsequent account balance changes for the previous game, including a game completed subsequent to an outage (for example, network disconnection or client terminal malfunction).
- (q) Unless otherwise approved by the Division, a record of all bonus and promotional wagering offers related to Internet gaming shall be maintained in an electronic file that is readily available to the Division. All bonus and promotional wagering offers shall be stated in clear and unambiguous terms and shall be readily accessible by the patron after the offer is accepted and prior to completion. Offer terms and the record of all offers shall include at a minimum:
  1. The date and time presented;
  2. The date and time the offer is active and expires;
  3. Patron eligibility, including any limitations on patron participation;
  4. Any restriction on withdrawals of funds;
  5. Wagering requirements and limitations by type of game;
  6. The order in which funds are used for wagers;
  7. Eligible games; and

8. Rules regarding cancellation.
- (r) An Internet gaming system shall provide a clear and conspicuous method for a patron to cancel his or her participation in a bonus or promotional wagering offer that utilizes restricted gaming credits. If the patron elects to proceed with cancellation, unrestricted funds remaining in a patron's Internet gaming account shall be returned according to the terms and conditions.
  - (s) Once a patron has met the terms of a bonus or promotional wagering offer, the licensee or operator shall not cap or limit winnings earned while participating in the offer.

# New Mexico



New Mexico saw the introduction of its first responsible gaming regulations alongside the authorization of electronic gaming devices at licensed racetracks in the state in 1997. The state's responsible gaming framework includes requirements for a compulsive gambling assistance plan, self-exclusion within tribal lands, and financial instrument restrictions, such as a prohibition on ATMs within licensed premises.

The state's responsible gaming infrastructure has not seen significant change since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019.

## Responsible Gaming Plan Required

### **Statute: NMSA 60-2E-26. Gaming operator licensees; general provisions; business plan; player age limit; restrictions**

- A. An applicant for a gaming operator's license shall submit with the application a plan for assisting in the prevention, education and treatment of compulsive gambling. The plan shall include regular educational training sessions for employees. Plan approval by the board is a condition of issuance of the license.

### **Regulation: NMAC 15.1.5.15. Compulsive gambling assistance plan**

- A. An applicant for a gaming operator's license shall submit with the application a plan for assisting in the prevention, education, and treatment of compulsive gambling. The plan shall include all information required in 15.1.18 NMAC.
- B. No gaming operator's application shall be approved unless the board first approves the applicant's compulsive gambling assistance plan.
- C. Failure to implement the compulsive gambling assistance plan or to satisfactorily maintain and administer the plan once implemented shall be grounds for suspension or revocation of the gaming operator's license, assessment of a fine, or both.
- D. The board shall establish minimum standards for the content, structure and implementation of, and periodic reporting requirements on, the compulsive gambling assistance plan.
- E. The board may contract with the state of New Mexico department of health or such other entity deemed qualified by the department of health to provide technical assistance in reviewing and recommending to the board approval of compulsive gambling assistance plans.

### **Regulation: NMAC 15.1.10.9 Unsuitable methods of operation**

Any activity by any licensee or its agents or employees that is contrary to the health, safety, morals, or welfare of the public, shall be deemed an unsuitable method of operation. Without limitation, the following shall be determined to be unsuitable methods of operation:

- V. failing to adhere to the compulsive gambling guidelines or plan.

### **Regulation: NMAC 15.1.13.8. Renewal of license or work permit**

- B. A complete renewal application and payment of all applicable fees for renewal of a license shall be filed with the board not less than sixty (60) days prior to the date the license expires. The renewal application

shall be submitted on forms provided by the board. Gaming operator licensees shall submit compulsive gambling plans with the renewal application.

### **Regulation: NMAC 15.1.18.9. Minimum standards for compulsive gambling assistance plan**

- A. The compulsive gambling assistance plan shall include all of the following elements unless the applicant or gaming operator licensee obtains a written waiver of any element from the board:
- (1) identification of a plan manager or other person responsible for ensuring that the plan is implemented and administered as approved by the board and monitored to maintain the minimum standards established by this rule;
  - (2) a mission statement that identifies the goals of the gaming operator licensee in administering the plan;
  - (3) policies concerning the handling of compulsive gambling problems, commitment to training, intervention, the employee's role and duties, management's role and duties, and the patron's responsibilities;
  - (4) specific, detailed procedures to determine appropriate intervention techniques in a given circumstance, and carrying out the intervention techniques;
  - (5) printed materials to educate patrons about compulsive gambling and inform them of local and statewide resources available to compulsive gamblers and their families; the materials shall include signs or posters located inside the licensed premises and brochures discussing compulsive gambling issues and sources of treatment and information, samples shall be attached; the primary purpose of all such printed material shall be for the purpose of promoting a responsible gambling message; the plan shall also specify the source of the printed materials, the authority for the use of said materials and the proposed distribution methods and location;
  - (6) policy and procedures that prohibit facilitating, participating in, or allowing the issuance of any loans or extension of credit to a patron for gaming purposes; printed materials provided by racetrack operators shall be in both English and Spanish;
  - (7) a comprehensive employee training plan satisfactory to the board, including training manuals and other materials necessary to educate employees about compulsive gambling issues; the training plan shall include instruction in the psychology of the compulsive gambler, methods of recognizing compulsive gambling behavior, intervention techniques and other subjects as determined by the board;
  - (8) form for certifying, to the board's satisfaction, that each employee required to obtain the training has done so within the time period specified by this rule;
  - (9) details of a follow-up training program to periodically reinforce employee training;
  - (10) estimated costs for implementation and administration;
  - (11) timetable and procedures for implementing the compulsive gambling assistance plan; the plan must be implemented no later than ninety (90) days from the date gaming commences on the licensed premises;
  - (12) details from licensee on the provider to whom referrals are made;
  - (13) treatment providers shall provide documentation showing that they are licensed, in good standing and have a documented competency in the field of problem gambling issues; and
  - (14) any other policies and procedures recommended by the state of New Mexico department of health and approved by the board or established by the board.
- B. The board shall submit the entire plan to the state of New Mexico department of health for evaluation. The New Mexico department of health shall recommend to the board approval or disapproval of the plan.

## Self-Exclusion

### **Statute: NMSA 60-2E-34.1. Self-exclusion from gaming establishments; procedure; fines; confidentiality**

- A. The board shall develop rules that permit a person who is a compulsive gambler to be voluntarily excluded from a gaming establishment.
- B. Self-exclusion shall occur through written application made by the compulsive gambler to the board and shall be governed by the following provisions:
  - (1) self-exclusion shall be enforceable upon issuance of a self-exclusion order by the board to each applicable gaming establishment identified in the order;
  - (2) only the person who is the compulsive gambler may apply on that person's behalf;
  - (3) the application shall be submitted to the board;
  - (4) except for notification of the gaming establishments for which the self-exclusion order is effective and for notification for mailing list exclusion pursuant to this section, the application and the self-exclusion order shall be held confidential by employees of the board and a gaming operator licensee and its employees and key executives;
  - (5) a self-exclusion order may apply to one or more gaming establishments licensed pursuant to the Gaming Control Act;
  - (6) a self-excluded person, if present at a gaming establishment from which the person is excluded, shall forfeit the following to that gaming establishment, provided that all money or other property forfeited shall be used by the gaming establishment only to supplement the one-fourth percent of the net take of its gaming machines to fund or support programs for the treatment and assistance of compulsive gamblers pursuant to Subsection E of Section 60-2E-47 NMSA 1978:
    - (a) all winnings of the person obtained while present at the gaming establishment; and
    - (b) all credits, tokens or vouchers received by the person while present at the gaming establishment.
  - (7) a gaming establishment is immune from liability arising out of its efforts to exclude a person identified in a self-exclusion order; and
  - (8) a specific term shall be set for each self-exclusion order.
- C. Notice shall be submitted by the board at least monthly to all gaming establishments listing all persons who are currently self-excluded and ordering the removal of their names from direct mail or electronic advertisement or promotional lists.
- D. The state gaming representative may negotiate an agreement with each tribal casino in the state to allow the state to include tribal casinos in the self-exclusion orders.

### **Regulation: NMAC 5.1.11.16. Entry of names on self-exclusion list**

- A. Any person may apply to the board to have their name placed on the self-exclusion list.
- B. A person applying to the board to have their name placed on the self-exclusion list shall file an application on a form supplied and approved by the board, and shall meet the following requirements:
  - (1) An applicant for self-exclusion shall be required to submit a written application for self-exclusion on their own behalf.
  - (2) An applicant for self-exclusion shall be required to submit the written application in person by bringing the application to the board's offices or by meeting with an agent of the board for the purpose of submitting the application.

- (3) An applicant for self-exclusion shall be required to provide a photo identification when submitting the written application.
- C. Upon submission of the completed application, the board chair shall enter an order placing the applicant's name on the self-exclusion list for the specific facility from which the applicant has self-excluded himself. The self-exclusion order shall specify the term of the self-exclusion order.

### **Regulation: NMAC 5.1.11.17. Contents and distribution of self-exclusion list**

- A. The self-exclusion list shall not be a public record open to inspection pursuant to the Inspection of Public Records Act.
- B. The name of a person on the self-exclusion list shall be confidential and shall only be made available to authorized agents of the board and authorized personnel of a gaming establishment from which the person has self-excluded himself.
- C. A gaming operator licensee shall establish written policies and procedures to ensure that the information contained in the self-exclusion list is maintained in a secure manner and is disseminated only to authorized persons on a need-to-know basis.

### **Regulation: NMAC 5.1.11.18. Duty of licensee to exclude person on self-exclusion list**

- A. A self-excluded person shall be excluded from the area of the gaming establishment designated as the licensed premises.
- B. Whenever a self-excluded person enters, attempts to enter, or is on the licensed premises, and the licensee or its agent or a gaming employee knows or has reason to know that the person is a self-excluded person, the licensee or its agents or employees shall do the following:
  - (1) immediately notify the board's enforcement division of the self-excluded person's presence in the gaming establishment;
  - (2) ask the self-excluded person to not enter the licensed premises, or if on the licensed premises, to immediately leave;
  - (3) notify the state department of public safety or the appropriate local law enforcement agency and the board's enforcement division if the self-excluded person fails to comply with a request not to enter the licensed premises or to immediately leave the licensed premises; and
  - (4) confiscate the winnings and any gaming machine credits of the self-excluded person; a gaming operator licensee shall dedicate all winnings confiscated to supplement the gaming operator licensee's contributions to fund or support programs for the treatment and assistance of compulsive gamblers.
- C. The duty to exclude self-excluded persons requires that each gaming operator licensee do the following:
  - (1) ensure that the key personnel and surveillance and security personnel of the gaming operator licensee have reviewed and are familiar with the self-excluded persons list as developed and updated by the board;
  - (2) adequately train its agents and employees as to the requirements of this part;
  - (3) develop and maintain appropriate security measures to minimize the risk that an self-excluded person will enter or remain on the licensed premises;
  - (4) remove the self-excluded person's name from any mailing list, e-mail list or other promotional list;
  - (5) disenroll the self-excluded person from any players club or other promotional activity; and
  - (6) ensure that no marketing activity is directed toward the self-excluded person.

- D. As used in this section, “knows or has reason to know” means the gaming operator licensee, agent, or employee:
- (1) has actual knowledge of the fact that the person is a self-excluded person; or
  - (2) would have obtained that knowledge had the person complied with the duties set forth in this section.

### **Regulation: NMAC 5.1.11.19. Petition to remove name from the self-exclusion list**

- A. Any person who has been placed on the self-exclusion list may petition the board in writing and request that his or her name be removed from the list. The petition shall be verified and state the specific grounds believed by the petitioner to constitute good cause for removal of his or her name.
- B. The board shall have ninety (90) days in which to entertain the petition. Within ninety (90) days, the board shall review the petition and make a determination as to whether to remove the self-excluded person’s name from the self-exclusion list. The petitioner bears the burden of proving that removal from the self-exclusion list is in the public interest. The board shall not grant a petition for removal if less than one (1) year has passed since entry of the order placing the person on the self-exclusion list.
- C. When the board determines that a person should be removed from the self-exclusion list, the board shall give notice to all licensed gaming establishments to which the self-exclusion was applicable and shall remove the person’s name from the electronic database maintained by the board pursuant to 15.1.19 NMAC.

### **Regulation: NMAC 15.1.19.10. Verification of winnings; reporting procedures; racetrack gaming operators**

- H. If a gaming operator licensee determines that the winning patron is currently on the self-exclusion database, the licensee shall:
- (1) notify the patron of his self-excluded status;
  - (2) withhold the jackpot and confiscate any credits on the gaming machine being played by the self-excluded person for use to supplement the licensee’s statutory compulsive gambling monies;
  - (3) document and account for all monies so withheld in accordance with the licensee’s internal controls; and
  - (4) provide a printout of the database lookup page to the winning patron.

## **Property Signage and Responsible Gaming Disclosures**

### **Regulation: NMAC 15.1.10.15. Advertising**

- B. All advertising by any gaming operator licensee shall include a compulsive gambling awareness component that includes, at a minimum, the statement “play responsibly” or similar language and a toll-free telephone number for problem gambling assistance.

### **Regulation: NMAC 15.1.10.20. Additional payouts; promotions; personal property awards**

- A. Additional payouts and personal property awards shall be conducted in a manner that promotes responsible gaming. All advertising (any printed, television, newspapers, posters, direct mail, etc., excluding radio) shall include an appropriate responsible gaming message and toll free telephone number for compulsive gambling assistance.

- I. Promotions shall be conducted in a manner that promotes responsible gaming. All advertising media shall include an appropriate responsible gaming message and toll free telephone number for compulsive gambling assistance.

## Advertising Restrictions

### Regulation: NMAC 15.1.10.15. Advertising

- A. No racetrack gaming operator licensee shall allow, conduct, or participate in any false or misleading advertising concerning gaming on its licensed premises. Any advertising by the nonprofits shall advertise that gaming is for members only.

## Restrictions on Extension of House Credit

### Regulation: NMAC 15.1.10.9. Unsuitable methods of operation

Any activity by any licensee or its agents or employees that is contrary to the health, safety, morals, or welfare of the public, shall be deemed an unsuitable method of operation. Without limitation, the following shall be determined to be unsuitable methods of operation:

- P. facilitating, participating in, or allowing the issuance of any loans or extending credit to a patron for gaming purposes.

## Financial Instruments Restrictions

### Statute: NMSA 60-2E-26. Gaming operator licensees; general provisions; business plan; player age limit; restrictions

- G. A gaming operator licensee shall not have automated teller machines in the area restricted pursuant to Subsection F of this section.

### Regulation: NMAC 5.1.6.8. Suitability of Premises

The board shall approve any proposed licensed premises prior to commencement of gaming. The licensed premises shall meet the requirements of the act and regulations promulgated under the act. The board shall not approve any proposed licensed premises if the board determines that the proposed licensed premises are unsuitable for the conduct of gaming. Without limiting the generality of the foregoing, the proposed licensed premises shall be unsuitable if:

- C. an ATM is located in the licensed premises.

### Regulation: NMAC 15.1.10.9. Unsuitable methods of operation

Any activity by any licensee or its agents or employees that is contrary to the health, safety, morals, or welfare of the public, shall be deemed an unsuitable method of operation. Without limitation, the following shall be determined to be unsuitable methods of operation:

- R. cashing or permitting the cashing of governmental assistance checks, including welfare checks, social security checks, and child support payments.

## Treatment and Research Funding

### Statute: NMSA 60-2E-47. Gaming tax; imposition; administration

- E. In addition to the gaming tax, a gaming operator licensee that is a racetrack shall pay twenty percent of its net take to purses to be distributed in accordance with rules adopted by the state racing commission. An amount not to exceed twenty percent of the interest earned on the balance of any fund consisting of money for purses distributed by racetrack gaming operator licensees pursuant to this subsection may be expended for the costs of administering the distributions. A racetrack gaming operator licensee shall spend no less than one-fourth percent of the net take of its gaming machines to fund or support programs for the treatment and assistance of compulsive gamblers.

## Employee Training

### Regulation: NMAC 15.1.18.10. Employee training

- A. The compulsive gambling assistance plan shall be designed with employee training and education as fundamental aspects of the plan. The purpose of the training is to develop awareness of compulsive gambling and to provide resources to assist the employee in handling compulsive gambling issues.
- B. The employee training program shall include training and materials on the following topics:
  - (1) characteristics and symptoms of compulsive gambling behavior;
  - (2) prevalence of compulsive gambling in the general population;
  - (3) relationship of compulsive gambling to other addictions;
  - (4) social costs of compulsive gambling, such as indebtedness, costs for treatment, suicide, criminal behavior, lost jobs, and counseling for family problems;
  - (5) identification of vulnerable populations, including women, low-income patrons, the elderly, and persons who abuse drugs and alcohol;
  - (6) intervention techniques to be employed where a compulsive gambling problem is identified or suspected; and
  - (7) assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a patron and give advice concerning access to available services.
- C. Training must be conducted within 60 days of the employee's hire date and re-certification must be done annually. Certification and re-certification of such training shall be submitted on a form provided or approved by the board. Failure to submit the required certification may result in administrative action against the gaming operator licensee.
- D. This rule shall not be construed as requiring gaming employees to identify compulsive or other problem gamblers.

### Regulation: NMAC 15.1.18.12. Compulsive gambling funds distribution

A racetrack gaming operator shall spend all funds required by statute to fund or support programs for the treatment and assistance of compulsive gamblers each year within 120 days after the close of the licensees fiscal year.

- A. Racetracks shall spend no more than 15 % on administrative costs, including the salary of the plan manager or other person responsible for ensuring that the plan is implemented and administered and for marketing of compulsive gambling issues.

- B. Racetracks shall spend the remainder of the compulsive gambling funds on compulsive gambling training for employees, crisis intervention and prevention programs, gambling assistance and treatment, and a helpline as identified in the plan and approved by the board.

### Alcoholic Beverage Restrictions

#### **Statute: NMSA 60-2E-26. Gaming operator licensees; general provisions; business plan; player age limit; restrictions**

- H. A gaming operator licensee shall not provide, allow, contract or arrange to provide alcohol or food for no charge or at reduced prices as an incentive or enticement for patrons to game.

#### **Regulation: NMAC 5.1.6.9. Area of licensed premises; restrictions**

- F. No area that is a premises licensed under the New Mexico Liquor Control Act shall be designated as a racetrack gaming operator's licensed premises under the act. Alcoholic beverages shall not be sold, served, delivered, or consumed on any racetrack operator's gaming licensed premises.

#### **Regulation: NMAC 15.1.10.9. Unsuitable methods of operation**

Any activity by any licensee or its agents or employees that is contrary to the health, safety, morals, or welfare of the public, shall be deemed an unsuitable method of operation. Without limitation, the following shall be determined to be unsuitable methods of operation:

- B. permitting persons who are obviously intoxicated to participate in gaming;
- C. serving or allowing possession of alcoholic beverages by any person on the licensed premises of a racetrack gaming operator licensee.

#### **Regulation: NMAC 15.1.10.41. Food or alcohol as enticement to game**

- A. Providing, allowing, contracting for or arranging to provide alcohol or food for no charge or at reduced prices as an incentive or enticement for patrons to game is prohibited.
- B. Activities that constitute incentives or enticements to game include, but are not limited to, any action, promotion, advertisement, coupon, or special offer in which:
  - (1) tokens, cash, or other gaming incentives are offered or given in conjunction with free or reduced price alcohol or food;
  - (2) only persons whose names are on the gaming operator's player tracking system are eligible for free or reduced price alcohol or food, unless listing on the player tracking system is open to anyone by request;
  - (3) free or reduced price alcohol or food is offered or given to any person while playing a gaming machine;
  - (4) eligibility to receive free or reduced price alcohol or food requires gaming machine play or is otherwise directly tied to gaming machine play; or
  - (5) in the board's determination, a reasonable person would be enticed to engage in gaming activity as a result of the free or reduced price alcohol or food.

## Other

### **Statute: NMSA 60-2E-27. Gaming operator licensees; special conditions for racetracks; number of gaming machines; days and hours of operations**

- E. Gaming machines on a racetrack gaming operator licensee's premises may be played only on days when the racetrack is either conducting live horse races or simulcasting horse race meets. On days when gaming machines are permitted to be operated, a racetrack gaming operator licensee may offer gaming machines for operation for up to eighteen hours per day; provided that the total number of hours in which gaming machines are operated does not exceed one hundred twelve hours in a one-week period beginning on Tuesday at 8:00 a.m. and ending at 8:00 a.m. on the following Tuesday. A racetrack gaming operator licensee may offer gaming machines for play at any time during a day; provided that the total hours of operation in each day from just after midnight of the previous day until midnight of the current day does not exceed eighteen hours. A racetrack gaming operator licensee shall determine, within the limitations imposed by this subsection, the hours it will offer gaming machines for operation each day and shall notify the board in writing of those hours.

### **Statute: NMSA 60-2E-61.1. Lien on winnings for debt owed to or collected by human services department; procedure**

- A. By operation of law, a lien attaches to a payout of one thousand two hundred dollars (\$1,200) or more from a gaming machine of a racetrack gaming operator licensee when won by a person owing a debt to or collected by the human services department acting as the state's child support enforcement agency pursuant to Title IV-D of the federal Social Security Act.
- B. The human services department shall periodically provide the board with a verified list of names, social security numbers and the last known addresses of obligors owing a debt to or collected pursuant to Section 1 Subsection A by the department.
- C. In order to enforce the lien, the board shall by rule adopt procedures applicable to racetrack gaming operator licensees when a payout occurs. The board shall provide a racetrack gaming operator licensee with an electronic system to search by the names and social security numbers of persons currently owing a debt subject to or collected by the human services department. Prior to the payment of a payout, the licensee shall make a good-faith effort to check the name of the winner against the list of names and social security numbers provided by the human services department to the board.
- D. If the winner is a person owing a debt to or collected by the human services department, the racetrack gaming operator licensee shall retain the payout and promptly notify the department and the board on a form approved by the department. The human services department shall establish by rule an administrative process for support obligors to contest the obligation prior to release of the funds by the licensee to the department. The human services department shall, within seven working days of receipt of notice of the payout, provide the racetrack gaming operator licensee with written notice of its intent to enforce the administrative lien and of the amount claimed. After receiving the notice of intent, the racetrack gaming operator licensee shall retain the amount claimed in a suspense account and remit the balance to the payout winner. Upon final disposition of the administrative procedure, the human services department shall immediately notify the racetrack gaming operator licensee in writing of the amount to be tendered to the department and release the lien for any funds to be distributed to the payout winner.
- E. The board shall by rule adopt lien attachment and enforcement procedures applicable to other gaming operator licensees when a gaming machine payout equals one thousand two hundred dollars (\$1,200) or more.

- F. Neither the board nor any gaming operator shall be liable to the human services department or to the person on whose behalf the department is collecting the debt if the licensee fails, in good faith, to match a winner's name to a name on the list provided pursuant to Subsection B of this section.

### **Regulation: NMAC 15.1.5.13. Special requirements for racetrack gaming operator license applicants**

- C. Racetrack gaming operator licensees may permit the operation of gaming machines on their premises only on days when the racetrack is conducting live horse races or simulcasting horse race meets. The gaming machines may be played for a daily period not to exceed 18 hours and no more than 112 hours in a one-week period, beginning on Tuesday at 8 a.m. and ending at 8 a.m. on the following Tuesday, at the licensee's discretion. "Daily period" means the 24-hour period beginning at 12:01 a.m. and ending at 12:00 midnight.

### **Regulation: NMAC 15.1.18.11. Annual report of activities**

Each gaming operator licensee shall submit to the board, no later than March 31 annually, a report detailing the licensee's compulsive gambling activities for the previous 12-month period ending December 31. The report shall be in form and content prescribed or approved by the board.

### **Regulation: NMAC 15.1.19.10. Verification of winnings; reporting procedures; racetrack gaming operators**

- G. If a racetrack gaming operator licensee determines that the winning patron is currently on the child support enforcement lien list the licensee shall:
  - (1) notify the winning patron that his name appears on the child support enforcement lien list;
  - (2) withhold payment of the jackpot;
  - (3) document the transaction and account for all monies so withheld in accordance with the licensee's internal controls;
  - (4) within twenty-four (24) hours fill out and fax or e-mail a notification form to the state child support enforcement division of the New Mexico department of human services;
  - (5) provide a printout of the database lookup page to the winning patron;
  - (6) the child support enforcement division will notify the racetrack gaming operator licensee within seven (7) days of whether all or part of the jackpot may be released to the winning patron; the gaming operator licensee shall hold any monies claimed by the child support enforcement division until the outcome of any child support lien is determined; upon being notified of the outcome of the child support enforcement division lien, the gaming operator licensee shall either pay the winnings to the winning patron or forward the winnings to the child support enforcement division with the case number attached.

# New York



New York established its responsible gaming framework in 2001 alongside the authorization of electronic gaming devices at racetracks. The state expanded responsible gaming requirements in 2013, 2019 and 2021 with the legalization of commercial casinos, land-based sports betting, and mobile sports betting respectively. New York’s responsible gaming framework includes requirements for a responsible gaming plan, a statewide self-exclusion program and advertising restrictions.

Recent responsible gaming initiatives have focused on bolstering New York’s existing frameworks to account for the operation of mobile sports betting. Regulations for sports wagering operators addressing comprehensive responsible gaming plans, employee training for self-exclusion and advertisements have been promulgated to complement existing statutes and regulations.

## Responsible Gaming Plan Required

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1300. Legislative findings and purpose

13. The state and the casinos will develop programs and resources to combat compulsive and problem gambling.

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1316. Minimum license thresholds

No applicant shall be eligible to receive a gaming license unless the applicant meets the following criteria and clearly states as part of an application that the applicant shall:

5. demonstrate to the commission how the applicant proposes to address problem gambling concerns, workforce development and community development and host and nearby municipality impact and mitigation issues.

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1320. Siting evaluation

In determining whether an applicant shall be eligible for a gaming facility license, the board shall evaluate and issue a finding of how each applicant proposes to advance the following objectives.

3. The decision by the board to select a gaming facility license applicant shall be weighted by ten percent based on workforce enhancement factors including:
  - (b) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling.

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1362. Prevention and outreach

1. Each gaming facility licensee, management company, and holding company involved in the application and ownership or management of a gaming facility shall provide to the commission, as applicable, an applicant’s problem gambling plan. An applicant’s problem gambling plan shall be approved by the commission before the commission issues or renews a license. Each plan shall at a minimum include the following:
  - (a) The goals of the plan and procedures and timetables to implement the plan;

- (b) The identification of the individual who will be responsible for the implementation and maintenance of the plan;
- (c) Policies and procedures including the following:
  - (1) The commitment of the applicant and the gaming facility licensee to appropriate employees;
  - (2) The duties and responsibilities of the employees designated to implement or participate in the plan;
  - (3) The responsibility of patrons with respect to responsible gambling;
  - (4) Procedures for compliance with the voluntary exclusion program;
  - (5) Procedures to identify patrons and employees with suspected or known problem gambling behavior, including procedures specific to loyalty and other rewards and marketing programs;
  - (6) Procedures for providing information to individuals regarding the voluntary exclusion program and community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor problem gamblers
  - (7) Procedures for responding to patron and employee requests for information regarding the voluntary exclusion program and community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members;
  - (8) The provision of printed material to educate patrons and employees about problem gambling and to inform them about the voluntary exclusion program and treatment services available to problem gamblers and their families. The applicant shall provide examples of the materials to be used as part of its plan, including, brochures and other printed material and a description of how the material will be disseminated;
  - (9) Advertising and other marketing and outreach to educate the general public about the voluntary exclusion program and problem gambling;
  - (10) An employee training program, including training materials to be utilized and a plan for periodic reinforcement training and a certification process established by the applicant to verify that each employee has completed the training required by the plan;
  - (11) Procedures to prevent underage gambling;
  - (12) Procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling; and
  - (13) The plan for posting signs within the gaming facility, containing information on gambling treatment and on the voluntary exclusion program. The applicant shall provide examples of the language and graphics to be used on the signs as part of its plan;
    - (d) A list of community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor problem gamblers and to counsel family members; and
    - (e) Any other information, documents, and policies and procedures that the commission requires.
- 2. Each applicant or gaming facility licensee shall submit any amendments to the problem gambling plan to the commission for review and approval before implementing the amendments.
- 3. Each gaming facility licensee shall submit an annual summary of its problem gambling plan to the commission.
- 4. Each gaming facility licensee shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under this section.

## **Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1367-a.** **Mobile sports wagering**

4. (a) As a condition of licensure, each mobile sports wagering operator shall implement the following measures:
  - (xv) Submit annually a problem gaming plan that was approved by the commission in consultation with the office of addiction services and supports that includes: the objectives of and timetables for implementing the plan; identification of the persons responsible for implementing and maintaining the plan; procedures for identifying users with suspected or known problem gaming behavior; procedures for providing information to users concerning problem gaming identification and resources; procedures to prevent gaming by minors and self-excluded persons; and such other problem gaming information as the commission may require by rule.

## **Regulation: Casino Gaming Rules (9 NYCRR) §5301.1. Application to develop and operate a gaming facility**

The form of application to develop and operate a gaming facility shall include, without limitation, the following elements, consistent with Racing, Pari-Mutuel Wagering and Breeding Law sections 1313 and 1315(2):

- (i) Measures to address problem gaming. An applicant shall describe measures to address problem gaming, including among other things, on-site resources available to those affected by gaming-related problems, description of proposed problem gaming signage on-site, training for facility employees to help identify those who may have gaming-related problems, exclusion policies and the process to notify individuals of the availability of self-exclusion, treatment and prevention programs, and metrics the applicant will use to measure whether the applicant is succeeding in efforts to reduce problem gaming.

## **Regulation: Gaming Commission Rules (9 NYCRR) §5117.6. Responsible gaming**

- (a) Each video lottery gaming agent shall establish a responsible gaming program approved by the commission, which plan shall comply with these regulations.

## **Regulation: Gaming Commission Rules (9 NYCRR) §5325.2. Problem gambling plan**

- (a) At least 90 days prior to projected issuance of an operation certificate, a gaming facility licensee shall submit for commission review and approval a problem gambling plan.
- (b) A problem gambling plan shall include the following:
  - (1) The goals of the plan, including procedures and timetables to implement the plan;
  - (2) Identification of the individual who will be responsible for implementation and maintenance of the plan;
  - (3) Policies and procedures that clearly illustrate:
    - (i) The commitment of the gaming facility licensee to train appropriate employees;
    - (ii) The duties and responsibilities of the employees designated to implement or participate in the problem gambling plan;
    - (iii) Procedures for compliance with the self-exclusion program set forth in Part 5402 of this subtitle;
    - (iv) Procedures to identify patrons and employees exhibiting suspected or known problem gambling behavior;
    - (v) Procedures to limit or prevent loyalty and other rewards and marketing programs for patrons exhibiting suspected or known problem gambling behavior;

- (vi) Procedures for providing information to individuals and responding to patron/employee requests for information in regard to the self-exclusion program and any community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat or monitor problem gamblers and to counsel family members;
  - (vii) The provision of printed material to educate patrons and employees about problem gambling and to inform them about the self-exclusion program set forth in Part 5402 of this subtitle and treatment services available to problem gamblers and their families. The gaming facility licensee shall provide examples of the materials to be used as part of its problem gambling plan, including brochures and other printed material and a description of how the material will be disseminated;
  - (viii) Advertising and other marketing and outreach to educate the general public about problem gambling and the self-exclusion program set forth in Part 5402 of this subtitle;
  - (ix) An employee training program as set forth in section 5325.3 of this Part, including sample training materials to be used and a plan for periodic reinforcement training and a certification process established by the gaming facility applicant to verify that each employee has completed the training required by the plan;
  - (x) Procedures to prevent underage gambling;
  - (xi) Procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling; and
  - (xii) A signage plan containing information on gambling treatment and on the self-exclusion program set forth in Part 5402 of this subtitle. The gaming facility licensee shall provide examples of the language and graphics to be used on the signs as part of the problem gambling plan. Additionally, the signage plan shall include posting of signs on appropriate languages other than English, depending upon the patron demographics in a facility.
- (4) A list of community, public and private treatment services, gamblers anonymous programs and similar treatment therapy programs designed to prevent, treat, or monitor problem gamblers and to counsel family members and procedures for making such list available upon request; and
- (5) Any other information, documents and policies and procedures as the commission may request.
- (c) Each gaming facility licensee shall submit to the commission for review and approval any amendments to such gaming facility licensee's problem gambling plan at least 30 days prior to the intended implementation of such amendment. The gaming facility licensee may implement a proposed amendment on the 30th calendar day following the filing of such an amendment with the commission, unless the commission provides notice pursuant to subdivision (d) of this section objecting to such amendment.
- (d) If during the 30-day review period the commission determines that any amendment is inconsistent with the intent of this Part, the commission shall, by delivering written notice to the gaming facility licensee, object to such amendment. Such objection notice shall:
- (1) Specify the nature of the objection and, when possible, an acceptable alternative; and
  - (2) Direct that such amendment not be implemented.
- (e) When an amendment has been objected to pursuant to subdivision (d) of this section, the gaming facility licensee may submit a revised amendment for review pursuant to subdivision (c) of this section.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5330.34.** **Responsible gaming**

- (b) *Problem-gaming plan.* A skin shall submit annually on or before September 1st to the commission for approval, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(4)(a)(xv), a problem-gaming plan that includes, at a minimum:

- (1) The objectives of and timetables for implementing the plan;
- (2) Identification of the persons responsible for implementing and maintaining the plan;
- (3) Procedures for identifying users with suspected or known problem-gaming behavior;
- (4) Procedures for providing information to users concerning problem-gaming identification and resources;
- (5) Procedures to prevent gaming by minors and self-excluded persons; and
- (6) Such other information as the commission may direct.

## Self-Exclusion

### **Statute: Racing, Pari-Mutuel Wagering and Breeding Law § 1344. List of persons self-excluded from gaming activities**

1. The commission shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed gaming facilities. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the commission that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such gaming facilities.
2. The regulations of the commission shall establish procedures for placements on, and removals from, the list of self-excluded persons. Such regulations shall establish procedures for the transmittal to licensed gaming facilities of identifying information concerning self-excluded persons, and shall require licensed gaming facilities to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complimentaries, check cashing privileges, club programs, and other similar benefits.
3. A licensed gaming facility or employee thereof acting reasonably and in good faith shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of:
  - (a) the failure of a licensed gaming facility to withhold gaming privileges from, or restore gaming privileges to a self-excluded person; or
  - (b) otherwise permitting a self-excluded person to engage in gaming activity in such licensed gaming facility while on the list of self-excluded persons.
4. Notwithstanding any other law to the contrary, the commission's list of self-excluded persons shall not be open to public inspection. Nothing herein, however, shall be construed to prohibit a gaming facility licensee from disclosing the identity of persons self-excluded pursuant to this section to affiliated gaming entities in this state or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by such gaming affiliated entities.
5. A licensed gaming facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of the identity of any self-excluded person.

### **Statute: Racing, Pari-Mutuel Wagering and Breeding Law § 1345. Excluded person, forfeiture of winnings; other sanctions**

1. A person who is prohibited from gaming in a licensed gaming facility by any order of the executive director, commission or court of competent jurisdiction, including any person on the self-exclusion list

pursuant to subdivision one of section one thousand three hundred forty-four of this title, shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.

2. For the purposes of this section, any gaming activity in a licensed gaming facility which results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the gaming facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.
3. In addition to any other penalty provided by law, any money or thing of value which has been obtained by, or is owed to, any prohibited person by a licensed gaming facility as a result of wagers made by a prohibited person shall be subject to forfeiture following notice to the prohibited person and opportunity to be heard. A licensed gaming facility shall inform a prohibited person of the availability of such notice on the commission's website when ejecting the prohibited person and seizing any chips, vouchers or other representative of money owed by a gaming facility to the prohibited person as authorized by this subdivision. All forfeited amounts shall be deposited into the commercial gaming revenue fund.
4. In any proceeding brought by the commission against a licensee or registrant for a willful violation of the commission's self-exclusion regulations, the commission may order, in addition to any other sanction authorized, an additional fine of double the amount of any money or thing of value obtained by the licensee or registrant from any self-excluded person. Any money or thing of value so forfeited shall be disposed of in the same manner as any money or thing of value forfeited pursuant to subdivision three of this section.

### **Statute: Racing, Pari-Mutuel Wagering and Breeding Law § 1367. Sports Wagering**

- (e) An operator shall not admit into the sports wagering lounge, or accept wagers from, any person whose name appears on the exclusion list.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5117.6. Responsible gaming**

- (i) The video lottery gaming agent shall not divulge any name on the master list of excluded persons, other than to authorized surveillance, security or video lottery gaming department employees or other video lottery gaming personnel whose duties and functions require access to such information, and the commission or the commission's duly authorized representatives.
- (j) Neither these regulations nor any of the rights, duties, or obligations established hereunder, shall create any cause of action, right of action, claim, or other right whatsoever in favor of any person against the State, the commission, any video lottery gaming agent or any of the representatives or employees of any of the foregoing entities. Each person applying for placement on the List of Excluded Persons shall execute a full and complete Waiver/Release form commission releasing the State, the commission, any video lottery gaming agent or any of the representatives or employees of any of the foregoing entities from any liability associated with the acts relating to this provision.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5108.2. Purpose, format, submission and amendment of the video lottery gaming agent's system of internal control**

- (4) Each video lottery gaming agent may deny or limit access to any public areas in order to preserve the policies of the act and these regulations, including, but not limited to, the following:
  - (iv) any person who has voluntarily excluded themselves pursuant to the exclusion policy of the video lottery gaming agent.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5327.1. Maintenance of the excluded persons list**

- (a) The commission shall maintain a list of persons to be excluded or ejected from the gaming facility. The commission shall maintain such list on the commission's website. Such list shall not be deemed all-inclusive.
- (b) Each gaming facility licensee shall exclude from its premises any person who such gaming facility licensee knows meets the exclusion criteria of Racing, Pari-Mutuel Wagering and Breeding Law section 1342 and section 5327.2 of this Part.
- (c) The following information shall be provided on the list for each excluded individual:
  - (1) The full name and all aliases the person is believed to have used;
  - (2) A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and other physical characteristics that may assist in the identification of the person;
  - (3) The person's date of birth;
  - (4) The effective date of the order mandating the exclusion of the person; and
  - (5) Photograph, if obtainable, and the date thereof.
- (d) Each gaming facility licensee shall ensure that it reviews the excluded persons list on a regular basis and that such list is made available to all employees of the gaming facility.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5327.2. Criteria for exclusion**

A person shall be placed on the excluded persons list if the commission determines that the person meets one or more of the following criteria:

- (a) Is a career or professional offender, whose presence in a gaming facility would, in the opinion of the commission, be contrary to the interests of New York State or of casino gaming therein, or both;
- (b) Has a known relationship or connection with a career or professional offender whose presence in a licensed facility would be contrary to the interest of New York State or of casino gaming therein, or both;
- (c) Has been convicted of a gambling offense under the laws of any state or the United States that is punishable by more than 12 months in a state prison, a house of correction, or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state;
- (d) Has a notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming is free from criminal or corruptive elements;
- (e) Poses, by presence in a gaming facility, the potential of injurious threat to the interests of New York State if the person is permitted in a gaming facility. In determining whether a person poses a potential of injurious threat, the commission may consider whether the person:
  - (1) Is a gaming cheat;
  - (2) Has had a license or registration issued in accordance with Parts 5303 through 5307 of this Subchapter, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;
  - (3) Poses a threat to the safety of the patrons or employees of a gaming facility;
  - (4) Has a documented history of conduct involving the undue disruption of gaming operations in any jurisdiction;
  - (5) Is subject to an order of a court of competent jurisdiction in New York State excluding those persons from a gaming facility;

- (6) Is subject to a no trespass order at any casino or gaming facility in any jurisdiction;
- (7) Is excluded from any video lottery facility in New York State;
- (8) Is excluded from any Indian gaming facility in New York State;
- (9) Is excluded from any horse racing track or off-track betting facility in New York State for any misconduct or behavior involving wagering or wagering integrity; or
- (10) Has pending charges or indictments for a gaming crime or a crime related to the integrity of gaming operations in New York State or any other jurisdiction.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5327.3. Placement on the excluded persons list**

The placement of a person on the excluded persons list shall have the effect of requiring the exclusion or ejection of the excluded person from all New York State licensed gaming facilities.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5327.4. Petition to remove name from the excluded persons list**

- (a) An excluded person may file a petition with the secretary of the commission to request a hearing for removal of his or her name from the excluded persons list after five years have elapsed from the day of placement of his or her name on the excluded persons list.
- (b) Any petition pursuant to this section shall be signed by the excluded person, contain supporting affidavits and state specific grounds believed by the excluded person to constitute good cause for removal from the excluded persons list.



### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5329.34. Responsible gaming**

Each casino sports wagering licensee and sports pool vendor shall comply with the problem gaming, self-exclusion and excluded person requirements set forth in Parts 5325 and 5327 of this subchapter and Part 5402 of this subtitle.

## Property Signage and Responsible Gaming Disclosures

### **Statute: Tax Law, Art. 34, §1604-a. Posting of signs to assist compulsive gamblers**

The division shall cooperate with the commissioner of alcoholism and substance abuse services to ensure the posting of signs designed to assist compulsive gamblers pursuant to the provisions of subdivision (h) of section 19.09 of the mental hygiene law.

### **Statute: Racing, Pari-Mutuel Wagering and Breeding Law, § 1367-a. Mobile sports wagering**

- 4. (a) As a condition of licensure, each mobile sports wagering operator shall implement the following measures:
  - (x) List on each website, in a prominent place, information concerning assistance for compulsive play in New York state, including a toll-free number directing callers to reputable resources containing further information, which shall be free of charge;
  - (xiv) Maintain a publicly accessible internet page dedicated to responsible play, a link to which must appear on the mobile sports wagering operator's website and in any mobile application or electronic

platform on which a bettor may place wagers. The responsible play page shall include: a statement of the mobile sports wagering operator's policy and commitment to responsible gaming; information regarding, or links to information regarding, the risks associated with gambling and the potential signs of problem gaming; the availability of self-imposed responsible gaming limits; a link to a problem gaming webpage maintained by the office of addiction services and supports; and such other information or statements as the commission may require by rule;

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5117.6. Responsible gaming**

- (b) Announcements encouraging responsible play shall be displayed by the video lottery gaming agent in all video lottery gaming areas as well as the reception and cashier areas.
- (c) Responsible gaming information shall be prominently displayed by the video lottery gaming agent at the video lottery gaming facility, and problem gambling information shall be posted on each video lottery gaming agent's website and on each video lottery terminal.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5325.5. Signage**

Each gaming facility licensee shall post signs in a size as approved in writing by the commission that include the problem gambling assistance message as set forth in section § 5325.6 of this Part at each of the following locations:

- (a) Within 50 feet of each entrance and exit of the gaming facility or at a distance otherwise approved in writing by the commission;
- (b) Above or below the cash-dispensing opening on all automated teller machines, automated gaming voucher and coupon redemption machines and other machines that dispense cash to patrons at the gaming facility;
- (c) On all gaming devices;
- (d) In all gaming facility employee break areas
- (e) In the player club location or locations;
- (f) In or near cage areas; and
- (g) In any other location, as the commission may require.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5330.34. Responsible gaming**

- (a) *Publicly accessible internet page.* A skin shall maintain a publicly accessible internet page dedicated to responsible play, a link to which must appear on the skin's website and in any mobile application or electronic platform on which an authorized sports bettor may place sports wagers through such skin, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(4)(a)(xiv). The responsible play page shall include:
  - (1) A statement of the skin's policy and commitment to responsible gaming;
  - (2) Information in regard to, or links to information in regard to, the risks associated with gambling and the potential signs of problem gaming;
  - (3) The availability of self-imposed responsible gaming limits within each skin's website or mobile application;
  - (4) A link to an appropriate problem-gaming webpage maintained by the office of addiction services and supports; and
  - (5) Such other information as the commission may direct.

### Advertising Restrictions

#### **Statute: Racing, Pari-Mutuel Wagering and Breeding Law, § 1363.**

##### **Advertising restrictions**

2. Advertising shall be based upon fact, and shall not be false, deceptive or misleading, and no advertising by or on behalf of a gaming facility licensee shall:
  - (a) Use any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact;
  - (b) Fail to clearly and conspicuously specify and state any material conditions or limiting factors;
  - (c) Depict any person under the age of twenty-one engaging in gaming and related activities; or
  - (d) Fail to designate and state the name and location of the gaming facility conducting the advertisement. The location of the gaming facility need not be included on billboards within thirty miles of the gaming facility.
3. Each advertisement shall, clearly and conspicuously, state a problem gambling hotline number.
4. Each direct advertisement shall, clearly and conspicuously, describe a method or methods by which an individual may designate that the individual does not wish to receive any future direct advertisement.
  - (a) The described method must be by at least two of the following:
    - (1) Telephone;
    - (2) Regular U.S. mail; or
    - (3) Electronic mail.
  - (b) Upon receipt of an individual's request to discontinue receipt of future advertisement, a gaming facility licensee or applicant shall block the individual in the gaming facility licensee's database so as to prevent the individual from receiving future direct advertisements within fifteen days of receipt of the request.
5. Each gaming facility licensee or applicant shall provide to the commission at its main office a complete and accurate copy of all advertisements within five business days of the advertisement's public dissemination. Gaming facility licensees or applicants shall discontinue the public dissemination upon receipt of notice from the commission to discontinue an advertisement.
6. A gaming facility licensee or applicant shall maintain a complete record of all advertisements for a period of at least two years. Records shall be made available to the commission upon request.

#### **Statute: Racing, Pari-Mutuel Wagering and Breeding Law, § 1367-a.**

##### **Mobile sports wagering**

- 4.(a) As a condition of licensure, each mobile sports wagering operator shall implement the following measures:
  - (iv) When referencing the chances or likelihood of winning in advertisements or upon placement of a sports wager, make clear and conspicuous statements that are not inaccurate or misleading concerning the chances of winning and the number of winners.
- (e) Advertisements for contests and prizes offered by a mobile sports wagering operator shall not target prohibited sports bettors, minors, or self-excluded persons.

**Regulation: Gaming Commission Regulations (9 NYCRR) §5319.30. Software requirements; display**

- (f) A game shall not advertise upcoming wins (e.g., three-times-pay coming soon) unless:
  - (1) it is mathematically demonstrable that an award occurrence is upcoming; and
  - (2) if a player is shown a graphic representation in the form of a progress indicator, such representation shall accurately depict the current progress towards such an award.

**Regulation: Gaming Commission Regulations (9 NYCRR) §5325.6. Advertising**

- (a) Advertisements used by a gaming facility licensee shall comply with Racing, Pari-Mutuel Wagering and Breeding Law section 1363 and with advertising guidelines issued by the National Council on Problem Gambling.
- (b) Advertisements shall contain a problem gambling assistance message comparable to one of the following:
  - (1) If you or someone you know has a gambling problem, help is available. Call (877-8-HOPENY) or text HOPENY (467369);
  - (2) Gambling Problem? Call (877-8-HOPENY) or text HOPENY (467369); or
  - (3) Any other message approved in writing by the commission.
- (c) Unless otherwise approved in writing by the commission, the problem gambling assistance message shall meet the following requirements:
  - (1) For signs, direct mail marketing materials, posters and other print advertisements, the height of the font used for the problem gambling assistance message must be the greater of:
    - (i) The same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement; and
    - (ii) Two percent of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement;
  - (2) For billboards, the height of the font used for the problem gambling assistance message must be at least five percent of the height or width, whichever is greater, of the face of the billboard;
  - (3) For video and television, the problem gambling assistance message must be visible for either:
    - (i) The entire time the video or television advertisement is displayed, in which case the height of the font used for the problem gambling assistance message must be at least two percent of the height or width, whichever is greater, of the image that will be displayed; or
    - (ii) From the first time a table game, table game device, slot machine, associated equipment or gaming facility name is displayed or orally referenced, and on a dedicated screenshot visible for at least the last three seconds of the video or television advertisement. If the gaming facility licensee elects to use this option, the height of the font used for the problem gambling assistance message displayed:
      - a) During the advertisement must be at least two percent of the height or width, whichever is greater, of the image that will be displayed; and
      - b) On the dedicated screen shot must be at least eight percent of the height or width, whichever is greater, of the image that will be displayed;
  - (4) For websites, including social media sites and mobile phone applications:
    - (i) The problem gambling assistance message must be posted on each webpage or profile page and on any gaming-related advertisement posted on the webpage or profile page;

- (ii) The height of the font used for the problem gambling assistance message must be at least the same size as the majority of the text used in the webpage or profile page; and
- (iii) For advertisements posted on the webpage or profile page, the height of the font used for the problem gambling assistance message must comply with subparagraph (ii) of this paragraph.

### **Regulation: 9 NYCRR § 5330.38. Mobile sports wagering promotions**

- (a) Requirements for promotions. A skin shall submit to the commission all mobile sports wagering promotions for approval a minimum of 15 days prior to the intended commencement of such promotion. Any such proposed promotion shall:
  - (1) detail the type of promotion, dates the promotion will occur, minimum and maximum awards, the anticipated liability and any other information pertinent to the promotion;
  - (2) include terms and conditions that are full, accurate, clear, concise and do not contain misleading information;
  - (3) disclose applicable terms if the authorized sports bettor must risk or lose the bettor's own funds as part of the promotion, or if such promotion has conditions that a bettor's own funds must be used to qualify for such promotion;
  - (4) not be described as risk-free if the authorized sports bettor needs to incur any loss or risk the bettor's own money to use or withdraw winnings from the risk-free bet;
  - (5) not restrict the authorized sports bettor from withdrawing the bettor's own funds or withdraw winnings from bets placed using the bettor's own funds; and
  - (6) ensure advertisements of such promotions shall conform to the rules set forth in 5325.6 of this subchapter, as if a skin were a gaming facility licensee.

## Wager/Time Limits

### **Statute: Racing, Pari-Mutuel Wagering and Breeding Law § 1367. Sports Wagering**

- 5. Except as otherwise provided by this article, the commission shall have the authority to regulate sports pools and the conduct of sports wagering under this article to the same extent that the commission regulates other gaming. No casino shall be authorized to operate a sports pool unless it has produced information, documentation, and assurances concerning its financial background and resources, including cash reserves, that are sufficient to demonstrate that it has the financial stability, integrity, and responsibility to operate a sports pool. In developing rules and regulations applicable to sports wagering, the commission shall examine the regulations implemented in other states where sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework. The commission shall promulgate regulations necessary to carry out the provisions of this section, including, but not limited to, regulations governing the:
  - (c) maximum wagers which may be accepted by an operator from any one patron on any one sports event.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5329.19. Wagering Restrictions**

- (d) Minimum and maximum wager. Minimum and maximum amounts of wagers shall be as established by an operator's house rules approved by the commission. An operator shall disclose clearly the maximum and minimum wagers applicable to the wagers such operator offers.

## Restrictions on Extension of House Credit

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1339. Credit

1. Except as otherwise provided in this section, no gaming facility licensee or any person licensed under this article, and no person acting on behalf of or under any arrangement with a gaming facility licensee or other person licensed under this article, shall:
  - (a) Cash any check, make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in gaming activity as a player.
9. A person may request the commission to put that person's name on a list of persons to whom the extension of credit by a gaming facility as provided in this section would be prohibited by submitting to the commission the person's name, address, and date of birth. The person does not need to provide a reason for this request. The commission shall provide this list to the credit department of each gaming facility; neither the commission nor the credit department of a gaming facility shall divulge the names on this list to any person or entity other than those provided for in this subdivision. If such a person wishes to have that person's name removed from the list, the person shall submit this request to the commission, which shall so inform the credit departments of gaming facilities no later than three days after the submission of the request.

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1344. List of persons self-excluded from gaming activities

2. The regulations of the commission shall establish procedures for placements on, and removals from, the list of self-excluded persons. Such regulations shall establish procedures for the transmittal to licensed gaming facilities of identifying information concerning self-excluded persons, and shall require licensed gaming facilities to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complimentaries, check cashing privileges, club programs, and other similar benefits.

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, § 1367-a. Mobile sports wagering

5. (b) Authorized sports bettors may deposit and withdraw funds to and from their account on a mobile sports wagering operator through electronically recognized payment methods, including but not limited to credit cards and debit cards, or via any other means approved by the commission; provided however, that in the case of credit card payments, each authorized sports bettor's account per operator shall be limited to a credit card spending amount of two thousand five hundred dollars per year; and provided further, that this limitation shall not apply to other payment methods or to debit cards. No operator shall be authorized to provide a line of credit to any authorized sports bettor.

## Financial Instruments Restrictions

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1338. Limitation on certain financial access

In order to protect the public interest, the commission shall adopt regulations that include provisions that:

1. limit the number and location of and maximum withdrawal amounts from automated teller machines;

2. prohibit authorized automated teller machines from accepting electronic benefit cards, debit cards, or similar negotiable instruments issued by the state or political subdivisions for the purpose of accessing temporary public assistance;
3. prohibit the use of specified negotiable instruments at gaming facilities and the use of credit cards, debit cards, and similar devices in slot machines or at table games; and
4. prohibit consumers from cashing paychecks at gaming facilities.

## Treatment and Research Funding

### **Statute: Finance Law, §97-nnnn. Commercial gaming revenue fund**

4. Notwithstanding the foregoing, monies received pursuant to:
  - a. sections one thousand three hundred forty-five and one thousand three hundred forty-eight of the racing, pari-mutuel wagering and breeding law shall be exclusively appropriated to the office of alcoholism and substance abuse services to be used for problem gambling education and treatment purposes.

## Employee Training

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5117.6. Responsible gaming**

- (d) The video lottery gaming agent's responsible gaming plan will provide for employee training for responsible gaming.

### **Regulation: Gaming Commission Regulations (9 NYCRR) § 5325.3. Employee training program**

- (a) The employee training program required pursuant to subparagraph (viii) of paragraph (3) of subdivision (b) of section 5325.2 shall include instruction in the following:
  - (1) Characteristics and symptoms of problem gambling behavior;
  - (2) The relationship of problem gambling to other addictive behavior;
  - (3) Techniques to be used when problem gambling is suspected or identified;
  - (4) Techniques to be used to discuss problem gambling with patrons and advise patrons in regard to community, public and private treatment services;
  - (5) Procedures designed to prevent serving alcohol to visibly intoxicated patrons;
  - (6) Procedures designed to prevent persons from gambling after having been determined to be visibly intoxicated;
  - (7) Procedures for the dissemination of written materials to patrons explaining the self-exclusion program as set forth in Part 5402 of this subtitle;
  - (8) Procedures for removing an excluded person, as defined in section 5300.1 of this Subchapter, an underage individual or a person on the self-exclusion list from a gaming facility, including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel;
  - (9) Procedures to prevent an excluded person or a person on the self-exclusion list from being mailed any advertisement, promotion or other target mailing as soon as practicable after receiving notice from the commission that the person has been placed on the excluded person or self-exclusion list;

- (10) Procedures to prevent an individual under 21 years of age from receiving any advertisement, promotion or other target mailing;
- (11) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from directly accessing or receiving complimentary services, or other like benefits; and
- (12) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from cashing checks or vouchers that require ID on gaming facility premises.
- (b) Training and training materials shall be reviewed annually to be updated, if applicable, to include new or revised information on responsible and problem gambling or empirical research.
- (c) Training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming training programs as part of the employee's orientation.
- (d) Employees who have received training shall be acknowledged by the gaming facility licensee upon completion of training.
- (e) Employees are required to receive periodic reinforcement training at no less than once every 12 months, starting with the year following the year in which the employee was hired. The gaming facility licensee shall retain a record of the date of the reinforcement trainings.
- (f) Employees shall report suspected or identified problem gamblers to a designated casino key employee or other designated supervisory employee.
- (g) Gaming facility licensees may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this Part.

## Alcoholic Beverage Restrictions

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, §1362. Prevention and outreach efforts

1. Each gaming facility licensee, management company, and holding company involved in the application and ownership or management of a gaming facility shall provide to the commission, as applicable, an applicant's problem gambling plan. An applicant's problem gambling plan shall be approved by the commission before the commission issues or renews a license. Each plan shall at a minimum include the following:
  - (c) Policies and procedures including the following:
    - (12) Procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling.

## Other

### Statute: Racing, Pari-Mutuel Wagering and Breeding Law, § 1367-a. Mobile sports wagering

6. The commission, in conjunction with the office of addiction services and supports, shall annually cause a report to be prepared and distributed to the governor and the legislature on the impact of mobile sports wagering on problem gamblers in New York, including, to the extent practicable, an analysis of the demographics which are disproportionately impacted by the problem gambling. The costs associated with the preparation and distribution of the report shall be borne by mobile sports wagering licensees and the commission shall be authorized to assess a fee against mobile sports wagering licensees for these

purposes. The commission, or in the case that an independent integrity monitor has been established, such independent integrity monitor shall also report biannually to the governor and legislature on the effectiveness of the statutory and regulatory controls in place to ensure the integrity of mobile sports wagering operations.

### **Regulation: Gaming Commission Regulations (9 NYCRR) §5117.7. Restrictions on acceptance of public assistance**

Any video lottery gaming agent that cashes or accepts any public assistance check or electronic benefit transfer device issued by a public welfare official or department, or agent thereof, as and for public assistance, as proscribed by section 151 of the Social Services Law, shall be disciplined by the commission pursuant to Part 5113 of this Subchapter.



Ohio established its responsible gaming framework in 2009 through legislation authorizing land-based casinos in the state. At the time of writing, regulators were in the process of adopting new requirements following the legalization of land-based and mobile sports betting ahead of the anticipated January 1, 2023 launch. Ohio's responsible gaming framework includes statutorily-required responsible gaming plans and a statewide self-exclusion program. The state has strengthened advertising restrictions, particularly on in-state college campuses, provided for involuntary exclusion lists, and allowed for academic institutions to request data to bolster responsible and problem gambling research within the state.

## Responsible Gaming Plan Required

### Statute: Ohio Rev. Code Ann. § 3772.18. Information to be provided to commission

- (A) Each casino operator, management company, and holding company involved in the application and ownership or management of a casino facility shall provide to the commission as applicable:
  - (6) An applicant's compulsive and problem gambling plan. A casino operator shall submit an annual summary of its compulsive and problem gambling plan to the commission. The plan at a minimum shall contain the following elements:
    - (a) The goals of the plan and procedures and timetables to implement the plan;
    - (b) The identification of the individual who will be responsible for the implementation and maintenance of the plan;
    - (c) Policies and procedures including the following:
      - (i) The commitment of the casino operator to train appropriate employees;
      - (ii) The duties and responsibilities of the employees designated to implement or participate in the plan;
      - (iii) The responsibility of patrons with respect to responsible gambling;
      - (iv) Procedures for providing information to individuals regarding community, public and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members;
      - (v) The provision of printed material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families;
      - (vi) The employee training program;
      - (vii) Procedures to prevent underage gambling;
      - (viii) Procedures to prevent intoxicated patrons from gambling;
      - (ix) The plan for posting signs within the casino facility containing gambling treatment information.
- (B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under division (A) of this section.

## **Regulation: Ohio Admin. Code § 3772-12-06. Compulsive and problem gambling plan**

- (A) Each casino operator shall provide to the casino control commission a compulsive and problem gambling plan for approval. Each plan shall, at minimum, include the following:
- (1) The goals of the plan and procedures and timetables to implement the plan;
  - (2) The identification of the position responsible for the implementation and maintenance of the plan;
  - (3) Policies and procedures, including the following:
    - (a) Procedures for compliance with the Ohio VEP including, at a minimum:
      - (i) Procedures preventing employees from permitting an individual in the Ohio VEP from entering the facility;
      - (ii) Procedures identifying and removing individuals in the Ohio VEP from the facility;
      - (iii) Procedures for preventing dissemination of any advertisement, promotion, or other direct marketing mailing fifteen days after the individual has been placed in the Ohio VEP;
      - (iv) Procedures for preventing an Ohio VEP participant from having access to credit or from receiving complimentary services, check-cashing services, junket participation, and other benefits;
      - (v) Procedures for ensuring the confidentiality of the identity and the information of the Ohio VEP participants; and
      - (vi) Any other procedure required by the commission, executive director, or designee thereof.
    - (b) The duties and responsibilities of the employees designated to implement or participate in the plan;
    - (c) The responsibility of patrons with respect to responsible gambling;
    - (d) Procedures to identify patrons and employees with suspected or known compulsive and problem gambling behavior, including procedures specific to loyalty and other rewards and marketing programs;
    - (e) Procedures for providing information to individuals regarding the Ohio VEP and community, public and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members, including for providing the information upon the request of a patron or employee;
    - (f) The provision of printed material to educate patrons and employees about compulsive and problem gambling and to inform them about the Ohio VEP and treatment services available to compulsive and problem gamblers and their families. The casino operator shall provide casino control commission staff examples of the materials to be used, including, brochures and other printed material and a description of how the material will be disseminated;
    - (g) Advertising and other marketing and outreach to educate the general public about the Ohio VEP and compulsive and problem gambling;
    - (h) An employee training program, including training materials to be utilized and a plan for periodic reinforcement training and a certification process established by the applicant to verify that each employee has completed the training required by the plan;
    - (i) Procedures to prevent underage gambling;
    - (j) Procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling; and
    - (k) The plan for posting signs within the casino facility, containing information on gambling treatment and on the Ohio VEP, including examples of the language and graphics to be used on the signs;

- (4) A list of community, public, and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members; and
  - (5) Any other information, documents, and policies and procedures that the casino control commission requires.
- (B) Each casino operator shall submit quarterly updates and an annual report to the casino control commission of its adherence to the plans and goals submitted under this rule, including any information that the casino operator has received related to bankruptcy, divorce, crime, and attempted suicide related to gambling at a casino facility.

## Self-Exclusion

### Statute: Ohio Rev. Code Ann. § 3772.03. Authority of commission; adoption of rules

- (D) The commission shall adopt, and as advisable and necessary shall amend or repeal, rules that include all of the following:
- (10) Establishing and implementing a voluntary exclusion program that provides all of the following:
- (a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.
  - (b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.
  - (c) Except as provided by commission rule, no person who participates in the program shall petition the commission for admittance into a casino facility.
  - (d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator and the agents and employees of the casino operator for purposes of enforcement and to other entities, upon request of the participant and agreement by the commission.
  - (e) A casino operator shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.
  - (f) A casino operator shall not cash the check of a person participating in the program or extend credit to the person in any manner. However, the program shall not exclude a casino operator from seeking the payment of a debt accrued by a person before participating in the program.
  - (g) Any and all locations at which a person may register as a participant in the program shall be published.

### Statute: Ohio Rev. Code Ann. § 3775.02. Regulation by Ohio casino control commission

- (B) The commission shall adopt rules that include all of the following:
- (11) A sports gaming voluntary exclusion program, which shall allow a person to voluntarily exclude the person's self from participating in sports gaming conducted under this chapter by placing the person's name on a voluntary exclusion list and following procedures set forth by the commission.
- (a) All of the following apply to the sports gaming voluntary exclusion program
    - (i) Except as provided by the commission by rule, a person who participates in the program shall agree to refrain from participating in sports gaming conducted under this chapter.

- (ii) The name of a person participating in the program shall be included on a list of persons excluded from participating in sports gaming conducted under this chapter.
  - (iii) Except as provided by the commission by rule, no person who participates in the program shall petition the commission for admittance into a sports gaming facility or for permission to participate in sports gaming conducted under this chapter.
  - (iv) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to the state lottery commission, to a sports gaming proprietor and its agents and employees for purposes of enforcement, and to other entities, upon request of the participant and agreement by the commission.
  - (v) A sports gaming proprietor shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.
  - (vi) A sports gaming proprietor shall not cash the check of a person participating in the program or extend credit to the person in any manner. However, the program shall not exclude a sports gaming proprietor from seeking the payment of a debt accrued by a person before participating in the program.
  - (vii) Any and all locations at which a person may register as a participant in the program shall be published.
- (b) The commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in the voluntary exclusion program established under Chapter 3772. of the Revised Code. The state lottery commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in any voluntary exclusion program established under Chapter 3770. of the Revised Code.

## **Regulation: Ohio Admin. Code § 3772-10-10. Patron financial transactions at the cashier's cage**

- (C) Before processing each financial transaction at the cashier's cage, the casino cashier shall verify the identity of the patron and ensure that the patron is not a part of the commission's voluntary or involuntary exclusion programs.

## **Regulation: Ohio Admin. Code § 3772-12-01. Scope and purpose of the Ohio voluntary exclusion program**

- (A) The purpose of this chapter is to help curtail compulsive and problem gambling in the state of Ohio by combining the voluntary exclusion program operated by the casino control commission, created pursuant to section 3772.03 of the Revised Code, with the voluntary exclusion program operated by the lottery commission, created pursuant to section 3770.03 of the Revised Code. As used in this chapter, the combined voluntary exclusion programs shall be referred to as the "Ohio voluntary exclusion program" or "Ohio VEP." This chapter is to be read in tandem with Chapter 3770:2-8 of the Administrative Code.
- (B) Participants in the Ohio VEP agree to exclude themselves from all casino facilities and all video lottery terminal facilities in the state of Ohio, collectively known as "excluded facilities." Except as described in rule 3772-12-07 of the Administrative Code, no person shall be able to voluntarily exclude themselves from solely either the casino facilities or the video lottery terminal facilities.

- (C) Nothing in this chapter shall prohibit participants in the Ohio VEP from entering an excluded facility for the purpose of carrying out the duties of their employment. Any such individual must submit notification of their employment in accordance with the procedure described on a prescribed form.

### **Regulation: Ohio Admin. Code § 3772-12-02 Application for Ohio voluntary exclusion**

- (A) An application to participate in the Ohio VEP is available for completion at all Ohio casino facilities and video lottery terminal facilities. If an individual is unable to appear in person at any of these facilities to complete an application, the individual may contact staff from the lottery commission or the casino control commission during regular business hours to make alternative arrangements to complete the application.
- (B) All applications to join the Ohio VEP must be completed in the presence of either commission's staff on a prescribed form. No application will be accepted if it was not completed in the presence of either commission's staff.
- (C) As part of the request for voluntary exclusion, the individual must select the duration of their participation in the Ohio VEP. An individual may select any of the following time periods as a length of exclusion:
- (1) A minimum of one year;
  - (2) A minimum of five years; or
  - (3) Lifetime, subject to paragraph (D) of rule 3772-12-05 of the Administrative Code.
- (D) After receipt of a completed and unaltered application for the Ohio voluntary exclusion program, either commission's staff shall ensure the individual is:
- (1) Voluntarily applying for exclusion;
  - (2) Fully informed of the consequences of participation in the Ohio VEP; and
  - (3) Able to confirm the information provided in the application.
- (E) If, at any time while an individual is completing an application to join the Ohio VEP, they appear to be doing so involuntarily or while impaired, their application shall be rejected.
- (F) After an individual's request for voluntary exclusion has been processed, delivery of written confirmation of their participation in the Ohio VEP will be attempted in the manner they requested on their application. Failure of delivery of the notification does not negate the individual's participation in the Ohio VEP.

### **Regulation: Ohio Admin. Code § 3772-12-03. Responsibilities of voluntarily excluded individuals**

- (A) Participants in the Ohio VEP agree to abide by all terms listed in the application for the Ohio voluntary exclusion program described in paragraph (B) of rule 3772-12-02 of the Administrative Code, including refraining from entering an excluded facility or otherwise participating or attempting to participate in any wagering activity offered at any of those facilities.
- (B) Participants in the Ohio VEP who violate the terms of the VEP at a casino facility shall agree to surrender to the casino control commission any money or thing of value the individual has converted or attempted to convert into a wagering instrument for deposit in the state problem gambling and addictions fund.
- (C) Participants in the Ohio VEP shall agree to forfeit all points or complimentaries earned by the individual on or before the date the individual completed their application for the Ohio voluntary exclusion program. However, if at the time the individual completed the application, the individual is owed a cash amount from an excluded facility, the individual still has the right to receive that amount from the facility, even after placement on the voluntary exclusion program. To the extent that complimentaries or points described above may be redeemed for cash under the facility's marketing program, the individual is entitled to receive that amount.

- (D) A voluntarily excluded individual who violates the terms of the Ohio VEP by entering any of the excluded facilities may face charges for criminal trespass.
- (E) The individual must remain a participant in the Ohio VEP for at least the minimum duration of their selected length of exclusion before they may request to be removed, subject to paragraph (D) rule 3772-12-05 of the Administrative Code.
- (F) An Ohio VEP participant may always request to increase their length of exclusion.

## **Regulation: Ohio Admin. Code § 3772-12-04. Responsibilities of excluded facilities**

- (A) This rule shall only apply to excluded facilities under the jurisdiction of the casino control commission. Each excluded facility shall maintain a system for indicating whether an individual is in the Ohio VEP and shall have approved procedures to update the system with changes in the enrollment status of those individuals at least once every seven days.
- (B) The excluded facility shall immediately notify commission staff if an Ohio VEP participant is found on the premises of the facility. Within seventy-two hours of the incident, the facility shall provide to the applicable commission, in writing, the following:
  - (1) The individual's name;
  - (2) The individual's date of birth;
  - (3) The circumstances of discovery of the individual's presence at the facility; and
  - (4) The individual's gaming activity, if any.
- (C) Each excluded facility shall comply with the compulsive and problem gambling plan established under rule 3772-12-06 of the Administrative Code.
- (D) Nothing in this chapter shall prohibit an excluded facility or its employees and agents from seeking payment of a debt from an Ohio VEP participant if the debt was accrued prior to their placement in the Ohio VEP.

## **Regulation: Ohio Admin. Code § 3772-12-05. Removal from the Ohio voluntary exclusion program**

- (A) A participant in the Ohio VEP is not automatically removed from the program at the end of the applicable exclusion period.
- (B) Upon reaching the selected minimum length of voluntary exclusion, an individual may request removal from the Ohio VEP.
- (C) An individual may be removed from the one-year or five-year exclusion by requesting and completing an unaltered application for removal.
- (D) An individual may be removed from the lifetime exclusion, if the individual has:
  - (1) Remained in the Ohio VEP for at least five years;
  - (2) Completed the Ohio VEP education program on problem gambling awareness;
  - (3) Once the program described in paragraph (D)(2) of this rule is completed, undergo a problem gambling assessment with a medical or clinical professional qualified to treat gambling disorder. Such professional must have received problem gambling-specific training, undergone voluntary exclusion training offered by the state of Ohio at least once in the last twenty-four months, and include problem gambling in the scope of the professional's practice; and
  - (4) Requested and completed an unaltered application for removal.

### **Regulation: Ohio Admin. Code § 3775-12-01. Sports gaming voluntary exclusion program**

The sports gaming voluntary exclusion program, created pursuant to section 3775.02 of the Revised Code, is to be operated in the manner described in chapter 3772-12 of the Administrative Code.

## Property Signage and Responsible Gaming Disclosures

### **Regulation: Ohio Admin. Code § 3772-13-02. Advertising; promotion of responsible gaming**

- (B) Each advertisement shall, clearly and conspicuously, state the problem gambling hotline number established under section 3772.062 of the Revised Code.

### **Regulation: Ohio Admin. Code § 3775-16-08. Advertising**

- (A) All sports gaming advertisements must:
  - (3) Clearly and conspicuously include messages designed to prevent problem gambling and provide information about how to access resources related to problem gambling, including one of the following:
    - (a) The national council on problem gambling's twenty-four hour confidential helpline;
    - (b) The problem gambling helpline number established under section 3772.062 of the Revised Code; or
    - (c) Another helpline approved by the executive director that is free of charge to the caller.

## Advertising Restrictions

### **Regulation: Ohio Admin. Code § 3772-13-02. Advertising; promotion of responsible gaming**

- (A) Advertising shall be based upon fact, and shall not be false, deceptive, or misleading, and no advertising by the casino operator shall:
  - (1) Use any type, size, location, lighting, illustration, graphic depiction, or color resulting in the obscuring of any material fact;
  - (2) Fail to clearly and conspicuously specify and state any material conditions or limiting factors;
  - (3) Depict any person under the age of twenty-one engaging in casino gaming and related activities; or
  - (4) Fail to designate and state the name and location of the casino facility conducting the advertisement. The location of the casino need not be included on billboards within thirty miles of the casino facility.
- (B) Each advertisement shall, clearly and conspicuously, state the problem gambling hotline number established under section 3772.062 of the Revised Code.
- (C) Each direct advertisement shall, clearly and conspicuously, describe a method or methods by which an individual may designate that the individual does not wish to receive any future direct advertisement.
  - (1) The described method must be by at least two of the following:
    - (a) Telephone;
    - (b) Regular U.S. mail; or
    - (c) Electronic mail.

- (2) Upon receipt of an individual's request described in paragraph (C) of this rule, a casino operator shall "flag" the individual in the casino operator's database so as to prevent the individual from receiving future direct advertisements within fifteen days of receipt of the request.
- (D) Each casino operator shall provide to the commission at its main office in Columbus a complete and accurate copy of all advertisements at least five business days in advance of the advertisement's public dissemination. Casino operators shall discontinue the public dissemination upon receipt of notice from the commission to discontinue an advertisement.
- (E) A casino operator shall maintain a complete record of all advertisements for a period of at least five years. Records shall be made available to the commission upon request.

## Regulation: Ohio Admin. Code § 3775-16-08. Advertising

- (A) All sports gaming advertisements must:
  - (1) Clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning. Any material conditions or limiting factors must be clearly and conspicuously specified. If an advertisement is not of sufficient size or duration to permit inclusion of such information, that advertisement shall refer to a website or application that does prominently include such information within one click;
  - (2) Disclose the identity of the sports gaming proprietor, mobile management services provider, or management services provider, as applicable; and
  - (3) Clearly and conspicuously include messages designed to prevent problem gambling and provide information about how to access resources related to problem gambling, including one of the following:
    - (a) The national council on problem gambling's twenty-four-hour confidential helpline;
    - (b) The problem gambling helpline number established under section 3772.062 of the Revised Code; or
    - (c) Another helpline approved by the executive director that is free of charge to the caller.
- (B) Sports gaming advertisements must not:
  - (1) Depict any individual under the age of twenty-one, except live footage or images of athletes in sporting events on which sports gaming is permitted. Any individual under the age of twenty-one may not be depicted in any way that may be construed as the underage individual participating in or endorsing sports gaming;
  - (2) Target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;
  - (3) Obscure any material fact;
  - (4) Be false, deceptive, or misleading; or
  - (5) Promote irresponsible or excessive participation in sports gaming, or suggest that social, financial, or personal success is guaranteed by engaging in sports gaming.
- (C) Each direct advertisement, or an advertisement disseminated to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. If the direct advertisement is sent via electronic mail, the described opt out method must include either electronic mail or a linked online website. All other direct advertisements must include at least one of the following methods to opt out:
  - (1) Telephone;

- (2) Regular U.S. mail;
- (3) Online website or mobile application; or
- (4) Electronic mail.
- (D) A sports gaming proprietor must act upon a request for opt out pursuant to paragraph (C) of this rule within fifteen days of receipt to ensure the individual will no longer receive advertisements.
- (E) A sports gaming proprietor must not advertise or promote on college or university campuses located in the state of Ohio except for generally available advertising, including television, radio, and digital advertising. Any advertisement shown to be targeting the area of a college or university campus is not generally available and will be a violation of this paragraph.
- (F) Sports gaming advertisements, including logos, trademarks, or brands must not be used, or licensed for use, on products, clothing, toys, games, or game equipment intended primarily for persons under twenty-one years of age.
- (G) A sports gaming proprietor must cease the dissemination of an advertisement upon discovery that the advertisement fails to continue to comply with this rule or if required by the executive director because the advertisement fails to comply with Chapter 3775. of the Revised Code, or the rules adopted thereunder, or otherwise undermines the integrity of sports gaming.
- (H) Sports gaming advertisements can only be disseminated in Ohio for sports gaming proprietor applicants or licensees, unless the advertisement disclaims that the offerings are not available in Ohio or otherwise makes clear that the offerings are not intended for use in Ohio.
- (I) Affiliate marketers need not obtain a supplier license under Ohio Adm.Code 3775-4-08 solely as a result of their conduct as an affiliate marketer but must comply with all aspects of this rule and must not otherwise advertise forms of illegal gambling or gaming in Ohio. The commission may require a sports gaming proprietor to terminate an affiliate marketer contract if the affiliate marketer has violated Chapter 3775. of the Revised Code or the rules adopted thereunder.

## Wager/Time Limits

### Regulation: Ohio Admin. Code § 3775-16-03. Sports gaming accounts

- (E) A sports gaming proprietor may allow a sports gaming account to be deposit-enabled. In addition to the above requirements, a deposit-enabled account must:
  - (3) Provide patrons with an easy and obvious method, immediately upon initial account registration and at all times through the sports gaming proprietor's website or application, to impose limitations for betting parameters including, but not limited to, deposits, wagers, and time-based limitations. The self-imposed limitation method must provide the following functionality:
    - (a) Upon receiving any self-imposed limitation request, the sports gaming proprietor must ensure that all specified limits are correctly implemented immediately or at the point in time that was clearly indicated by the patron;
    - (b) The self-imposed limitations set by a patron must not override more restrictive sports gaming proprietor-imposed limitations. The more restrictive limitations must take priority;
    - (c) Once established by a patron and implemented by the sports gaming system, it must only be possible to reduce the severity of self-imposed limitations upon the expiration of the self-imposed period; and
    - (d) An option must be available for patrons to set automatically renewing self-imposed limits;

## Restrictions on Extension of House Credit

### **Statute: Ohio Rev. Code Ann. § 3772.23. Purchase of tokens, chips, or electronic cards; promotional gaming credits; prohibited licenses**

- (C) Casino operators and management companies shall not do any of the following:
  - (2) Obtain a license to provide loans under sections 1321.01 to 1321.19 [Small Loans] of the Revised Code;
  - (3) Obtain a license to provide loans under sections 1321.35 to 1321.48 [Short-term lenders] of the Revised Code.

## Treatment and Research Funding

Ohio Constitution, Article XV, Section 6(C).

- (3) The proceeds of the tax on gross casino revenue collected by the state shall be distributed as follows:
  - (g) Two percent of the tax on gross casino revenue shall be distributed to a state problem gambling and addictions fund which shall be used for the treatment of problem gambling and substance abuse, and related research.

### **Statute: Ohio Rev. Code Ann. § 5119.47. Problem casino gambling and addictions fund; administration**

The director of mental health and addiction services shall administer the problem casino gambling and addictions fund. The director shall use the money in the fund to support gambling addiction services, alcohol and drug addiction services, other services that relate to gambling addiction and substance abuse, and research that relates to gambling addiction and substance abuse. Treatment and prevention services supported by money in the fund under this section shall be services that are certified by the department of mental health and addiction services.

The director shall prepare an annual report describing the use of the fund for these purposes. The director shall submit the report to the Ohio casino control commission, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the governor.

## Other

### **Statute: Ohio Rev. Code Ann. § 3775.02. Regulation by Ohio casino control commission**

- (B) The commission shall adopt rules that include all of the following:
  - (13) A procedure by which a state university may request anonymized sports gaming data from a sports gaming proprietor for the purpose of conducting research to assist the commission in ensuring the integrity of sports gaming or to improve state-funded services related to responsible gambling and problem gambling. The data are not a public record, and the state university shall not disclose the data to any person, except for the purpose of conducting the research described in this division, as part of a peer-reviewed research report, or pursuant to an agreement between the state university and the sports gaming proprietor. As used in this division, “state university” has the same meaning as in section 3345.011 of the Revised Code.

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**Statute: Ohio Rev. Code Ann. § 3772.062. Gambling and addiction services; toll-free telephone numbers**

- (A) The executive director of the commission shall enter into an agreement with the department of mental health and addiction services under which the department provides a program of gambling and addiction services on behalf of the commission.
- (B) The executive director of the commission, in conjunction with the department of mental health and addiction services and the state lottery commission, shall establish, operate, and publicize an in-state, toll-free telephone number Ohio residents may call to obtain basic information about problem gambling, the gambling addiction services available to problem gamblers, and how a problem gambler may obtain help. The telephone number shall be staffed twenty-four hours per day, seven days a week, to respond to inquiries and provide that information. The costs of establishing, operating, and publicizing the telephone number shall be paid for with money in the problem casino gambling and addictions fund.

# Oklahoma



Oklahoma's gaming market is dominated by Class III tribal gaming, and as such, the state's responsible gaming regulatory framework was enacted following passage of the Oklahoma State Tribal Gaming Act in 2004. Additional responsible gaming measures were promulgated in 2004 following the authorization of electronic gaming machines at the state's racetracks. Oklahoma's responsible gaming framework includes requirements for a compulsive gambling assistance plan, employee training and annual reporting regarding compulsive gambling activities.

There have been no significant responsible gaming developments within the state since the most recent AGA Responsible Gaming Statutes and Regulations Guide in 2019.

## Responsible Gaming Plan Required

### Regulation: OAC §325:90-1-1. Purpose

The Rules in this chapter provide requirements and procedures for unresolved patron disputes and for compulsive gambling assistance plans which include minimum standards, employee training and annual reporting regarding compulsive gambling activities.

### Regulation: OAC §325:90-5-2. Compulsive Gambling Assistance Plan

- (a) An applicant for a Racetrack Gaming Operator License must submit with the application a plan to address compulsive gambling in accordance with the requirements of these regulations for assisting in the prevention and education of compulsive gambling.
- (b) No Racetrack Gaming Operator License application will be approved unless the Commission first approves the applicant's compulsive gambling assistance plan.
- (c) Failure to implement the compulsive gambling assistance plan or to satisfactorily maintain and administer a plan once implemented will be grounds for suspension or revocation of the Racetrack Gaming Operator License, assessment of a fine, or both.
- (d) A plan must meet or exceed the minimum standards set forth in these Rules. The development of such a plan by the applicant and the approval of a plan by the Commission are conditions of issuance of the original Racetrack Gaming Operator License. The maintenance of a plan, as approved by the Commission, is a condition of annual renewal of the license.

### Regulation: OAC §325:90-5-3. Minimum standards for Compulsive Gambling Assistance Plan

- (a) The compulsive gambling assistance plan must include all of the following elements unless the applicant or Racetrack Gaming Operator Licensee obtains a written waiver of any element from the Commission:
  - (1) Identification of a plan manager or other Person responsible for ensuring that a plan is implemented and administered by the Racetrack Gaming Operator Licensee and monitored to maintain the minimum standards established by these rules;
  - (2) A mission statement that identifies the goals of the Racetrack Gaming Operator Licensee in administering a plan;
  - (3) Policies concerning the handling of compulsive gambling problems, commitment to training, intervention, the employee's role and duties, management's role and duties, and the patron's responsibilities;

- (4) Procedures to determine appropriate intervention techniques in a given circumstance, and carrying out the intervention techniques;
- (5) Printed materials to educate patrons about compulsive gambling and inform them of local and Statewide resources available to compulsive gamblers and their families. The materials may include signs and posters located inside the licensed premises and brochures discussing compulsive gambling issues and sources of treatment and information. A plan must also specify a source of the printed materials and proposed distribution methods;
- (6) Policy and procedures that prohibit facilitating, participating in, or allowing the issuance of any loans or extension of credit to a patron for gaming purposes;
- (7) A comprehensive Gaming Employee and on-site Key Executive training program satisfactory to the Commission, including training manuals and other materials necessary to educate employees about compulsive gambling issues; the training plan must include instruction in the psychology of the compulsive gambling, methods of recognizing compulsive gambling behavior, intervention techniques and other subjects as determined by the Commission;
- (8) Completion and submission of a form certifying to the Commission's satisfaction that each employee required to obtain the training has done so within the time period specified by these Rules;
- (9) Details of a follow-up training program to periodically reinforce employee training;
- (10) Estimated costs for implementation and administration;
- (11) Timetable and procedures for implementing the compulsive gambling assistance plan. A plan must be implemented no later than thirty (30) days from the date gaming commences on the licensed premises;
- (12) Preventing gaming by Minors; and
- (13) Any other policies and procedures designed to encourage responsible gaming that the applicant or Racetrack Gaming Operator Licensee wishes to include.

### **Regulation: OAC §325:90-5-5. Annual report regarding Compulsive Gambling Activities**

Each Racetrack Gaming Operator Licensee must submit to the Commission, initially six months following the commencement of gaming activities and thereafter by March 31 annually, a report detailing the Racetrack Gaming Operator Licensee's compulsive gambling activities for the previous calendar twelve month period ending December 31.

## **Restrictions on Extension of House Credit**

### **Regulation: OAC §325:90-5-3. Minimum standards for Compulsive Gambling Assistance Plan**

- (a) The compulsive gambling assistance plan must include all of the following elements unless the applicant or Racetrack Gaming Operator Licensee obtains a written waiver of any element from the Commission:
  - (6) Policy and procedures that prohibit facilitating, participating in, or allowing the issuance of any loans or extension of credit to a patron for gaming purposes;

## Employee Training

### **Regulation: OAC §325:90-5-4. Employee training regarding Compulsive Gambling Assistance Plan**

- (a) The compulsive gambling assistance plan must be designed with employee training and education as fundamental aspects of a plan. The purpose of the training is to develop awareness of compulsive gambling and to provide resources to assist the employee in handling compulsive gambling issues.
- (b) The employee training program must include training and materials on the following topics:
  - (1) characteristics and symptoms of compulsive gambling behavior;
  - (2) prevalence of compulsive gambling in the general population;
  - (3) relation of compulsive gambling to other addictions;
  - (4) social costs of compulsive gambling, such as indebtedness, costs for treatment, suicide, criminal behavior, lost jobs, and counseling for family problems;
  - (5) identification of vulnerable populations, including women, low-income patrons, the elderly and Persons who abuse drugs and alcohol;
  - (6) intervention techniques to be employed where a compulsive gambling problem is identified or suspected; and
  - (7) assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a patron and give advice concerning access to available services.
- (c) Training must be conducted within thirty (30) days of the employee's hire date. Certification of such training must be submitted on a form approved by the Commission. Failure to submit the required certification may result in administrative action against the Racetrack Gaming Operator Licensee.

## Other

### **Regulation: OAC §325:85-13-8. Financial and player reports**

The system shall have the ability to produce the following financial and player reports, both in electronic form and hard copy:

- (1) Patron Account Summary and Detail Reports. These reports shall be immediately available to a patron upon request. These reports shall include beginning and ending account balance, transaction information depicting Player Terminal number, amount, and date/time.

# Oregon



Sports Betting Statute/Regulation



iGaming Statute/Regulation

Oregon has no commercial casino venues but offers sports betting through the Oregon Lottery and at tribal casinos. Following the launch of single-event sports betting in 2019, Oregon has not seen a significant change in its responsible gaming regulatory framework. Current responsible gaming measures include an option for players to set personal deposit, bet or loss limits for online sports betting, as well as a self-exclusion program.

## Self-Exclusion

### Regulation: Rule 177-046-0155. Responsible Gaming

- (2) Self-imposed Limits: When a person creates a player account, they must establish a personal deposit limit. Additional self-imposed limits and temporary or permanent self-exclusion may be selected by the player within the player account. When such limits are effective, neither the player nor the Lottery can override them.

## Property Signage and Responsible Gaming Disclosures

### Statute: Or. Rev. Stat. § 461.820(1)-(2). Restrictions on minors

- (1) The Oregon State Lottery Commission shall operate the Oregon State Lottery, in compliance with the Oregon State Lottery Responsible Gambling Code of Practice described in ORS 461.200 (Operation of lottery):
  - (a) In environments that:
    - (A) Encourage responsible gambling practices; and
    - (B) Discourage problem gambling.
  - (b) In a manner that:
    - (A) Empowers individuals to make informed decisions about playing lottery games by providing information about responsible gambling and problem gambling; and
    - (B) Minimizes harm to individuals, families and communities caused by problem gambling.
- (2) The lottery commission shall:
  - (a) Evaluate the operation of the state lottery annually, using stakeholder interviews, research and analysis of best-in-class gambling practices and consultations with researchers in the responsible or problem gambling community.
  - (b) Use a dynamic approach to developing new practices to facilitate responsible gambling and to discourage problem gambling.
  - (c) Rely on research to inform all areas of responsible gambling and problem gambling resource awareness efforts, providing adequate funding to support high-quality research that is performed by independent researchers and that protects the rights of human subjects.
  - (d) Engage a wide range of stakeholders in the responsible or problem gambling community to provide input regarding the development of lottery games and game marketing and advertising.
  - (e) Promote a shared sense of responsibility with lottery game retailers and educate lottery game retailers and retailers' employees about how to provide an environment to facilitate responsible gambling and discourage problem gambling.

- (f) Promote a shared sense of responsibility with state lottery employees and educate those employees about how to facilitate awareness of responsible gambling and problem gambling resources for assistance.
- (g) Apply evidence-based considerations to the implementation of lottery games and game features to facilitate informed decision-making by lottery players and discourage problem gambling, including the incorporation of features that:
  - (A) Inform lottery players about the game being played;
  - (B) Provide lottery players with information about the status of their gambling and an opportunity to take a break from gambling; and
  - (C) Provide lottery players with information about responsible gambling and problem gambling resources.
- (h) Integrate messages that promote informed decision-making by lottery players into a variety of broadly disseminated communications, including advertising and marketing, about lottery games.
- (i) Use communications, including advertising and marketing, that:
  - (A) Do not appeal specifically to vulnerable groups, including individuals under 18 years of age; and
  - (B) Report accurately the odds of winning lottery games. [2015 c.478 §4]

## Advertising Restriction

### Statute: Or. Rev. Stat. § 461.820-Promotion of Responsible Gambling

- (1) The Oregon State Lottery Commission shall operate the Oregon State Lottery, in compliance with the Oregon State Lottery Responsible Gambling Code of Practice described in ORS 461.200 (Operation of lottery)
- (2) The lottery commission shall:
  - (h) Integrate messages that promote informed decision-making by lottery players into a variety of broadly disseminated communications, including advertising and marketing, about lottery games.
  - (i) Use communications, including advertising and marketing, that:
    - (A) Do not appeal specifically to vulnerable groups, including individuals under 18 years of age; and
    - (B) Report accurately the odds of winning lottery games.

## Wager/Time Limits

### Regulation: Or. Admin, R. 177-092-0030(2)(b). Scoreboard

The price to purchase a share in Scoreboard is the amount the player chooses to bet subject to all of the following limitations:

- (1) Bet Limits. In order to responsibly manage funds for the public purpose, the Lottery reserves to right to impose minimum and maximum limits on the bet amount or prize amount at any given time based on the sport, odds, risk, and related factors. This will be communicated to the player when the player attempts to place a bet at a certain amount or for a certain prize payout that the Lottery will not accept.
- (2) Additional Limitations on Bet Amount:
  - (a) Player Balance and Funding Account Limits: The bet amount may not exceed the player balance. The player balance is further limited by the player's deposit limit and any limits set by the financial

institution that holds the funding account or any other financial institution or payment processor involved in the transaction.

- (b) Personal Limits: The player may establish personal deposit, bet, or loss limits using the responsible gaming tools in the player account. When in effect, the player may not deposit or bet above the personal limit.

### **Statute: Or. Rev. Stat. § 464.350(1)-(4). Restrictions on minors**

- (1)
  - (a) The Department of Justice by rule may establish limits on the number of hours per day and days per week that organizations licensed by the department may operate bingo or lotto games or Monte Carlo events.
  - (b) By rule, the department may not permit the operation of bingo or lotto games by any licensee for more than 20 hours in any one week nor for more than four days in any one calendar week.
- (2) An organization authorized by law to operate Monte Carlo events:
  - (a) May not conduct more than seven Monte Carlo events in any 12-month period;
  - (b) May not directly or indirectly rent a facility for a Monte Carlo event from a licensed manufacturer or supplier of Monte Carlo event equipment; and
  - (c) May not enter into a binding legal contract with a licensed supplier of Monte Carlo equipment to conduct events for a period in excess of one year.
- (3) No Monte Carlo event shall be conducted that exceeds 12 hours in length. For the purposes of this subsection, each 12-hour period shall begin at the official starting time of the Monte Carlo event and run continuously, whether or not contests of chance are continuously operated.
- (4) Monte Carlo events shall not be conducted at the same location more than 15 times in a calendar month or more than 40 times in a calendar year.

## Financial Instruments Restrictions

### **Statute: Or. Rev. Stat. § 167.109(1)-(2). Internet Gambling**

- (1) A person engaged in an Internet gambling business may not knowingly accept, in connection with the participation of another person in unlawful gambling using the Internet:
  - (a) Credit, or the proceeds of credit, extended to or on behalf of such other person, including credit extended through the use of a credit card;
  - (b) An electronic funds transfer or funds transmitted by or through a money transmission business, or the proceeds of an electronic funds transfer or money transmission service, from or on behalf of the other person;
  - (c) Any check, draft or similar instrument that is drawn by or on behalf of the other person and is drawn on or payable at or through any financial institution; or
  - (d) The proceeds of any other form of financial transaction that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the other person.
- (2) Violation of subsection (1) of this section is a Class C felony. [2001 c.502 §2]

# Pennsylvania



Pennsylvania first established its responsible gaming framework in 2004 following legislative approval of electronic gaming devices at racetracks, standalone casinos and three casino-resorts. Additional responsible gaming regulations were established following the 2017 authorization of additional commercial casinos, as well as sports betting and internet gaming. Current responsible gaming regulations include advertising restrictions, a requirement to offer wager and time limits for sports betting and internet gaming, as well as a requirement that operators submit a compulsive and problem gambling plan at the time of application.

## Responsible Gaming Plan Required

### Regulation: 58 Pa. Code § 501a.2. Compulsive and problem gambling plan

§ 501a.2. Compulsive and problem gambling plan.

- (a) An applicant for a slot machine license shall submit a compulsive and problem gambling plan for review at the time of submission of the application. The plan must, at a minimum, contain the elements listed in subsection (d).
- (b) The compulsive and problem gambling plan of an applicant for a slot machine license that has been approved to receive a slot machine license must be approved by the Director of OCPG. An applicant for a slot machine license who has been approved to receive a slot machine license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the plan.
- (c) Compliance with the plan approved under this chapter will be a condition of license renewal.
- (d) A compulsive and problem gambling plan must include the following:
  - (1) The goals of the plan and procedures and timetables to implement the plan.
  - (2) The identification of the individual who will be responsible for the implementation and maintenance of the plan.
  - (3) Policies and procedures including the following:
    - (i) The commitment of the licensee to train appropriate employees.
    - (ii) The duties and responsibilities of the employees designated to implement or participate in the plan.
    - (iii) The responsibility of patrons with respect to responsible gambling.
    - (iv) Procedures to identify patrons and employees with suspected or known compulsive and problem gambling behavior.
    - (v) Procedures for providing information to individuals regarding community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members.
    - (vi) Procedures for responding to patron requests for information regarding community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members. The provisions of this subsection do not create a duty for a slot machine licensee or its employees to refer compulsive and problem gamblers to qualified treatment professionals.

- (4) The provision of printed material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The slot machine licensee shall provide examples of the materials to be used as part of its plan, including signs required under § 501a.5 (relating to signage requirements), brochures and other printed material and a description of how the material will be disseminated.
  - (5) An employee training program as required under § 501a.3 (relating to employee training program), including training materials to be utilized and a plan for periodic reinforcement training.
  - (6) A certification process established by the slot machine licensee to verify that each employee has completed the training required by the plan.
  - (7) An estimation of the cost of development, implementation and administration of the plan.
  - (8) A list of community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members.
  - (9) Procedures to prevent underage gambling as required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders).
  - (10) Procedures to prevent excluded persons from gambling.
  - (11) Procedures to prevent intoxicated patrons from gambling.
  - (12) Details of outreach programs which the slot machine licensee intends to offer to employees and individuals who are not employees of the slot machine licensee.
  - (13) The plan for posting signs required under § 501a.5 within the licensed facility, containing gambling treatment information.
- (e) A slot machine licensee shall also submit other policies and procedures the slot machine licensee intends to use beyond what is required under subsection (d) to prevent and raise awareness of compulsive and problem gambling.
  - (f) The Board may provide the plan submitted by the slot machine licensee to the Department of Health for its use in administering the act. The Department of Health may provide comments and recommendations to the OCPG and the licensee relating to the plan.
  - (g) A slot machine licensee shall submit amendments to the compulsive and problem gambling plan to the Director of OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The slot machine licensee may implement the amendments on the 30th calendar day following the filing the amendments unless the slot machine licensee receives a notice under subsection (h) objecting to the amendments.
  - (h) If during the 30-day review period the Director of OCPG determines that the amendments may not promote the prevention of compulsive and problem gambling or assist in the proper administration of responsible gaming programs, the Director of OCPG may, by written notice to the slot machine licensee, object to the amendments. The objection will:
    - (1) Specify the nature of the objection and, when possible, an acceptable alternative.
    - (2) Direct that the amendments not be implemented until approved by the Director of OCPG.
      - (i) When amendments have been objected to under subsection (h), the slot machine licensee may submit revised amendments for review in accordance with subsections (g) and (h).

## Regulation: 58 Pa. Code § 814a.3. Compulsive and problem gambling plan

- (a) An interactive gaming certificate or interactive gaming operator applicant shall submit a compulsive and problem gambling plan for review at the time of submission of the application that conforms with § 501a.2 (relating to compulsive and problem gambling plan).
- (b) In addition to the requirements in § 501a.2, an interactive gaming certificate holder's or interactive gaming operator applicant's compulsive and problem gambling plan must include all of the following:
  - (1) The goals of the plan.
  - (2) The identification of the individual who will be responsible for the implementation and maintenance of the plan.
  - (3) Policies and procedures including all of the following:
    - (i) The commitment of the interactive gaming certificate holder or interactive gaming operator licensee to train appropriate employees.
    - (ii) The duties and responsibilities of the employees designated to implement or participate in the plan, including the dedicated employee who is responsible for ensuring the operation and integrity of interactive gaming and reviewing all reports of suspicious behavior.
    - (iii) The responsibility of registered players with respect to responsible gambling.
    - (iv) Procedures to identify registered players and employees with suspected or known compulsive and problem gambling behavior.
    - (v) Procedures for prominently posting the message "IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER," or comparable language approved by the Board, on all interactive gaming sites and displaying the message to a person visiting or logging onto and logging off the interactive gaming certificate holder or interactive gaming operator licensee's interactive gaming skin or interactive gaming web site.
    - (vi) Procedures on displaying the date and time of the registered player's previous log on each time that registered player logs on to his interactive gaming account.
    - (vii) Procedures for preventing an underage person or a person on the interactive gaming self-exclusion list from being mailed any advertisement, promotion or other target mailing, including those sent electronically, no later than 5 business days after receiving notice from the Board that the person has been placed on the interactive gaming self-exclusion list.
    - (viii) A policy and procedures for the display of the time in the time zone where the registered player is physically located and the time elapsed while in the current registered player session and the cause of a pop-up notification, at least every hour, to be prominently displayed on the interactive gaming device advising the registered player of the amount of money wagered since his log on.
    - (ix) Procedures for offering registered players the option to select a pop-up notification in 15-minute and 30-minute increments advising the registered player of the amount of money wagered since his log on.
    - (x) Procedures for reviewing, updating and posting information on the interactive gaming certificate holder or interactive gaming operator licensee's web site regarding gambling addiction treatment services, gamblers anonymous programs, compulsive gambling organizations and informational documents on all of the following:
      - (A) Rules of responsible gambling.
      - (B) Myths about gambling.
      - (C) Risks associated with gambling.

- (D) Signs and symptoms of gambling disorders.
- (E) Randomness of play.
- (xi) Procedures for posting links to all of the following organizations' web sites on the interactive gaming certificate holder/operator licensee's web site:
  - (A) The Council on Compulsive Gambling of Pennsylvania.
  - (B) The National Council on Problem Gambling.
  - (C) The Department of Drug and Alcohol Programs' (or successor agency) gambling addiction participating provider list.
  - (D) Gamblers Anonymous of PA.
  - (E) Gam-Anon of PA.
  - (F) The Board's Office of Compulsive and Problem Gambling.
  - (G) A Pennsylvania or United States suicide prevention organization's webpage and telephone number.
- (xii) Procedures for responding to patron requests for information regarding gambling addiction treatment services, gamblers anonymous programs, compulsive gambling organizations, and other and informational documents.
  - (A) The interactive gaming certificate holder or interactive gaming operator licensee shall provide examples of the materials to be used as part of its plan, including the problem gambling helpline number and message, informational documents and other posted material, including all of the following:
    - (I) Rules of responsible gambling.
    - (II) Myths about gambling.
    - (III) Risks associated with gambling.
    - (IV) Signs and symptoms of gambling disorders.
    - (V) Randomness of play.
    - (VI) Self-exclusion brochure.
- (4) Policies and procedures on the governing of self-imposed limits and suspension.
- (5) An employee training program as required under this chapter, including training materials to be utilized and a plan for annual reinforcement training.
- (6) A certification process established by the interactive gaming certificate holder or interactive gaming operator licensee to verify that each employee has completed the training required by the plan.
- (7) An estimation of the cost of development, implementation and administration of the plan.
- (8) Procedures to prevent underage gambling as required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders).
- (9) Procedures to prevent excluded persons from gambling.
- (10) Procedures to monitor all interactive gaming sites for suspicious activity including those who are:
  - (i) Engaging in or attempting to engage in, or who are reasonably suspected of, cheating, theft, embezzlement, collusion, money laundering or any other illegal activities.
  - (ii) Required to be excluded under Board regulations.
  - (iii) Prohibited by the interactive gaming certificate holder or interactive operator licensee from interactive gaming.

- (11) Procedures on the reporting of those who may have or have a known gambling disorder.
  - (12) Details of outreach programs which the interactive gaming certificate holder or interactive gaming operator licensee intends to offer to employees and individuals who are not employees of the interactive gaming certificate holder or interactive gaming operator licensee.
  - (13) The plan for posting the statement “If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER” on the interactive gaming certificate holder’s or interactive gaming operator licensee’s webpage and each skin.
- (c) The compulsive and problem gambling plan of an applicant for an interactive gaming certificate or interactive gaming operator license that has been approved to receive an interactive gaming certificate or interactive gaming operator license shall be approved by the Director of the Office of Compulsive and Problem Gaming (OCPG). An applicant for an interactive gaming certificate or interactive gaming operator license who has been approved to receive an interactive gaming certificate or interactive gaming operator license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of the OCPG. An interactive gaming certificate holder or interactive gaming operator licensee may not commence operations until the Director of the OCPG approves the plan.
  - (d) Compliance with the plan approved under this chapter will be a condition of interactive gaming certificate or interactive gaming operator license renewal.
  - (e) An interactive gaming certificate holder or interactive gaming operator licensee shall submit any other policies and procedures intended to be used beyond what is required under subsection (d) to prevent and raise awareness of gambling disorders.
  - (f) An interactive gaming certificate holder or interactive gaming operator licensee shall submit amendments to the compulsive and problem gambling plan to the Director of the OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The interactive gaming certificate holder or interactive gaming operator licensee may implement the amendments on the 30th calendar day following the filing the amendments unless the interactive gaming certificate holder or interactive gaming operator licensee receives a notice under subsection (h) objecting to the amendments.
  - (g) If during the 30-day review period the Director of the OCPG determines that the amendments may not promote the prevention of compulsive and problem gambling or assist in the proper administration of responsible gaming programs, the Director of the OCPG may, by written notice to the interactive gaming certificate holder or interactive gaming operator licensee, object to the amendments. The objection will:
    - (1) Specify the nature of the objection and, when possible, an acceptable alternative.
    - (2) Direct that the amendments not be implemented until approved by the Director of the OCPG.
  - (h) When amendments have been objected to under subsection (h), the interactive gaming certificate holder or interactive gaming operator licensee may submit revised amendments for review in accordance with subsections (g) and (h).

### **Regulation: 58 Pa. Code § 1401a.4. Sports wagering certificate petition and standards**

- (b) A petitioner for a sports wagering certificate shall submit all of the following to the Board:
  - (20) An overview of any necessary additions to the petitioner’s Compulsive and Problem Gambling Plan necessitated by sports wagering.

**Regulation: 58 Pa. Code § 1410a.1. General requirements**

- (a) A sports wagering certificate holder or sports wagering operator licensee must comply with the compulsive and problem gambling provisions of Subpart I (relating to compulsive and problem gambling) and Subpart L (relating to interactive gaming) regarding its onsite, online and mobile application sportsbooks.
- (b) A sports wagering certificate holder or sports wagering operator licensee may amend its current compulsive gaming plans, programs, and the like to include sports wagering activities.

**Self-Exclusion****Statute: 4 Pa. Const. Stat. § 13B02. Regulatory authority**

- (a) (12) Establishing mechanisms to exclude from interactive gaming persons not eligible to play by reason of age, identity or location or inclusion on a list of persons denied access to interactive gaming activities in accordance with sections 1514 (relating to regulation requiring exclusion, ejection or denial of access of certain persons), 1515 (relating to repeat offenders excludable from licensed gaming facility) and 1516 (relating to list of persons self excluded from gaming activities).

**Statute: 4 Pa. Const. Stat. § 13B12. Interactive gaming certificate required and content of petition**

- (b) Content of petition.
  - (13) A detailed description of all of the following:
    - (iv) The slot machine licensee's proposed age, identity and location verification standards designed to block access to persons under 21 years of age and other persons excluded or prohibited from participating in interactive gaming under this chapter.

**Statute: 4 Pa. Const. Stat. § 13B13. Issuance of interactive gaming certificate**

- (a) Requirements for approval of petition.
  - (1) The board may approve a petition under section 13B12 (relating to interactive gaming certificate required and content of petition) upon finding clear and convincing evidence of all of the following:
    - (ii) Age, identity and location verification requirements designed to block access to individuals under 21 years of age and persons otherwise excluded or prohibited from engaging in interactive gaming in accordance with this chapter, as approved by the board, have been implemented by the slot machine licensee.

**Statute: 4 Pa. Const. Stat. § 13B22. Establishment of interactive gaming accounts**

- (f) Persons prohibited from establishing or maintaining an interactive gaming account.--The following persons shall not be entitled to establish or maintain an interactive gaming account:
  - (2) A person on the list of persons who are or will be excluded or ejected from or denied access to any licensed facility under section 1514 (relating to regulation requiring exclusion, ejection or denial of access of certain persons), 1515 (relating to repeat offenders excludable from licensed gaming facility) or 1516 (relating to list of persons self excluded from gaming activities).

### **Statute: 4 Pa. Const. Stat. § 13B32. Internal, administrative and accounting controls**

- (b) Filing.--Notwithstanding subsection (a), the procedures and controls may be implemented by an interactive gaming certificate holder upon the filing of the procedures and controls with the board. Each procedure or control submission shall contain both narrative and diagrammatic representations of the system to be utilized and shall include but need not be limited to:
  - (21) Procedures to assist problem and compulsive gamblers, including procedures intended to prevent a person from participating in authorized interactive gaming in accordance with sections 1514 (relating to regulation requiring exclusion, ejection or denial of access of certain persons), 1515 (relating to repeat offenders excludable from licensed gaming facility) and 1516 (relating to list of persons self excluded from gaming activities).

### **Statute: 4 Pa. Const. Stat. § 1516. List of persons self excluded from gaming activities**

- (a) General rule.--The board shall provide by regulation for the establishment of a list of persons self excluded from gaming activities, including interactive gaming, at all licensed facilities. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the board that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at licensed facilities, including interactive gaming.
- (b) Regulations.--The regulations of the board shall establish procedures for placements on and removals from the list of self-excluded persons. The regulations shall establish procedures for the transmittal to licensed gaming entities of identifying information concerning self-excluded persons and shall require licensed gaming entities to establish procedures designed at a minimum to deny self-excluded persons access to interactive gaming and to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to complimentary, check cashing privileges, club programs and other similar benefits.
- (c) Liability.--A licensed gaming entity or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of:
  - (1) the failure of a licensed gaming entity to withhold gaming privileges from or restore gaming privileges to a self-excluded person;
    - (1.1) the failure of an interactive gaming certificate holder or interactive gaming operator to withhold interactive gaming privileges from or restore interactive gaming privileges to a self-excluded person; or
  - (2) otherwise permitting or not permitting a self-excluded person to engage in gaming activity in the facility or participate in interactive gaming while on the list of self-excluded persons.
- (d) Disclosure.--Notwithstanding any other law to the contrary, the board's list of self-excluded persons shall not be open to public inspection. Nothing in this section, however, shall be construed to prohibit a licensed gaming entity from disclosing the identity of persons self excluded pursuant to this section to affiliated gaming entities in this Commonwealth or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated licensed gaming entities.

### **Regulation: 58 Pa. Code § 441a.23. Category 3 slot machine licensees**

- (b) A Category 3 slot machine applicant shall submit, as part of its application and its internal controls required under Chapter 465a (relating to accounting and internal controls), a plan detailing how the

applicant will monitor the gaming area to ensure compliance with Chapters 503a, 511a and 513a (relating to self-exclusion; persons required to be excluded; and underage gaming).

**Regulation: 58 Pa. Code § 503a.2. Request for self-exclusion**

- (a) A person requesting placement on the self-exclusion list shall submit, in person, a completed Request for Voluntary Self-exclusion from Gaming Activities Form to the Board. The submission may be made by scheduling an appointment at the Board’s Harrisburg office, one of the Board’s other offices or at a licensed facility. To make an appointment, a person may contact the OCPG at (717) 346-8300.
- (b) A request for self-exclusion must include the following identifying information:
  - (1) Name, including any aliases or nicknames.
  - (2) Date of birth.
  - (3) Address of current residence.
  - (4) Telephone number.
  - (5) Social Security number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).
  - (6) Physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.
- (c) The information provided in subsection (b) shall be updated by the self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address. A copy of the form can be obtained by calling the OCPG at (717) 346-8300 or by writing to:
 

PENNSYLVANIA GAMING CONTROL BOARD  
 OFFICE OF COMPULSIVE AND PROBLEM GAMBLING  
 P. O. BOX 69060  
 HARRISBURG, PA 17106-9060
- (d) The length of self-exclusion requested by a person must be one of the following:
  - (1) One year (12 months).
  - (2) Five years.
  - (3) Lifetime.
- (e) A request for self-exclusion must include a signed release which:
  - (1) Acknowledges that the request for self-exclusion has been made voluntarily.
  - (2) Certifies that the information provided in the request for self-exclusion is true and accurate.
  - (3) Acknowledges that the individual requesting self-exclusion is a problem gambler.
  - (4) Acknowledges that a person requesting a lifetime exclusion is prohibited from requesting removal from the self-exclusion list and that a person requesting a 1-year or 5-year exclusion will remain on the self-exclusion list until a request for removal under § 503a.5 (relating to removal from self-exclusion list) is approved.
  - (5) Acknowledges that if the individual is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities at any licensed facility, that the individual will be subject to removal and arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass) and the individual’s winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.
  - (6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all slot machine licensees from claims, damages, losses, expenses or liability arising out of, by reason of

or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

- (i) The failure of a slot machine licensee to withhold gaming privileges from or restore gaming privileges to a self-excluded person.
  - (ii) Otherwise permitting or not permitting a self-excluded person to engage in gaming activity in a licensed facility while on the list of self-excluded persons.
  - (iii) Confiscation of the individual's winnings.
- (f) Casino self-exclusions for 1-year or 5 years remain in effect until the period of casino self-exclusion concludes and the person requests removal from the Board's casino self-exclusion list under § 503a.5, the request for removal is accepted by the Board, and the required 7 business days under § 503a.5(e) have elapsed.
- (g) A person submitting a casino self-exclusion request shall present or submit electronically a copy of that person's valid government-issued identification containing the person's signature and photograph when the person submits the request, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person (for example, a utility or other bill in the person's name at the same address provided).
- (h) A person requesting self-exclusion under this chapter shall have a photograph taken by the Board, or agent thereof, upon acceptance of the request to be on the list.
- (i) A person requesting casino self-exclusion electronically on the Board's web site shall submit a copy of a recent passport-style photograph of the person upon submission of the request to be on the list.

### **Regulation: 58 Pa. Code § 503a.3. Self-exclusion list**

- (a) The Board will maintain the official self-exclusion list and notify each slot machine licensee of additions to or deletions from the list within 5 business days of the verification of the information received under § 503a.2 (relating to request for self-exclusion) by first class mail or by transmitting the self-exclusion list electronically directly to each slot machine licensee.
- (b) The notice provided to slot machine licensees by the Board will include the following information concerning a person who has been added to the self-exclusion list:
  - (1) Name, including any aliases or nicknames.
  - (2) Date of birth.
  - (3) Address of current residence.
  - (4) Telephone number.
  - (5) Social Security number, when voluntarily provided by the person requesting self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C. § 552a).
  - (6) Physical description of the person, including height, weight, gender, hair color, eye color and other physical characteristic, that may assist in the identification of the person.
  - (7) A copy of the photograph taken by the Board under § 503a.2(i).
- (c) The notice provided to slot machine licensees by the Board concerning a person whose name has been removed from the casino self-exclusion list will include the name and date of birth of the person.
- (d) A slot machine licensee shall maintain a copy of the casino self-exclusion list and establish procedures to ensure that the copy of the self-exclusion list is updated and that all appropriate employees and agents of the slot machine licensee are notified of any addition to or deletion from the list within 5 business

days after the day notice is mailed to each slot machine licensee or transmitted electronically under subsection (a).

- (e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.
- (f) Slot machine licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested casino self-exclusion to anyone other than employees and agents of the slot machine licensee whose duties and functions require access to the information. Notwithstanding the foregoing, a slot machine licensee may disclose the identity of a casino self-excluded person to appropriate employees of other slot machine licensees in this Commonwealth or affiliated gaming entities in other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.
- (g) A casino self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the Board's casino self-exclusion list.
- (h) Winnings incurred by a casino self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.
- (i) For the purposes of this section, winnings issued to, found on or about, or redeemed by a casino self-excluded person shall be presumed to constitute winnings subject to remittance to the Board.

**Regulation: 58 Pa. Code § 503a.4. Duties of slot machine licensees**

- (f) A slot machine licensee shall post signs at all entrances to a licensed facility indicating that a person who is on the self-exclusion list will be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass) if the person is on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities in the licensed facility. The text and font size of the signs shall be submitted for approval to the Director of OCPG under the procedures specified in subsection (b).
- (g) The list of self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.
- (h) Under section 1516 of the act (relating to list of persons self excluded from gaming activities), slot machine licensees and employees thereof may not be liable for damages in any civil action, which is based on the following:
  - (1) Failure to withhold gaming privileges from or restore gaming privileges to a self-excluded person.
  - (2) Permitting or not permitting a self-excluded person to gamble.
  - (3) Good faith disclosure of the identity of a self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.
    - (i) A slot machine licensee shall report the discovery of a self-excluded person on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities to the Director of OCPG within 24 hours.

**Regulation: 58 Pa. Code § 503a.5. Removal from self-exclusion list**

- (a) For individuals who are self-excluded from licensed facilities or other locations approved by the Board to conduct gaming activity for 1 year or 5 years, upon the conclusion of the period of casino self-exclusion, the individual may request removal from the casino self-exclusion list electronically on the Board's web site or by scheduling an appointment with the OCPG at (717) 346-8300 or [problemgambling@pa.gov](mailto:problemgambling@pa.gov).

## PENNSYLVANIA

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- (b) The individual requesting removal shall complete and submit a Request for Removal from Voluntary Self-Exclusion Form as required under subsections (c) and (d). With an appointment, removal from the list may be conducted at the Board's Harrisburg office, one of the Board's regional offices or other location approved by the OCPG.
- (c) A completed Request for Removal from Voluntary Self-Exclusion Form must include:
  - (1) The identifying information specified in § 503a.2(b) (relating to request for casino self-exclusion).
  - (2) The signature of the person requesting removal from the casino self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for casino self-exclusion, and I authorize the Board to permit all slot machine licensees of the Commonwealth of Pennsylvania to reinstate my gaming privileges at licensed facilities or other locations approved by the Board to conduct gaming activity.”
- (d) A person submitting a Request for Removal from Voluntary Self-Exclusion Form shall be required to present or submit a copy of that person's valid government-issued identification containing the person's signature and photograph when the form is submitted electronically or during the person's scheduled appointment, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person (for example, a utility or other bill in the person's name at the same address provided).
- (e) Within 5 business days after the completed Request for Removal from Voluntary Self-Exclusion Form is accepted by Board staff, the OCPG will delete the name of the individual from the casino self-exclusion list. An individual who was removed from the voluntary casino self-exclusion list may not enter the gaming floor, areas off the gaming floor where contests or tournaments are conducted or engage in gaming related activities for 7 business days from the date Board staff accepts the complete Request for Removal from Voluntary Self-Exclusion Form.
- (f) For individuals who selected lifetime casino self-exclusion under § 503a.2(d)(3):
  - (1) After being on the casino self-exclusion list for a period of 10 years, the individual may petition the Board to be removed from the casino self-exclusion list.
  - (2) The petition shall be filed with the Board in writing, and shall be accompanied by all of the following:
    - (i) Documentation from a treatment provider who is certified by the International Gambling Counselor Certification Board or who has received a Problem Gambling Endorsement from the Pennsylvania Certification Board to conduct problem gambling assessments that the individual has completed a problem gambling assessment.
    - (ii) Documentation from a treatment provider that the individual has completed the treatment recommendation, if any, made after the assessment by the State-funded problem gambling treatment provider.
  - (3) After the petition is filed, OCPG will provide documentation to the Office of Enforcement Counsel regarding whether the individual has been known to be present at any licensed facilities or other locations approved by the Board to conduct gaming activity while on the casino self-exclusion list, and if so, the names of the licensed facilities or other locations and dates of attendance.
  - (4) The petition shall be handled in accordance with the procedures for petitions found in Subpart H (relating to practice and procedure) of the Board's regulations, including all confidentiality provisions.
  - (5) As the petitioner, the lifetime casino self-excluded individual filing the petition for removal from the casino self-exclusion list bears the burden of proof in showing that removal from the list would not be

detrimental to the individual's physical or mental well-being and would not have a negative impact on gaming in the Commonwealth.

- (6) If the Board:
  - (i) Grants the petition, it shall deliver to the individual by first class mail an Order approving the petition for removal from the casino self-exclusion list, and provide to the individual the contact information for OCPG for information on how to complete the removal process.
  - (ii) Denies the petition, it shall deliver to the individual by first class mail an Order denying the petition for removal from the casino self-exclusion list, which shall notify the individual that he or she shall remain on the casino self-exclusion list and include the reason for denial.
- (7) Any petitioner whose petition is denied by the Board shall be prohibited from filing a subsequent petition for removal from the lifetime casino self-exclusion list for a period of 5 years from the date of denial.

### **Regulation: 58 Pa. Code § 503a.6. Exceptions for individuals on the self-exclusion list**

The prohibition against allowing self-excluded persons to be on the gaming floor or in areas off the gaming floor where gaming activity is conducted does not apply to an individual who is on the self-exclusion list if all of the following apply:

- (1) The individual is carrying out the duties of employment or incidental activities related to employment.
- (2) The slot machine licensee's security department and the Board's office located at the licensed facility have received prior notice.
- (3) Access to the gaming floor or areas off the gaming floor where gaming activity is conducted is limited to the time necessary to complete the individual's assigned duties.
- (4) The individual does not otherwise engage in any gaming activities.

### **Regulation: 58 Pa. Code § 503a.7. Disclosure of information related to persons on the self-exclusion list**

- (a) The Board may periodically release to the public demographics and general information regarding the self-exclusion list such as the total number of individuals on the list, gender breakdown and age range.
- (b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.
- (c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's voluntary self-exclusion list.

### **Regulation: 58 Pa. Code § 812a.2. Player account registration**

- (f) The interactive gaming certificate holder or interactive gaming operator licensee shall verify that the player is of the legal age of 21 years of age, not self-excluded or otherwise prohibited from participation in interactive gaming.

### **Regulation: 58 Pa. Code § 812a.6. Self-exclusion list**

- (a) All interactive gaming certificate holders and interactive gaming operator licensees shall have a link to the self-exclusion page of the Board web site.
- (b) Any person seeking to place his name on the self-exclusion list shall follow the procedures in the Board's regulations.

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### **Regulation: 58 Pa. Code § 812a.7. Player funding of accounts**

- (e) Interactive gaming certificate holders or interactive gaming operator licensees may not accept or facilitate a wager:
  - (3) On any interactive game which the operator knows or reasonably should know is made by a person on the self-exclusion or the Board's exclusion lists.

### **Regulation: 58 Pa. Code § 812a.9. Player account controls**

- (h)(4) (i) Players must be provided with an easy and obvious mechanism to self-exclude from game play. The self-exclusion mechanism must provide all of the following functionality:
  - (1) The player must be provided with the option to self-exclude temporarily for a specified period of time as defined in the terms and conditions, or indefinitely.
  - (2) In the case of temporary self-exclusion, the interactive gaming system must ensure that:
    - (i) Immediately upon receiving the self-exclusion order, new bets or deposits are not accepted from that player until the temporary self-exclusion has expired.
    - (ii) During the temporary self-exclusion period, the player is not prevented from withdrawing any or all of his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.
    - (iii) In the case of indefinite self-exclusion, the interactive gaming system must ensure that:
      - (A) The player is paid in full for his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.
      - (B) All player accounts must be closed or deactivated.

### **Regulation: 58 Pa. Code § 1401a.5. Conduct of sports wagering generally**

- (d) A sports wagering certificate holder or a sports wagering operator may not permit the following individuals to engage in sports wagering activities:
  - (3) Individuals on the Board's casino self-exclusion list for retail sports wagering or the interactive gaming self-exclusion list for interactive or mobile sports wagering.

### **Regulation: 58 Pa. Code § 1411a.1. General requirements**

- (a) A sports wagering certificate holder or sports wagering operator must comply with the self-exclusion provisions of Subparts I and L (relating to compulsive and problem gambling; and interactive gaming) regarding its retail and interactive or mobile sportsbooks.
- (b) A sports wagering certificate holder or sports wagering operator shall amend its current self-exclusion plans and programs to include sports wagering activities.

## Property Signage and Responsible Gaming Disclosures

### **Statute: 4 Pa. Const. Stat. § 1509. Compulsive and problem gambling program**

- (c) Notice of availability of assistance.--
  - (1) Except as otherwise provided for in paragraph (4), each slot machine licensee shall use the toll-free telephone number established by the Department of Drug and Alcohol Programs or successor agency

in subsection (a.1)(1) to provide persons with information on assistance for compulsive or problem gambling. Each licensee shall conspicuously post at least 20 signs similar to the following statement:  
If you or someone you know has a gambling problem, help is available. Call (Toll-free telephone number).

The signs must be posted within 50 feet of each entrance and exit, within 50 feet of each automated teller machine location within the licensed facility and in other appropriate public areas of the licensed facility as determined by the slot machine licensee.

- (2) Each racetrack where slot machines or table games are operated shall print a statement on daily racing programs provided to the general public that is similar to the following:

If you or someone you know has a gambling problem, help is available. Call (Toll-free telephone number).

Except as otherwise provided for in paragraph (4), the toll-free telephone number shall be the same telephone number established by the Department of Drug and Alcohol Programs or successor agency under subsection (a.1)(1).

- (2.1) Each interactive gaming certificate holder and interactive gaming operator:

- (i) Shall cause the words:

If you or someone you know has a gambling problem, help is available. Call (Toll-free telephone number).

or some comparable language approved by the board, which language shall include the words “gambling problem” and “call 1-800-XXXX,” to be prominently displayed to any person visiting or logging onto the interactive gaming certificate holder’s interactive gaming skin or interactive gaming website.

- (ii) Shall provide a mechanism by which an interactive gaming account holder may establish the following controls on wagering activity through the interactive gaming account:

(A) A limit on the amount of money lost within a specified period of time and the length of time the account holder will be unable to participate in gaming if the holder reaches the established loss limit.

(B) A limit on the maximum amount of any single wager on any interactive game.

(C) A temporary suspension of interactive gaming through the account for any number of hours or days.

- (iii) Shall not knowingly mail or otherwise forward any gaming-related promotional material or e-mail to a registered player during any period in which interactive gaming through the registered players’ interactive gaming account has been suspended or terminated. The interactive gaming certificate holder shall provide a mechanism by which a registered player may change the controls. Notwithstanding any other provision of this subparagraph, while interactive gaming through the interactive gaming account is suspended, the registered player may not change gaming controls until the suspension expires, but the registered player shall continue to have access to the account and shall be permitted to withdraw funds from the account upon proper application for the funds to the interactive gaming certificate holder.

- (3) A licensed gaming entity, interactive gaming certificate holder or interactive gaming operator, as the case may be, which fails to post or print the warning sign in accordance with paragraph (1), (2) or (2.1) (i) shall be assessed a fine of \$1,000 a day for each day the minimum number of signs are not posted or the required statement is not printed as provided in this subsection.

- (3.1) An interactive gaming certificate holder or interactive gaming operator, as the case may be, that fails to establish the mechanisms, controls and systems in accordance with paragraph (2.1)(ii) and (iii) shall be assessed a fine of not less than \$5,000 per day for each day the mechanisms, controls and systems are not available to interactive gaming account holders.
- (4) Slot machine licensees or racetracks utilizing a toll-free telephone number other than the number established by the Department of Drug and Alcohol Programs or successor agency under subsection (a.1)(1) prior to the effective date of this paragraph may continue to use that number for a period not to exceed three years from the effective date of this paragraph upon showing good cause to the Department of Drug and Alcohol Programs or successor agency.

### **Regulation: 58 Pa. Code § 501a.5. Signage requirements**

Under section 1509(c) of the act (relating to compulsive and problem gambling program), each slot machine licensee shall post at least 20 signs that include a gambling assistance message that complies with § 501a.7(d) (relating to advertising). The complete text of the sign shall be submitted for approval to the Director of OCPG utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan). The signs must be prominently posted at the following locations:

- (1) Within 50 feet of each entrance and exit of the facility.
- (2) Above or below the cash dispensing opening on all automated teller machines, automated gaming voucher and coupon redemption machines, and other machines that dispense cash to patrons in the licensed facility.

### **Regulation: 58 Pa. Code § 501a.7. Advertising**

- (d) Advertisements must contain a gambling assistance message that includes the telephone number established by the Department of Drug and Alcohol Programs or its successor agency to provide persons with information on assistance for compulsive or problem gambling.
- (e) The complete text of the gambling assistance message and the font to be used for the statement, if it has not been previously approved, shall be submitted to the Director of OCPG for approval utilizing the process in § 501a.2(g) (relating to compulsive and problem gambling plan) and comply with the following:
  - (1) For signs, direct mail marketing materials, posters and other print advertisements, the height of the font used for the gambling assistance message must be the greater of:
    - (i) The same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement.
    - (ii) Two percent of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement.
  - (2) For billboards, the height of the font used for the gambling assistance message must be at least 5% of the height or width, whichever is greater, of the face of the billboard.
  - (3) For video and television, the gambling assistance message must be visible for either:
    - (i) The entire time the video or television advertisement is displayed. The height of the font used for the gambling assistance message must be at least 2% of the height or width, whichever is greater, of the image that will be displayed.
    - (ii) From the first time a table game, table game device, slot machine, associated equipment or casino name is displayed or verbally referenced, and on a dedicated screen shot visible for at least the last 3 seconds of the video or television advertisement. If the licensee elects to utilize this option, the height of the font used for the gambling assistance message displayed:

- (A) During the advertisement must be at least 2% of the height or width, whichever is greater, of the image that will be displayed.
- (B) On the dedicated screen shot must be at least 8% of the height or width, whichever is greater, of the image that will be displayed.
- (4) For web sites, including social media sites:
  - (i) The gambling assistance message must be posted on each webpage or profile page and on a gaming related advertisement posted on the webpage or profile page.
  - (ii) The height of the font used for the gambling assistance message must be at least the same size as the majority of the text used in the webpage or profile page.
  - (iii) For advertisements posted on the webpage or profile page, the height of the font used for the gaming assistance message must comply with paragraph (1).

### Regulation: 58 Pa. Code § 813a.2. Advertising

- (a) Interactive gaming certificate holders and interactive gaming operator licensees shall comply with § 501a.7 (relating to advertising).

### Regulation: 58 Pa. Code § 814a.1. General requirements

- (b) The message “IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER,” or comparable language approved the Board, must be prominently displayed to a person visiting or logging onto and logging off of the interactive gaming certificate holder or interactive gaming operator licensee’s interactive gaming skin.

### Regulation: 58 Pa. Code § 814a.6. Web site requirements

Under section 1509(c) of the act (relating to compulsive and problem gambling program), each interactive gaming certificate holder/operator licensee shall cause the words “IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER” or comparable language approved by the Board, which must include the words “gambling problem” and “call 1-800-GAMBLER” to be prominently displayed to a person visiting or logging onto the interactive gaming certificate holder or interactive gaming operator licensee’s interactive gaming skin or interactive gaming web site.

### Regulation: 58 Pa. Code § 1409a.1. General requirements

A sports wagering certificate holder or sports wagering operator must comply with the advertisement and promotions requirements of Subparts C—E, I and L regarding its retail and interactive or mobile sportsbooks, including those provisions that require sports wagering certificate holders or sports wagering operators to submit all information to the Board as required by Subparts C—E, I and L.

## Advertising Restrictions

### Regulation: 58 Pa. Code § 501a.7. Advertising

- (a) A licensee, certified or registered entity, or its agent may not employ or contract with an individual or entity to persuade or convince a person to engage in gaming or play a specific slot machine or table game while on the gaming floor of a licensed facility.

- (b) A licensee, certified or registered entity, or its agent shall discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice that the OCPG has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.
- (c) Advertisements used by a licensee, certified or registered entity, or its agent may not:
  - (1) Contain false or misleading information.
  - (2) Fail to disclose conditions or limiting factors associated with the advertisement.
  - (3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting factors associated with the advertisement or the statement required under subsection (d).

### Wager/Time Limits

#### **Statute: 4 Pa. Const. Stat. § 13B02. Regulatory authority**

(a)(11) Establishing mechanisms by which a registered player may place a limit on the amount of money being wagered on an authorized interactive game or during any specified time period or the amount of money lost during any specified time period.

#### **Regulation: 58 Pa. Code § 812a.9. Player account controls**

- (g) Players must be provided with a clear mechanism to impose self-limitations for gaming parameters including deposits, wagers, losses and player session durations as required by the Board. The self-limitation mechanism must provide all of the following functionality:
  - (1) Any decrease to self-limitations for gaming must be effective no later than the player's next login. Any increase to these limits must become effective only after the time-period of the previous limit has expired and the player reaffirms the requested increase.
    - (i) For example, a player sets a \$1,000 monthly deposit limit on the 1st day of the month. The player may not increase this limit to more than \$1,000 until the 1st day of the following month. The same player may decrease the limit to less than \$1,000 at any point, and shall be effective at the player's next login.
  - (2) A deposit limit as determined by the player must be offered on a daily, weekly and monthly basis, and must specify the maximum amount of money a player may deposit into his interactive gaming account during the designated period of time.
  - (3) A spend limit as determined by the player must be offered on a daily, weekly and monthly basis, and must specify the maximum amount of player deposits that may be put at risk during a designated period of time.
  - (4) A single wager limit as determined by the player must be offered and must specify the maximum amount of any single wager a player may put at risk in a single wager in an interactive game.
    - (i) This single wager limit is not applicable for peer-to-peer poker games offered by interactive gaming certificate holders or operators.
    - (ii) Notwithstanding the provisions of paragraph (1), a requested increase in the player's single wager limit (that is, from \$50 to \$100) shall not take effect for 24 hours after the request is made.
  - (5) A time-based limit as determined by the player must be offered on a daily basis and must specify the maximum amount of time that a player may spend playing on an interactive gaming system, provided that if the time-based limit is reached a player will be permitted to complete any round of play, or active or prepaid tournament.

- (6) A table limit as determined by the player must be offered and must specify the maximum amount a registered player may bring to a peer-to-peer interactive gaming table.
- (7) The self-limitations set by a player may not override any system imposed limitations or contradict information within the game rules
- (h) The interactive gaming system must be capable of applying system-imposed limits as required by the terms and conditions agreed to by the player upon registration and as required by the Board. System-imposed limits must adhere to all of the following:
  - (1) Players must be notified in advance of any system-imposed limits and their effective dates.
  - (2) Once updated, system-imposed limits must be consistent with what is disclosed to the player.
  - (3) Upon receiving any system-limitation request, the interactive gaming system must ensure that all specified limits are correctly implemented immediately or at a specified time (that is, next login, next day, and the like) that was clearly indicated to the player.
  - (4) In cases when system-imposed limitation values (for example, deposit, wager, loss and player session duration) are greater than self-imposed player limit values, the system-imposed limitations must take priority.
- (i) Players must be provided with an easy and obvious mechanism to temporarily suspend his or her interactive gaming account. The temporary suspension mechanism must provide all of the following functionality:
  - (1) The player must be provided with the option to temporarily suspended his or her interactive gaming account for a specified period of time as defined in the terms and conditions, or indefinitely.
  - (2) In the case of temporary suspension, the interactive gaming system must ensure that:
    - (i) Immediately upon processing the temporary suspension, new bets or deposits are not accepted from that player until the temporary suspension has expired.
    - (ii) During the temporary suspension period, the player is not prevented from withdrawing any or all of his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.
    - (iii) In the case of indefinite temporary suspension, the interactive gaming system must ensure that:
      - (A) The player is paid in full for his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.
      - (B) All player accounts must be closed or deactivated.
- (j) The interactive gaming system must provide a clear mechanism to advise the player of the right to make a complaint against the interactive gaming certificate holder, interactive gaming operator or another player (that is, when collusion is suspected or when a player is disruptive or abusive).

 **Regulation: 58 Pa. Code § 812.12. Suspended accounts**

- (a) Interactive gaming systems must employ a mechanism to place an interactive gaming account in a suspended mode:
  - (1) When requested by the player for a specified period of time, which may not be less than 72 hours.
  - (2) When required by the Board.
  - (3) When initiated by an interactive gaming certificate holder or interactive gaming operator licensee that has evidence to indicate all of the following:
    - (i) Illegal activity.
    - (ii) A negative player account balance.

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- (iii) A violation of the terms of service has taken place on an authorized registered player's interactive gaming account.
- (b) When an interactive gaming account is in a suspended mode, the interactive gaming certificate holder or interactive gaming operator licensee may not remove funds from the account without prior approval from the Board. In addition, the interactive gaming system must do all of the following:
  - (1) Prevent the player from engaging in interactive gaming.
  - (2) Prevent the player from depositing funds.
  - (3) Prevent the player from withdrawing funds from his interactive gaming account, unless the suspended mode was initiated by the player.
  - (4) Prevent the player from making changes to his interactive gaming account.
  - (5) Prevent the removal of the interactive gaming account from the interactive gaming system.
  - (6) Prominently display to the authorized player that the account is in a suspended mode, the restrictions placed on the account and any further course of action needed to remove the suspended mode.
- (c) An interactive gaming certificate holder or interactive gaming operator licensee shall notify the player by mail (first class or e-mail) whenever his interactive gaming account has been closed or placed in a suspended mode. The notification must include the restrictions placed on the account and any further course of action needed to remove the restriction.
- (d) A suspended account may be restored:
  - (1) Upon expiration of the time period established by the player.
  - (2) When permission is granted by the Board.
  - (3) When the interactive gaming certificate holder or interactive gaming operator licensee has lifted the suspended status.

### **Regulation: 58 Pa. Code § 814a.1. General requirements**

- (c) When a registered player logs on to an interactive gaming system, the system must display the date and time of the registered player's previous log on.
- (d) If a registered player has suspended his account, an interactive gaming certificate holder or interactive gaming operator licensee may not send gaming-related electronic or direct postal mail to that player while the account is suspended.
- (e) Software utilized for interactive gaming must display the all of following information, in addition to the minimum display standards in this subpart:
  - (1) The current time in the time zone where the registered player is physically located and the time elapsed while in the current registered player session.
  - (2) Cause a pop-up notification, at least every hour, to be prominently displayed on the interactive gaming device advising the registered player of the amount of time elapsed since his log on, and the amount of money wagered since his log on.
  - (3) Offer the registered player the option to select a pop-notification, in 15-minute and 30-minute increments, advising the registered player of the amount of money wagered since his log on.
  - (4) Offer the option to activate self-imposed limits during the player account registration process.

**Regulation: 58 Pa. Code § 814a.2. Responsible gaming self-limits**

An interactive gaming system must be capable of allowing a registered player to establish the following responsible gaming limits. Any decrease to these limits may not be effective later than the registered player's next login. Any increase to these limits must become effective only after the time period of the previous limit has expired and the registered player reaffirms the requested increase:

- (1) A deposit limit must be offered on a daily, weekly and monthly basis and must specify the maximum amount of money a registered player may deposit into his interactive gaming account during a particular period of time.
- (2) A limit on the amount of money lost within a daily, weekly and monthly basis must be offered. The registered player shall be unable to participate in gaming for the remainder of the time selected if the registered player reaches the loss limit.
- (3) A limit on the maximum amount of any single wager on any interactive game.
- (4) A time-based limit must be offered on a daily basis and must specify the maximum amount of time, measured hourly from the registered player's login to log off, a registered player may spend engaging in interactive gaming, provided that if the time-based limit is reached a registered player is permitted to complete any round of play, or active or prepaid tournament.
- (5) A temporary suspension of interactive gaming through the interactive gaming account must be offered for any number of hours or days, as selected by the registered player.
- (6) The interactive gaming certificate holder or interactive gaming operator licensee shall provide a mechanism by which a registered player may change the controls of paragraphs (1)—(5). Notwithstanding any other provision in this section, the registered player may not change gaming controls while an interactive gaming account is suspended. The registered player shall continue to have access to the interactive gaming account and shall be permitted to withdraw funds from the account upon proper application for the funds to the interactive gaming certificate holder or interactive gaming operator licensee.

## Restrictions on Extension of House Credit

### Statute: 4 Pa. Const. Stat. § 13A27. Other financial transactions

- (c) Credit application verification.--Prior to approving an application for credit, a certificate holder shall verify:
  - (2) That the applicant's name is not included on an exclusion list under section 1514 (relating to regulation requiring exclusion, ejection or denial of access of certain persons) or 1516 (relating to list of persons self excluded from gaming activities) or the voluntary credit suspension list under subsection (h).
- (h) Voluntary credit suspension list.--The board shall maintain a voluntary credit suspension list of all individuals who have requested suspension of credit privileges and shall provide the list on a continuous basis to the credit department of each certificate holder. An individual may request placement on the voluntary credit suspension list by submitting to the board the individual's name, address and date of birth. The individual does not need to provide a reason for the request. Notwithstanding any other provision of law to the contrary, the board's list of individuals who have had credit privileges voluntarily suspended shall be confidential, and neither the board nor the credit department of a certificate holder shall divulge the name of any individual on this list to any person or entity other than those provided for in this subsection. To be removed from the list, the individual shall submit a request to the board. The board shall remove the individual from the list and inform the credit department of each certificate holder not later than three business days after the board's receipt of the request.

## **Statute: 4 Pa. Const. Stat. § 13B28. Prohibitions**

Except as provided in this part, no interactive gaming certificate holder or any person licensed under this part to operate interactive gaming or an interactive gaming system and no person acting on behalf of, or under any arrangement with, an interactive gaming certificate holder or other person licensed under this part shall:

- (1) Make any loan to any person for the purpose of crediting an interactive gaming account.
- (2) Release or discharge any debt, either in whole or in part, or make any loan which represents any losses incurred by any registered player while playing an authorized interactive game without maintaining a written record thereof in accordance with regulations of the board.

## **Statute: 4 Pa. Const. Stat. § 1504. Wagering on credit**

- (a) General rule.--Except as otherwise provided in this section, slot machine licensees shall not extend credit. Slot machine licensees shall not accept credit cards, charge cards or debit cards from a patron or a player for the exchange or purchase of slot machine credits or for an advance of coins or currency to be utilized by a player to play slot machine games or extend credit in any manner to a player so as to enable the player to play slot machines. Slot machine licensees who hold a table game operation certificate may extend credit for slot machine gaming in accordance with section 13A26 (relating to cash equivalents).

## **Regulation: 58 Pa. Code § 812a.7. Player funding of accounts**

- (b) An interactive gaming certificate holder or interactive gaming operator licensee shall neither extend credit to a player nor allow the deposit of funds into an interactive gaming account that are derived from the extension of credit by affiliates or agents of the interactive gaming certificate holder or interactive gaming operator.

## Financial Instruments Restrictions

### **Statute: 4 Pa. Const. Stat. § 13A27. Other financial transactions**

- (a) Credit.--
  - (1) Notwithstanding section 1504 (relating to wagering on credit), a certificate holder may extend interest-free, unsecured credit to patrons for the purpose of playing slot machines or table games in accordance with this section; however, a certificate holder shall not accept credit cards, charge cards or debit cards from a patron or player for the exchange or purchase or chips, slot machine or table game credits or for an advance of coins or currency to be utilized by a player to play slot machine or table games. No credit card advance machine may be placed on the gaming floor.

### **Regulation: 58 Pa. Code § 465a.29. Automated teller machines**

- (a) Automated teller machines may be placed at any location within a licensed facility. Automated teller machines that offer credit card advances may not be placed on the gaming floor.

## Treatment and Research Funding

### **Statute: 4 Pa. Const. Stat. § 13B54. Compulsive and problem gambling**

The following shall apply:

- (1) Each year, from the tax imposed in section 13B52 (relating to interactive gaming tax), an amount equal to .002 multiplied by the total gross interactive gaming revenue of all active and operating interactive gaming certificate holders shall be transferred into the Compulsive and Problem Gambling Treatment Fund established in section 1509 (relating to compulsive and problem gambling program).
- (2) Each year, from the tax imposed in section 13B52, an amount equal to .002 multiplied by the total gross interactive gaming revenue of all active and operating interactive gaming certificate holders shall be transferred to the Department of Drug and Alcohol Programs or successor agency to be used for drug and alcohol addiction treatment services, including treatment for drug and alcohol addiction related to compulsive and problem gambling, as set forth in section 1509.1 (relating to drug and alcohol treatment).

### **Statute: 4 Pa. Const. Stat. § 13C64. Compulsive and problem gambling**

The following shall apply:

- (1) Each year, from the tax imposed under section 13C62 (relating to sports wagering tax), an amount equal to 0.002 multiplied by the total gross sports wagering revenue of all active and operating sports wagering certificate holders shall be transferred into the Compulsive and Problem Gambling Treatment Fund established under section 1509 (relating to compulsive and problem gambling program).
- (2) Each year, from the tax imposed under section 13C62, an amount equal to 0.002 multiplied by the total gross sports wagering revenue of all active and operating sports wagering certificate holders shall be transferred to the Department of Drug and Alcohol Programs or successor agency to be used for drug and alcohol addiction treatment services, including treatment for drug and alcohol addiction related to compulsive and problem gambling, as set forth under section 1509.1 (relating to drug and alcohol treatment).

### **Statute: 4 Pa. Const. Stat. § 13C04. Unauthorized sports wagering**

- (d) Forfeiture.--If a person engages in sports wagering from a location where sports wagering is unauthorized, the person shall forfeit all winnings and any forfeited winnings shall be deposited into the Compulsive and Problem Gambling Treatment Fund established under section 1509(b) (relating to compulsive and problem gambling program).

### **Statute: 4 Pa. Const. Stat. § 1408. Transfers from State Gaming Fund**

- (a) Transfer for compulsive and problem gambling treatment.--Each year, the sum of \$2,000,000 or an amount equal to .002 multiplied by the total gross terminal revenue of all active and operating licensed gaming entities, whichever is greater, shall be transferred into the Compulsive and Problem Gambling Treatment Fund established in section 1509 (relating to compulsive and problem gambling program). Gross terminal revenue generated at a Category 4 licensed facility shall not be included in calculating the assessment under this subsection.
  - (a.1) Transfer.--Beginning on the first business day of January 2010 and annually thereafter, the sum of \$3,000,000 shall be transferred to the Department of Health to be used to provide drug and alcohol addiction treatment services, including treatment for drug and alcohol addiction related to compulsive and problem gambling, as set forth in section 1509.1 (relating to drug and alcohol treatment).

### **Statute: 4 Pa. Const. Stat. § 1509. Compulsive and problem gambling program**

- (b) Compulsive and Problem Gambling Treatment Fund.--There is hereby established in the State Treasury a special fund to be known as the Compulsive and Problem Gambling Treatment Fund. All moneys in the fund shall be administered by the Department of Drug and Alcohol Programs or successor agency and expended solely for programs for the prevention and treatment of gambling addiction and other emotional and behavioral problems associated with or related to gambling addiction and for the administration of the compulsive and problem gambling program, provided that the Department of Drug and Alcohol Programs or successor agency shall annually distribute at least 50% of the money in the fund to single county authorities under subsection (d). The fund shall consist of money annually allocated to it from the annual payment established under section 1408(a) (relating to transfers from State Gaming Fund), money which may be allocated by the board, interest earnings on moneys in the fund and any other contributions, payments or deposits which may be made to the fund.

## Employee Training

### **Regulation: 58 Pa. Code § 501a.3. Employee training program**

- (a) The employee training program required under § 501a.2(d)(5) (relating to compulsive and problem gaming plan) must include instruction in the following:
- (1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.
  - (2) The relationship of compulsive and problem gambling to other addictive behavior.
  - (3) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and domestic issues.
  - (4) Techniques to be used when compulsive and problem gambling is suspected or identified.
  - (5) Techniques to be used to discuss compulsive and problem gambling with patrons and advise patrons regarding community, public and private treatment services.
  - (6) Procedures designed to prevent serving alcohol to visibly intoxicated gaming patrons.
  - (7) Procedures designed to prevent persons from gaming after having been determined to be visibly intoxicated.
  - (8) Procedures for the dissemination of written materials to patrons explaining the self-exclusion program.
  - (9) Procedures for removing an excluded person, an underage individual or a person on the self-exclusion list from a licensed facility including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.
  - (10) Procedures for preventing an excluded person or a person on the self-exclusion list from being mailed any advertisement, promotion or other target mailing no later than 5 business days after receiving notice from the Board that the person has been placed on the excluded person or self-exclusion list.
  - (11) Procedures for preventing an individual under 21 years of age from receiving any advertisement, promotion or other target mailing.
  - (12) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from having access to or from receiving complimentary services, or other like benefits.
  - (13) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from cashing checks.
- (b) Training and training materials shall be updated annually and include current research and information on responsible and problem gambling.

- (c) Training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee's orientation.
- (d) Employees who have received training shall be certified by the slot machine licensee under § 501a.2(d)(6) upon completion of the training.
- (e) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in each employee's personnel file.
- (f) Employees shall report suspected or identified compulsive or problem gamblers to a designated key employee or other supervisory employee.
- (g) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under § 503a.3(f) (relating to self-exclusion list) and section 1516(d) of the act (relating to list of persons self excluded from gaming activities).
- (h) Slot machine licensees may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this chapter.

**Regulation: 58 Pa. Code § 503a.4. Duties of slot machine licensees**

- (a) A slot machine licensee shall train its employees and establish procedures to:
  - (1) Identify a self-excluded person when present on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities and, upon identification, immediately notify the following persons:
    - (i) Employees of the slot machine licensee whose duties include the removal of self-excluded persons.
    - (ii) Casino compliance representatives at the licensed facility.
    - (iii) The Pennsylvania State Police.
  - (2) Refuse wagers from and deny gaming privileges to a self-excluded person.
  - (3) Deny gaming related activities, gaming junket participation and other similar privileges and benefits to a self-excluded person.
  - (4) Ensure that self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility as required under § 501a.3(a)(10) (relating to employee training program).
  - (5) Comply with § 503a.3(d) (relating to self-exclusion list).
  - (6) Make available to patrons written materials explaining the self-exclusion program.
- (b) A slot machine licensee shall submit a copy of its procedures and training materials established under subsection (a) to the Director of OCPG for review and approval at least 30 days prior to initiation of gaming activities at the licensed facility. The slot machine licensee will be notified in writing of any deficiencies in the procedures and training materials and may submit revisions to the procedures and training materials to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the procedures and training.
- (c) A slot machine licensee shall submit amendments to the procedures and training materials required under subsection (b) to the Director of OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The slot machine licensee may implement the amendments on

the 30th calendar day following the filing of the amendments unless the slot machine licensee receives a notice under subsection (d) objecting to the amendments.

### **Regulation: 58 Pa. Code § 812a.14. Use of player data**

- (b) Interactive gaming certificate holders or interactive gaming operator licensees with employees who have direct contact with players by phone, e-mail, electronic chat or other means shall implement training for those employees, at the start of their employment and at regular intervals thereafter, addressing recognition of the nature and symptoms of problem gambling behavior and how to assist players in obtaining information regarding help for a gambling problem and self-exclusion program.

### **Regulation: 58 Pa. Code § 814a.4. Employee training program**

- (a) The annual employee training program required under this chapter must include instruction on all of the following:
  - (1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.
  - (2) The relationship of gambling disorders to other addictive behavior.
  - (3) The social and economic consequences of a gambling disorder, including debt, treatment costs, suicide, criminal behavior, unemployment and domestic issues.
  - (4) Techniques to be used when a gambling disorder is suspected or identified.
  - (5) Techniques to be used to discuss a gambling disorder with registered players and advise registered players to contact 1-800-GAMBLER to receive information regarding community, public and private treatment services.
  - (6) Procedures for suspending an interactive gaming account belonging to an underage individual or a person on the interactive gaming self-exclusion list, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.
  - (7) Procedures for preventing an excluded person or a person on the interactive gaming self-exclusion list from being mailed any advertisement, promotion or other target mailing no later than 5 business days after receiving notice from the Board that the person has been placed on the interactive gaming self-exclusion list.
  - (8) Procedures for preventing an individual under 21 years of age from receiving any advertisement, promotion or other target mailing.
  - (9) Procedures to prevent an individual under 21 years of age or a person on the interactive gaming self-exclusion list from having access to or from receiving complimentary services, or other like benefits.
- (b) Training and training materials shall be updated annually and include current research and information on responsible and problem gambling.
- (c) As part of each employee's orientation, and prior to the start of their job duties, responsible and problem gambling training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee's orientation. If an online training program is utilized, the training shall be created and maintained by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs.
- (d) Employees who have received training shall be certified by the interactive gaming certificate holder or interactive gaming operator licensee under this chapter upon completion of the training.
- (e) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in each employee's personnel file.

- (f) Employees shall report persons with a suspected or identified gambling disorder to a designated key employee or other supervisory employee.
- (g) The identity of an individual with suspected or known problem gambling behavior must be confidential except as provided under Board regulations regarding interactive gaming self-exclusion list and section 1516(d) of the act (relating to list of persons self excluded from gaming activities).
- (h) An interactive gaming certificate holder or interactive gaming operator licensee may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this chapter.
- (i) Policies or procedures, or both, that interactive gaming certificate holder or interactive gaming operator licensees may enact that are more stringent than those listed in these regulations, including stricter rules for those who sign up for a self-exclusion list.

## Other

### **Statute: 4 Pa. Const. Stat. § 1211. Reports of board**

(d.1) Impact of interactive gaming.--

- (1) Commencing one year after the issuance of the first interactive gaming certificate and continuing annually thereafter, the Department of Drug and Alcohol Programs or successor agency shall prepare and distribute a report to the Governor and the standing committees of the General Assembly with jurisdiction over the board on the impact of interactive gaming on compulsive and problem gambling and gambling addiction in this Commonwealth. The report shall be prepared by a private organization or entity with expertise in serving and treating the needs of persons with compulsive gambling addictions, which organization or entity shall be selected by the Department of Drug and Alcohol Programs or successor agency. The report may be prepared and distributed in coordination with the board. Any costs associated with the preparation and distribution of the report shall be borne by all interactive gaming certificate holders. The board shall be authorized to assess a fee against each interactive gaming certificate holder for these purposes.

### **Statute: 4 Pa. Const. Stat. § 1509. Compulsive and problem gambling program**

- (a) Establishment of program.--The Department of Drug and Alcohol Programs or successor agency, in consultation with organizations similar to the Mid-Atlantic Addiction Training Institute, shall develop program guidelines for public education, awareness and training regarding compulsive and problem gambling and the treatment and prevention of compulsive and problem gambling. The guidelines shall include strategies for the prevention of compulsive and problem gambling. The Department of Drug and Alcohol Programs or successor agency may consult with the board and licensed gaming entities to develop such strategies.
  - (a.1) Duties of Department of Drug and Alcohol Programs or successor agency.--From funds available in the Compulsive and Problem Gambling Treatment Fund, the Department of Drug and Alcohol Programs or successor agency shall:
    - (1) Maintain one compulsive gamblers assistance organization's toll-free problem gambling telephone number, which shall be the number 1-800-GAMBLER, to provide crisis counseling and referral services to individuals and families experiencing difficulty as a result of problem or compulsive gambling. If the Department of Drug and Alcohol Programs or successor agency

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- determines that it is unable to adopt the number 1-800-GAMBLER, the Department of Drug and Alcohol Programs or successor agency shall maintain another number.
- (2) Facilitate, through in-service training and other means, the availability of effective assistance programs for problem and compulsive gamblers and family members affected by problem and compulsive gambling.
  - (3) At its discretion, conduct studies to identify individuals in this Commonwealth who are or are at risk of becoming problem or compulsive gamblers.
  - (4) Provide grants to and contract with single county authorities and other organizations which provide services as set forth in this section.
  - (5) Reimburse organizations for reasonable expenses incurred assisting the Department of Drug and Alcohol Programs or successor agency with implementing this section.
- (a.2) Duties of Department of Drug and Alcohol Programs or successor agency and board.--The Department of Drug and Alcohol Programs or successor agency and the board's Office of Compulsive and Problem Gambling shall jointly collaborate with other appropriate offices and agencies of State or local government, including single county authorities, and providers and other persons, public or private, with expertise in compulsive and problem gambling treatment to do the following:
- (1) Implement a strategic plan for the prevention and treatment of compulsive and problem gambling.
  - (2) Adopt compulsive and problem gambling treatment standards to be integrated with the Department of Drug and Alcohol Program's or successor agency's uniform Statewide guidelines that govern the provision of addiction treatment services.
  - (3) Develop a method to coordinate compulsive and problem gambling data collection and referral information to crisis response hotlines, child welfare and domestic violence programs and providers and other appropriate programs and providers.
  - (4) Develop and disseminate educational materials to provide public awareness related to the prevention, recognition and treatment of compulsive and problem gambling.
  - (5) Develop demographic-specific compulsive and problem gambling prevention, intervention and treatment programs.
  - (6) Prepare an itemized budget outlining how funds will be allocated to fulfill the responsibilities under this section.
- (d) Single county authorities.--The Department of Drug and Alcohol Programs or successor agency shall make grants from the fund established under subsection (b) to single county authorities created pursuant to the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, for the purpose of providing compulsive gambling and gambling addiction prevention, treatment and education programs. Treatment may include financial counseling, irrespective of whether the financial counseling is provided by the single county authority, the treatment service provider or subcontracted to a third party. It is the intention of the General Assembly that any grants made by the Department of Drug and Alcohol Programs or successor agency to any single county authority in accordance with the provisions of this subsection be used exclusively for the development and implementation of compulsive and problem gambling programs authorized under this section.
- (d.2) Report.--Annually on October 1, the Department of Drug and Alcohol Programs or successor agency, in consultation with the board, shall prepare and submit a report on the impact of the programs funded by the Compulsive and Problem Gambling Treatment Fund to the Governor and to the members of the General Assembly. The report shall include aggregate demographic-specific data, including race, gender, geography and income of those individuals treated.

**Regulation: 58 Pa. Code § 501a.4. Reports**

- (a) A slot machine licensee shall submit to the Director of the OCPG an annual summary of its compulsive and problem gambling program by the last business day of July.
- (b) The annual summary must contain, at a minimum, detailed information regarding:
  - (1) Employee training, including:
    - (i) The dates of live new hire and annual reinforcement compulsive gambling training.
    - (ii) The individual or group who conducted the training.
    - (iii) The number of employees who completed the new hire compulsive gambling training.
    - (iv) The number of employees who completed the annual reinforcement compulsive gambling training.
    - (v) The dates of responsible alcohol training.
    - (vi) The individual or group who conducted the responsible alcohol training.
    - (vii) The number of employees who completed the responsible alcohol training.
  - (2) An estimated amount of printed materials provided to patrons regarding:
    - (i) Compulsive and problem gambling.
    - (ii) The self-exclusion program.
    - (iii) Responsible gaming.
    - (iv) Available treatment services.
  - (3) The amount spent on the Compulsive and Problem Gambling Plan for:
    - (i) Employee training.
    - (ii) Printed materials.
    - (iii) Outreach including community training and sponsorships.
  - (4) Additional information including:
    - (i) The number of underage individuals who were denied access to the gaming floor.
    - (ii) The number of self-excluded individuals who were discovered on the gaming floor at the licensed facility.
    - (iii) The number of signs within the licensed facility that contain the approved problem gambling statement and helpline number.
    - (iv) A summary of any community outreach conducted by the licensee.

** Regulation: 58 Pa. Code § 812a.9. Player account controls**

- (a) A player session is started when a player logs in to the interactive gaming system.
- (4) When a player logs in to the interactive gaming system, the date and time of his prior player session must be displayed.
- (e) A responsible gaming page must be readily accessible from any screen where game play may occur. The responsible gaming page must contain, at a minimum, all of the following:
  - (1) Information about potential risks associated with gambling and where to get help for a gambling problem.
  - (2) A list of the responsible gaming measures that can be invoked by the player, such as player session time limits and bet limits, and an option to enable the player to invoke those measures.

- (3) Mechanisms which detect unauthorized use of the player's account, such as observing the Last Log in Time Display, the IP address of the last login and reviewing financial account information.
- (4) A link to the terms and conditions that the player agreed to be bound to by entering and playing on the site.
- (5) A link to the applicable privacy policy.
- (6) A link to Board's web site.
- (f) All links to player protection services (for example, self-exclusion and other player imposed limits) provided by third parties are to be tested by the interactive gaming certificate holder or interactive gaming operator licensee periodically as required by the Board. Game play may not occur when links used to supply information on player protection services are not displayed or are not operational. When the link to player protection services is no longer available, the interactive gaming certificate holder or interactive gaming operator licensee shall provide an alternative support service.

### Regulation: 58 Pa. Code § 812a.11. Player account statements

- (a) At the request of a player, interactive gaming systems must provide an interactive gaming account statement which must include detailed account activity for at least the 6 months preceding the request. In addition, an interactive gaming system must, upon request, be capable of providing a summary statement of all player activity during the past year. Information to be provided on the summary statement must include, at a minimum, all of the following:
  - (1) Deposits to the interactive gaming account.
  - (2) Withdrawals from the interactive gaming account.
  - (3) Win or loss statistics.
  - (4) Beginning and ending account balances.
  - (5) Self-imposed responsible gaming limit history, if applicable.
- (b) Account statements must be sent to the registered address (e-mail or first class) of the player upon request for the time period specified.

### Regulation: 58 Pa. Code § 814a.1. General requirements

- (f) An interactive gaming certificate holder or interactive gaming operator licensee offering interactive gaming shall have a dedicated employee responsible for notifying the Board upon detecting a person participating in interactive gaming who is required to be excluded under Board regulations or any person who is otherwise prohibited from engaging in interactive gaming. This employee shall be licensed as a key employee.
- (g) All terms and conditions for interactive gaming must be included as an appendix to the internal controls or, when specified, as part of the interactive gaming compulsive and problem gambling plan of the interactive gaming certificate holder or interactive gaming operator licensee addressing all aspects of the operation, including all of the following:
  - (1) Registered player's right to set responsible gaming limits and to self-exclude.
  - (2) Registered player's right to suspend his account for any selected period of time.
  - (3) Information to be displayed on a registered player protection page, which shall be accessible to a registered player during a registered player session. The registered player protection page must contain, at a minimum, all of the following:

- (i) A prominent message, which states “If you or someone you know has a gambling problem, help is available. Call 1-800-Gambler” in a size and font as approved the Director of the Office of Compulsive and Problem Gaming (OCPG).
- (ii) A direct link to all of the following:
  - (A) The Council on Compulsive Gambling of Pennsylvania’s web site.
  - (B) The Department of Drug and Alcohol Programs’ (or successor agency) gambling addiction participating provider list webpage.
  - (C) The OCPG webpage.
- (iii) All of the following responsible gaming information that shall be approved by the Board’s Director of the OCPG:
  - (A) A clear statement of the interactive gaming certificate holder or interactive gaming operator licensee’s policy and commitment to responsible gaming.
  - (B) Informational documents, which shall be reviewed and updated annually by the interactive gaming certificate holder or interactive gaming operator licensee, regarding all of the following subjects, or a direct link to information regarding all of the following subjects, if available, from an organization based in this Commonwealth or the United States dedicated to helping people with potential gambling disorders and labeled as:
    - (I) Rules of responsible gambling.
    - (II) Myths about gambling.
    - (III) Risks associated with gambling.
    - (IV) Signs and symptoms of gambling disorders.
    - (V) The Board’s self-exclusion brochure.
  - (C) Rules governing self-imposed responsible gaming limits, including all of the following:
    - (I) List of each type of self-imposed limit.
    - (II) How to enroll in each type of self-imposed limit.
- (iv) The following statement: “A person who has enrolled in interactive gaming self-exclusion or has otherwise been excluded from interactive gaming activities, and individuals who are under the age of 21, shall not participate in interactive gaming or interactive gaming activities and will have their winnings forfeited and interactive gaming accounts suspended upon violation.” The text and font size of the notices shall be submitted for approval to the Director of the OCPG.
- (h) An interactive gaming system must comport with all requirements regarding player accounts in Chapter 812 (relating to interactive gaming player accounts—temporary regulations).

 **Regulation: 58 Pa. Code § 814a.5. Reports**

- (a) An interactive gaming certificate holder or interactive gaming operator licensee shall submit to the Director of the Office of Compulsive and Problem Gaming (OCPG) an annual summary of its compulsive and problem gambling program by the last business day of July.
- (b) The annual summary must contain, at a minimum, detailed information regarding all of the following:
  - (1) Employee training, including all of the following:
    - (i) The dates of new hires and annual reinforcement compulsive gambling training.
    - (ii) The individual or group who conducted the training.
    - (iii) The number of employees who completed the new hire compulsive gambling training.

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- (iv) The number of employees who completed the annual reinforcement compulsive gambling training.
- (2) The amount spent on the Compulsive and Problem Gambling Plan for all of the following:
  - (i) Employee training.
  - (ii) Outreach including community training and sponsorships.
- (3) Additional information including all of the following:
  - (i) The number of underage individuals who were denied interactive gaming access.
  - (ii) The number of self-excluded individuals who were denied interactive gaming access.
  - (iii) A summary of any community outreach conducted by the certificate holder/operator licensee.

### Regulation: 58 Pa. Code § 1408a.3. Internal controls

- (a) At least 90 days prior to commencing sports wagering under this part, a sports wagering certificate holder or sports wagering operator licensee shall submit to the Board for approval internal controls for all aspects of sports wagering (that is, onsite sportsbook operations, interactive sportsbook operations and nonprimary location sportsbook operations) prior to implementation and any time a change is made thereafter. The internal controls shall include detailed procedures for system security, operations, accounting, reporting of compulsive and problem gamblers and other information as required by the Board.

### Regulation: 58 Pa. Code § 1408a.4. Terms and conditions

- (a) A sports wagering certificate holder or sports wagering operator licensee shall develop terms and conditions for sports wagering which shall be included in the internal controls. The terms and conditions and any changes thereto must be acknowledged by the player and the acknowledgment must be date and time-stamped by the sports wagering system.
- (b) The terms and conditions must address all aspects of the sports wagering operation, including all of the following:
  - (14) Detailed information regarding compulsive and problem gaming and self-exclusion to be displayed on a player protection page.

# Rhode Island



Sports Betting Statute/Regulation



iGaming Statute/Regulation

Rhode Island adopted its responsible gaming framework in 1992 following legislative approval of a bill authorizing electronic gaming devices at the state's two pari-mutuel wagering venues. Several additional responsible gaming measures were enacted alongside the launch of mobile sports betting in September 2019. Among the newer regulations is a requirement that mobile wagering interfaces display information pertaining to responsible gaming, as well as information that allows for a player to choose to be excluded from sports betting.

## Responsible Gaming Plan Required

### Statute: G.L.R.I. § 42-61.2-14. Compulsive and problem gambling program

The Division and the State acknowledge that the vast majority of gaming patrons can enjoy gambling games responsibly, but that there are certain societal costs associated with gaming by some individuals who have problems handling the product or services provided. The Division and the State further understand that it is their duty to act responsibly toward those who cannot participate conscientiously in gaming. Pursuant to the foregoing, Twin River and Newport Grand, in cooperation with the State, shall offer compulsive and problem gambling programs that include, but are not limited to (a) problem gambling awareness programs for employees; (b) player self-exclusion program; and (c) promotion of a problem gambling hotline. Twin River and Newport Grand (and its successor in interest, Twin River-Tiverton) shall modify their existing compulsive and problem-gambling programs to include table games and sports wagering to the extent such games are authorized at such facilities. Twin River and Newport Grand (and its successor in interest, Twin River-Tiverton) shall reimburse and pay to the Division no less than one hundred twenty-five thousand dollars (\$125,000) in aggregate annually for compulsive and problem gambling programs established by the Division. The contribution from each facility shall be determined by the Division.

### Statute: G.L.R.I § 42-61.2-3.3. Sports wagering regulation

- a. In addition to the powers and duties of the division director under §§ 42-61-4, 42-61.2-3, 42-61.2-4 and 42-61.2-3.1, and pursuant to § 42-61.2-2.4, the division director shall promulgate rules and regulations relating to sports wagering and set policy therefor. These rules and regulations shall establish standards and procedures for sports wagering and associated devices, equipment, and accessories, and shall include, but not be limited to:
  5. Requiring the hosting facility and/or sports-wagering vendor to:
    - ix. Establish compulsive and problem gambling standards and/or programs pertaining to sports wagering consistent with this chapter.

## Self-Exclusion

### Regulation: RI Lottery Rule 20.2. Video Lottery and Table Game Requirements

- A. Licensed Video Lottery and Table Game Retailers shall adhere to all established Rules and Regulations, Policies and Procedures, and the following:
  18. The Video Lottery and Table Game Retailers, authorized by Chapter 61.2 of this title, shall develop and implement a comprehensive self exclusion program. Information on this program shall be posted at the Retailer location and on the Retailer website. Retailers shall also keep conspicuously posted on their Premises the name and telephone number of the Division-sponsored Problem Gambling Helpline and a statement of its availability to offer assistance. The Division shall supply the Retailers with the required notice.

### Property Signage and Responsible Gaming Disclosures

#### Regulation: RI Lottery Rule 4.4. Retailer Display Requirements and Play Restrictions

- C. Every licensed Lottery Retailer and Video Lottery Retailer, licensed under Title 42, Chapter 61.2, shall keep conspicuously posted on his/her premises the name and telephone number of a problem gambling helpline and a statement of its availability to offer assistance. The Division shall supply each licensee with the required notice.

#### Regulation: RI Lottery Rule 20.2. Video Lottery and Table Game Requirements

- A. Licensed Video Lottery and Table Game Retailers shall adhere to all established Rules and Regulations, Policies and Procedures, and the following:
  - 18. The Video Lottery and Table Game Retailers, authorized by Chapter 61.2 of this title, shall develop and implement a comprehensive self exclusion program. Information on this program shall be posted at the Retailer location and on the Retailer website. Retailers shall also keep conspicuously posted on their Premises the name and telephone number of the Division-sponsored Problem Gambling Helpline and a statement of its availability to offer assistance. The Division shall supply the Retailers with the required notice.

#### Regulation: RI Lottery Rule 20.20 Wagering Account System Requirements

- K. The Sports Wagering Interactive Interface shall provide for the prominent display of the following information on a virtual page or screen, which, by virtue of the construction of the interface, registered Players must access before beginning a Sports Wagering session:
  - 3. Readily available information at the Sports Wagering Interactive Interface that contains all of the following:
    - b. Problem gambling information that is designed to offer information pertaining to responsible gaming;
    - c. Information that allows for a Player to choose to be excluded from engaging in Sports Wagering;

#### Regulation: RI Lottery Rule 20.26 Responsible Play

- A. In addition to the requirements in Section 20.2 of these Rules, Licensees shall:
  - 2. Conspicuously display and make available to Players, upon access to their Wagering Account, any responsible gambling message as required by the Division.

### Wager/Time Limits

#### Statute: G.L.R.I. § 42-61.2-2.4. State to conduct sports-wagering hosted by Twin River and the Tiverton gaming facility

- a. The state, through the division of lotteries, shall implement, operate, conduct, and control sports wagering at the Twin River gaming facility and the Twin River-Tiverton gaming facility, once Twin River-Tiverton is licensed as a video-lottery and table-game retailer. In furtherance thereof, the state, through the division, shall have full operational control to operate the sports wagering, including, without limitation, the power and authority to:

5. Through the use of a sports-wagering vendor, define and limit the rules of play and odds of authorized sports-wagering games, including, without limitation, the minimum and maximum wagers for each sports-wagering game. Sports-wagering payoffs shall not be subject to any limitation or restriction related to sports-wagering revenue or lottery revenue.

### Regulation: RI Lottery Rule 20.18. Sports Wagering Requirements

- C. Sports Wagering shall be based on bills, coins, or credits, and the wagering limits shall be set by the Division after consultation with the Sports Wagering Service Provider and/or Sportsbook.

### Regulation: RI Lottery Rule 20.30. Wagers

- A. The Director will determine:
  2. The maximum wager limit on a single Sports wager or on a single Sports Event, be it head-to-head or Parlay.

### Regulation: RI Lottery Rule 20.22 Wagering Account Funding

- A. Funds may be deposited (minimum of twenty dollars (\$20.00) and a daily maximum of ten thousand dollars (\$10,000.00)) by a Player into his or her Wagering Account as follows or by any other means approved by the Division...

### Regulation: RI Lottery Rule 20.26 Responsible Play

- A. In addition to the requirements in Section 20.2 of these Rules, Licensees shall:
  1. Ensure that its Players have the ability to select responsible gambling options associated with their Wagering Account that include deposit limits and establishing the amount of total deposits a Player can make to their Wagering Account within a specified period of time.

## Restrictions on Extension of House Credit

### Statute: G.L.R.I. § 42-61.2-3.2. Gaming credit authorized

- i. Voluntary credit suspension. A player may request that the licensed, video-lottery retailer suspend or reduce his or her credit. Upon receipt of a written request to do so, the player's credit shall be reduced or suspended as requested. A copy of the request and the action taken by the credit facilitator shall be placed in the player's credit application file.

## Treatment and Research Funding

### Statute: G.L.R.I. § 42-61.2-2.4. State to conduct sports-wagering hosted by Twin River and the Tiverton gaming facility

- a. The state, through the division of lotteries, shall implement, operate, conduct, and control sports wagering at the Twin River gaming facility and the Twin River-Tiverton gaming facility, once Twin River-Tiverton is licensed as a video-lottery and table-game retailer. In furtherance thereof, the state, through the division, shall have full operational control to operate the sports wagering, including, without limitation, the power and authority to:
  - (6) Establish compulsive gambling treatment programs.

### **Regulation: RI Lottery Rule 20.2. Video Lottery and Table Game Requirements**

- A. Licensed Video Lottery and Table Game Retailers shall adhere to all established Rules and Regulations, Policies and Procedures, and the following:
  - 19. The Video Lottery and Table Game Retailers shall reimburse and pay to the Division no less than one hundred thousand dollars (\$100,000.00) in aggregate annually for problem gambling programs established by the 85 Division. The contribution from each Facility shall be determined by the Division.

### **Regulation: RI Lottery Rule 20.2. Video Lottery and Table Game Requirements**

- A. Licensed Video Lottery and Table Game Retailers shall adhere to all established Rules and Regulations, Policies and Procedures, and the following:
  - 22. The Video Lottery and Table Game Retailers shall reimburse and pay to the Division (or to such other entities as the Division may identify) all reasonable costs and expenses associated with the Division's review of the business or operations of the Retailer, including, but not limited to, such items as ongoing auditing, legal, investigation services, compulsive and problem gambling programs, and other related matters.

## Employee Training

### **Regulation: RI Lottery Rule 20.2. Video Lottery and Table Game Requirements**

- A. Licensed Video Lottery and Table Game Retailers shall adhere to all established Rules and Regulations, Policies and Procedures, and the following:
  - 19. Video Lottery and Table Game Retailers shall offer a problem gambling awareness program for employees, Player self-exclusion programs, and promotion of the Division-sponsored Problem Gambling Helpline. The Table Game Retailer shall modify its existing programs to include Table Games. The Video Lottery and Table Game Retailers shall reimburse and pay to the Division no less than one hundred thousand dollars (\$100,000.00) in aggregate annually for problem gambling programs established by the Division. The contribution from each Facility shall be determined by the Division.

## Alcoholic Beverage Restrictions

### **Regulation: RI Lottery Rule 20.2. Video Lottery and Table Game Requirements**

- A. Licensed Video Lottery and Table Game Retailers shall adhere to all established Rules and Regulations, Policies and Procedures, and the following:
  - 2. The Video Lottery and Table Game Retailers shall not permit any visibly intoxicated Person or any Person under eighteen (18) years of age to play a Video Lottery or Table Game.

## Other

### **Statute: R.I.G.L. § 42-61.2-12. Prize – Set-off for child support debts**

Notwithstanding the provisions of § 42-61-7 relating to assignment of prizes, the following set off provisions shall apply to the payment of any prize requiring the issuance of Internal Revenue Service Form W-2G by a video-lottery retailer (whether or not a table-game retailer) to a patron:

1. With respect to a person entitled to receive the prize who has an unpaid child support order(s) arrearage(s) in excess of five hundred dollars (\$500), as provided by the department of human services pursuant to subsection 42-61-7.1(3), the division of state lottery:
  - i. Shall establish rules and regulations pursuant to § 42-61.2-3 and § 42-61.2-3.1 providing for the establishment and operation of a system whereby the division of state lottery shall have the ability to communicate such information to video-lottery retailers so as to identify a person entitled to receive a prize requiring the issuance of Internal Revenue Service Form W-2G who has an unpaid child support order(s) arrearage(s).
  - ii. Upon receipt of information indicating an unpaid child support arrearage the video-lottery retailer shall set off against the amount due to that person an amount up to the balance of the child support arrearage(s). The video-lottery retailer shall then make payment as prescribed by the division of lottery to the Rhode Island family court in the case of child support arrearage(s) which shall deposit the amount set off into the registry of the family court for a period of forty-five (45) days, or if any application for review has been filed pursuant to subsection 27-57-1(d), until final disposition of the application until further order of the court.
  - iii. The video-lottery retailer shall pay to this person the remaining balance of the prize amount, if any, after reduction of the amount set off above for child support.
2. The division of lottery, the lottery director and the video-lottery retailer shall be discharged of all further liability upon payment of a prize pursuant to this section. Except in the case of gross negligence, the division of lottery, the lottery director and the video-lottery retailer shall not be liable to any party or person for failure to make such a set-off.
3. The department of human services shall periodically within each year furnish the director with a list or compilation of names of individuals, together with any other identifying information and in a form that the director shall require, who as of the date of the list or compilation, have an unpaid child support order arrearage in excess of five hundred dollars (\$500) as shown on the Rhode Island family court decrees department of human services child support enforcement computer system (“CSE system”). For the purposes of this section, the terms used in this section shall be given the meaning and definitions specified in § 15-16-2.
4. Any party aggrieved by any action taken under this section may within thirty (30) days of the withholding of the payment by the lottery director seek judicial review in the family court, which may, in its discretion, issue a temporary order prohibiting the disbursement of funds under this section, pending final adjudication.
5. Notwithstanding any other general or special law to the contrary, this section shall apply to all existing gambling facilities within the state as of the time of enactment and also to any gambling facility within this state which is established after the date of enactment.

### **Regulation: RI Lottery Rule 20.6. Payment of Prizes-Set Off for Child Support Debts**

- A. The following set off provisions shall apply to the payment of any prize requiring the issuance of Internal Revenue Service Form W-2G by Video Lottery and Table Game Retailers to a patron:
  - 1. The Division of Lotteries shall furnish the Retailers with a list or compilation of names of individuals, together with such identifying information, who, as of the date of the list or compilation, have an 88 unpaid child support order in excess of five hundred dollars (\$500.00) shown on the Rhode Island Family Court/Department of Human Service Child Support Enforcement Computer System (CSE System).
  - 2. The Video Lottery and Table Game Retailers shall set off against the amount due to that Person an amount up to the balance of the child support arrearages. Payment shall be made to the Rhode Island Family Court.
  - 3. The Video Lottery and Table Game Retailers shall pay to this Person the remaining balance of the prize amount, if any, after reduction of the amount set off above for child support.

# South Dakota



Responsible gaming regulations were first introduced in South Dakota in 1988 following voter approval of a statewide referendum authorizing commercial casino gaming in the city of Deadwood. Upon passage of legislation for sports wagering in 2021, regulators implemented several new responsible gaming measures, including responsible signage requirements and self-imposed wagering and time limits for account-based play.

## Self-Exclusion

### Regulation: S.D. Admin. R. 20:18:35:41. Self-exclusion plan

A licensee or sports wagering services provider conducting wagering on sports events shall develop a self-exclusion plan or voluntary exclusion plan to prevent any person, who informs the licensee of that person's desire to participate in a self-exclusion or voluntary exclusion program, from participating in wagering on sports events. This plan must be submitted to the executive secretary for review and approval. The plan must include monthly reporting of voluntarily excluded persons.

## Property Signage and Responsible Gaming Disclosure

### Regulation: S.D. Admin. R. 20:18:35.02:03(3) Sports wagering kiosks

A licensee may utilize sports wagering kiosks located in a gaming establishment for wagering transactions in conjunction with a sports wagering system in a location approved by the executive secretary. A kiosk shall be established and operated as follows:

- (3) All sports wagering kiosks must have a sign permanently affixed to the device notifying the public that patrons must be 21 years or older to gamble.

## Wager/Time Limits

### Statute: SDCL 42-7B-14. Maximum amount of bets

The maximum amount of an initial bet or subsequent bet on all games subject to this chapter is one thousand dollars.

### Regulation: ARSD 20:18:12.01:08.01. Amount of wagers

A licensee may establish minimum and maximum wagers up to the maximum of one thousand dollars for each initial bet or subsequent bet. The amount of the maximum wager may be less than the one thousand dollar maximum. The minimum and maximum wagers accepted for each game shall be clearly posted and enforced by the dealer.

## Restrictions on Extension of House Credit

### Statute: SDCL 42-7B-45. Extension of credit prohibited--Violation as felony

No licensed gaming establishment, licensee acting within the scope of employment as a licensee, or employee of a licensed gaming establishment acting within the scope of the employee's employment may extend credit to another person for participation in gaming. A violation of this section is a Class 6 felony.

## SOUTH DAKOTA

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### **Regulation: ARSD 20:18:20.01:01. Chips and tokens sold for cash only**

Chips and tokens used for gaming must be sold for cash only. No credit may be extended by a retail licensee. Checks may not be accepted for purchase of chips or tokens at gaming tables. A retail licensee must redeem its own chips and tokens for cash at the value for which they were sold.

## Treatment and Research Funding

### **Statute: SDCL 42-7B-48.3. Gaming addiction treatment and counseling program grants from Gaming Commission fund**

The commission may grant an amount not to exceed thirty thousand dollars each fiscal year from the Gaming Commission fund to the Department of Social Services to fund gaming addiction treatment and counseling programs in the state.

## Alcoholic Beverage Restrictions

### **Regulation: ARSD 20:18:09:01. Grounds for disciplinary action**

The following acts or omissions are grounds for disciplinary action:

- (2) Permitting persons who are visibly intoxicated to participate in gaming activity;
- (3) Service of intoxicating beverages in a gaming area to persons who are visibly intoxicated.

## Other

### **Regulation: S.D. Admin. R. 20:18:35:10(1)-(6). Self-exclusion plan**

A licensee or sports wagering services provider shall provide patron protection information to individuals and patrons on demand. The patron protection information must include:

- (1) Information about potential risks associated with excessive wagering, and contract information for an organization based in South Dakota or the United States, approved by the commission, dedicated to helping people with potential gambling problems;
- (2) Notification that underage gambling is a criminal offense and that anyone who facilitates an individual under the age of 21 to place a sports bet has committed a criminal offense and must be prohibited from sports wagering;
- (3) A list of the available patron protection measures that can be invoked by the patron, such as self-exclusion and information on how to invoke those measures;
- (4) For wagering accounts, mechanisms in place for patrons to detect unauthorized use;
- (5) Information on how disputes can be filed with the licensee or sports wagering services provider pursuant to § 20:18:12.01:07; and
- (6) The method for filing with the commission an unresolved dispute after all reasonable means to resolve the dispute with the licensee or sports wagering services provider have been exhausted, pursuant to § 20:18:12.01:07.

# Tennessee



Tennessee legalized online sports wagering in April 2020, leading to the adoption of the state's first responsible gaming measures. These include a self-exclusion program, advertising restrictions, submission of a responsible gaming plan, wager and time limits, signage requirements, and employee training programs.

## Responsible Gaming Plan Required

### Regulation: Rule 1350-01-.06 Approval or denial of an initial application

- (9) Responsible Gaming Plan. Each License Applicant shall propose a Responsible Gaming Plan as an element of its License application. A Licensee shall maintain its plan for as long as the Licensee accepts Wagers in the State of Tennessee. A Licensee may propose amendments to its Responsible Gaming Plan, provided it submits the amendment for approval by the Council at least forty-five (45) days before the proposed effective date of any changes to the plan. The Responsible Gaming Plan shall include, at a minimum, the following:
- (a) Plan goals, statement of policy and commitment, procedures, and deadlines for implementation;
  - (b) A process for individuals to make a request to restrict themselves from placing Wagers with the Licensee alone or from all Licensees in Tennessee, both of which must be contemporaneously offered to the individual;
  - (c) A process for the Licensee to prevent individuals who have requested self-exclusion restrictions from placing Wagers. For each individual who makes such a self-exclusion request, Licensees shall provide the individual with additional responsible gaming resources;
  - (d) A method to allow the self-exclusion request to be shared with the Council;
  - (e) A method for receiving information from the Council regarding restrictions from individuals who have requested restrictions from all Licensees;
  - (f) A self-limitation program where Players have the option to set limits on money and time spent betting, deposit limits, session time limits, and account cool-off;
  - (g) A plan for making responsible gaming information available and legible on the Licensee's website(s), mobile app(s), advertisements, or other platforms for Interactive Sports Gaming, including publication of a problem-gambling helpline telephone number that provides information about responsible gaming and services, and that has been approved by the Council pursuant to Rule 1350-01-.07(12);
  - (h) A plan for providing comprehensive responsible gaming training to employees who may interact with Players from the State of Tennessee, including annual or periodic refresher training. Training should equip the trainee to respond to circumstances in which Player account activity may indicate signs that are consistent with gambling addiction;
  - (i) Procedures to prevent underage gambling, including age-affirmation mechanisms that utilize, at a minimum, month, date, and year of birth that will apply before the Person can gain access to any Sports Gaming System where Players can engage in Interactive Sports Gaming. A Sports Gaming Operator may use information obtained from third parties to verify that a Person is authorized to open an account, place Wagers, and make deposits and withdrawals;
  - (j) A process to provide Players with information about their play. This includes history, money spent, games played, net wins/losses, limits history, and any other relevant information;

- (k) A process to provide Players with updates during play about time and money spent and account balances in cash;
- (l) A clear and conspicuous display on the Licensee's website(s), mobile app(s), advertisements, or other platforms for Interactive Sports Gaming indicating that it is unlawful for a Person under twenty-one (21) years of age to engage in Interactive Sports Gaming in the State of Tennessee;
- (m) Procedures to prohibit a Person who places Wagers with the Licensee from establishing more than one active Sports Gaming Account with the Licensee; and
- (n) Procedures to permit a Person that places Wagers with the Licensee to terminate their Sports Gaming Account at any time, for any reason, and without penalty

## Self-Exclusion

### **Regulation: Rule 1350-01-.07(13) Maintenance of license or registration**

- (13) Maintenance of a Self-Exclusion List.
  - (a) Licensees shall develop and maintain a system to allow individuals to prohibit or restrict themselves from being able to place a Wager with the Licensee. Licensees may offer the option of implementing restrictions that apply solely to the Licensee or may offer individuals the option of implementing restrictions that apply to all Licensees operating in Tennessee, in coordination with the Council. Such self-exclusion list shall be made available to the Council at a time specified by the Council, but no less than once per month.
  - (b) Licensees shall submit a monthly report to the Council that includes the number of individuals who requested to exclude themselves from the ability to participate in Interactive Sports Gaming on their Sports Gaming System.
  - (c) Any individual may request placement on the list of self-excluded individuals, and that Person during any period of voluntary exclusion may not collect any winnings or recover any losses resulting from any Interactive Sports Gaming, except that a Player's account balance on settled wagers placed prior to the voluntary exclusion shall be returned to the Player.
  - (d) Licensees shall notify a Sports Gaming Account holder via e-mail, mail, or other method approved by the Council, whenever the Sports Gaming Account holder's Sports Wagering Account has been closed or placed in a suspended mode. Such notification shall include the restrictions placed on the Sports Gaming Account and any further course of action needed to remove the restriction.

### **Regulation: Rule 1350-01-.08(17)(a) Sports gaming accounts**

- (17) A Licensee shall employ a mechanism that places a Sports Gaming Account in a suspended mode in the following situations:
  - (a) When requested by the Player for a specified period of time as a self-exclusion or limiting measure, which shall not be less than seventy-two (72) hours;

## Property Signage and Responsible Gaming Disclosure

### **Regulation: Rule 1350-01-.07(12)(c)(1-2) Maintenance of license or registration**

- (12) Manner in Which Interactive Sports Gaming May Be Advertised, Marketed, and Promoted. This Rule is authorized by T.C.A. § 4-49-118 to effectuate the prohibitions of that statute and establish the manner in which a Licensee may advertise its business operations compliant with the Sports Gaming Act.

- (c) Advertising, marketing, and promotional materials published, distributed, or aired by or on behalf of a Licensee shall include a responsible gaming message, which includes, at a minimum, a Council-approved problem-gambling helpline number and an assistance and prevention message.
  1. Licensees shall include the logo and gambling hotline number for the Tennessee REDLINE, a 24/7 addiction treatment and recovery hotline provided by the Tennessee Association of Alcohol, Drug and other Addiction Services (TAADAS), or another toll-free gambling hotline number as approved by the Council. Logos will be provided to the Licensee for the Tennessee REDLINE by the Council.
  2. In areas where space limitations create an issue for use of a logo, copy can be used to communicate the phone number. Individual social media postings (e.g., tweets, Facebook posts) where space is severely limited are not required to include the information set forth in part 1. of subparagraph (c). Social media pages and direct messages sent via social media platforms must contain the information set forth in part 1. of subparagraph (c).

 **Regulation: Rule 1350-01-.06(9)(g) Approval or denial of an initial application**

- (9) Responsible Gaming Plan.
  - (g) A plan for making responsible gaming information available and legible on the Licensee’s website(s), mobile app(s), advertisements, or other platforms for Interactive Sports Gaming, including publication of a problem-gambling helpline telephone number that provides information about responsible gaming and services, and that has been approved by the Council pursuant to Rule 1350-01-.07(12);

## Advertising Restrictions

 **Statute: Tenn. Code Ann. § 4-49-118. Restrictions on licensees**

- (a) A licensee shall not:
  - (3) Directly advertise or promote sports wagering to minors. The council shall adopt rules specific to the manner in which a licensee may advertise its business operations as authorized by this chapter; Directly advertise or promote sports wagering to minors. The council shall adopt rules specific to the manner in which a licensee may advertise its business operations as authorized by this chapter.

 **Regulation: Rule 1350-01-.07(12) Maintenance of license or registration**

- (12) Manner in Which Interactive Sports Gaming May Be Advertised, Marketed, and Promoted. This Rule is authorized by T.C.A. § 4-49-118 to effectuate the prohibitions of that statute and establish the manner in which a Licensee may advertise its business operations compliant with the Sports Gaming Act.
  - (a) Licensees shall provide electronic copies of all advertising, marketing, and promotional materials developed by or on behalf of the Licensee to the Council within five (5) business days following their publication, distribution, or airing to the public, as applicable.
  - (b) Licensees shall not directly advertise or promote Interactive Sports Gaming to Minors.
  - (c) Advertising, marketing, and promotional materials published, distributed, or aired by or on behalf of a Licensee shall include a responsible gaming message, which includes, at a minimum, a Council-approved problem-gambling helpline number and an assistance and prevention message.
    1. Licensees shall include the logo and gambling hotline number for the Tennessee REDLINE, a 24/7 addiction treatment and recovery hotline provided by the Tennessee Association of Alcohol, Drug and other Addiction Services (TAADAS), or another toll-free gambling hotline number as approved by the Council. Logos will be provided to the Licensee for the Tennessee REDLINE by the Council.

## TENNESSEE

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2. In areas where space limitations create an issue for use of a logo, copy can be used to communicate the phone number. Individual social media postings (e.g., tweets, Facebook posts) where space is severely limited are not required to include the information set forth in part 1. of subparagraph (c). Social media pages and direct messages sent via social media platforms must contain the information set forth in part 1. of subparagraph (c).
  3. In determining whether to approve a Licensee's usage of a toll-free number other than the Tennessee REDLINE, the Council shall consider the following factors:
    - (i) Whether the toll-free number provides callers with information about services available in the location of the caller;
    - (ii) Whether the toll-free number provides a direct connection with additional services needed by the caller or requires the caller to place a separate, additional call;
    - (iii) The hours of operation of the toll-free number;
    - (iv) Whether the toll-free number allows for text-based communication;
    - (v) Whether the toll-free number is specifically designed to address responsible gaming, or whether it also encompasses other services;
    - (vi) The promptness in answering and professionalism of the individuals providing service through the toll-free number; and (vii) Whether the toll-free number collects, organizes and makes data publicly available, or specifically available to Tennessee, regarding demographics and utilization rates of callers that may be used to research and develop Responsible Gaming protocols.
  4. The Council shall post on its website a list of approved toll-free numbers that Licensees may use in their advertisements, which may be amended from time to time to add additional approved toll-free numbers. If the Council amends the list of approved toll-free numbers to remove a previously approved number, the Council will give Licensees thirty (30) days' advance written notice so Licensees can remove that number from their advertisements.
- (d) Licensees shall communicate the legal age to participate (21 years old and above) on any website, mobile app, and other mediums or forms of advertising, marketing, and promotions.
  - (e) Advertisements, marketing, or promotions shall not contain images, symbols, celebrity/entertainer endorsements, and/or language designed to appeal specifically to those under 21 years old.
  - (f) Advertisements, marketing, and promotions shall not imply that Minors may engage in Interactive Sports Gaming, or feature anyone who is or appears to be below 21 years old, unless the individual is a participant in a Sporting Event upon which a wager may be placed;
  - (g) Any individual who participates in Sporting Events upon which a wager can be placed cannot be compensated by a Licensee or Registrant for appearing in an advertisement related to sports wagering.
  - (h) Licensees shall not advertise in media outlets that appeal primarily to those under the age of 21;
    - (i) Advertisements, marketing, or promotions shall not be placed before any audience where the majority of the participants is presumed to be below the age of 21 or that targets potentially vulnerable Persons, including self-excluded Bettors;
  - (j) For Persons who have self-excluded, Licensees shall not target advertising and marketing to such Persons through direct messaging, text, or e-mail.
  - (k) All direct advertising, marketing, or promotions via e-mail or text message must allow the recipient an option to unsubscribe;

- (l) Licensees shall provide the requirements of this paragraph (12) to advertising, marketing, and promotions personnel, contractors, agents, and agencies retained by Licensees or their agents to ensure compliance herewith; and
- (m) Failure to adhere to any of the above may be grounds for disciplinary action.

## Wager/Time Limits

### Statute: Tenn. Code Ann. § 4-49-119. Responsible sports wagering

- (a) Licensees shall allow bettors to restrict themselves from placing wagers with the licensee, including limits on the time spent betting and amounts wagered, and take reasonable steps to prevent those bettors from placing such wagers. At the request of a bettor, a licensee may share the request with the council for the sole purpose of disseminating the request to other licensees.

### Regulation: Rule 1350-01-.07(15)(b)(8) Maintenance of license or registration

- (15) House Rules.
  - (b) At a minimum, the House Rules shall address the following items:
    - 8. A description of all types of Wagers that may be accepted, including any minimum and maximum Wagers;

## Restrictions on Extension of House Credit

### Statute: Tenn. Code Ann. § 4-49-118. Restrictions on licensees

- (a) A licensee shall not:
  - (2) Offer, accept, or extend credit to a bettor.

### Regulation: Rule 1350-01-.07(11)(g)(8) Maintenance of license or registration

- (11) Participation in Investigations.
  - (g) The Council may investigate any of the following activities:
    - 8. Offering, accepting, or extending credit to a Player;

## Treatment and Research Funding

### Statute: Tenn. Code Ann. § 4-49-104. Taxes -- Collection -- Disposition of taxes

- (e)(3) Five percent (5%) of the privilege tax collected under this section must be distributed by the council to the state treasurer and allocated to the department of mental health and substance abuse services to use in the manner prescribed by § 4-49-119.

### Statute: Tenn. Code Ann. § 4-49-119. Responsible sports wagering

- (c)
  - (1) The department of mental health and substance abuse services shall use the funds distributed to the department under § 4-49-104(e)(3) to oversee one (1) or more grant programs with organizations to provide treatment services for individuals with problem gambling or a gambling disorder, and

to establish prevention initiatives to reduce the number of individuals with problem gambling or a gambling disorder. The department may also use the funds distributed to the department to cover its actual administrative costs and the costs of professional services associated with overseeing each grant program.

- (2) The department shall annually generate a report outlining the activities of the department with respect to funding received under this chapter for problem gambling and gambling disorders, including, but not limited to, descriptions of programs, therapies, grants, and other resources made available, the success and outcomes of utilizing such programs, therapies, grant programs, and resources, the number of persons treated, the number of persons who complete programs and therapies, and the rate of recidivism, if known. The department shall file the annual report with the governor, the speaker of the senate, and the speaker of the house of representatives, and shall publish the report on its website, no later than January 1 of each year. The annual report must include an itemization of the department's expenditures relating to administrative costs and professional services associated with its activities under this subsection

## Employee Training

### **Statute: Tenn. Code Ann. § 4-49-119. Responsible sports wagering**

- (b) The council shall promulgate rules that require a licensee to implement responsible sports wagering programs that include comprehensive training on responding to circumstances in which individuals present signs of a gambling addiction.

### **Regulation: Rule 1350-01-.06 Approval or denial of an initial application**

- (9) Responsible Gaming Plan. Each License Applicant shall propose a Responsible Gaming Plan as an element of its License application. A Licensee shall maintain its plan for as long as the Licensee accepts Wagers in the State of Tennessee. A Licensee may propose amendments to its Responsible Gaming Plan, provided it submits the amendment for approval by the Council at least forty-five (45) days before the proposed effective date of any changes to the plan. The Responsible Gaming Plan shall include, at a minimum, the following:
  - (h) A plan for providing comprehensive responsible gaming training to employees who may interact with Players from the State of Tennessee, including annual or periodic refresher training. Training should equip the trainee to respond to circumstances in which Player account activity may indicate signs that are consistent with gambling addiction;

# Virginia



Sports Betting Statute/Regulation



iGaming Statute/Regulation

Since 2019, Virginia's gaming market has undergone a major expansion through the legalization of sports wagering and commercial casino gaming at up to five land-based gaming facilities. Responsible gaming requirements included in Virginia's casino gaming or sports betting regulations include a mandate that licensees maintain a corporate policy on responsible gambling, various advertising restrictions, as well as a requirement that gaming licensees ensure staff learn about problem gambling and its impact as well as key responsible gaming information.

## Responsible Gaming Plan Required

### Regulation: 11 VAC 5-80-80. Corporate responsible gambling policies

- C. A permit holder shall maintain a corporate policy on responsible gambling that addresses the following:
  1. Corporate commitment to responsible gambling and problem gambling prevention;
  2. Responsible gambling strategy with defined goals;
  3. Senior executive staff members are accountable for responsible gambling policies and programs;
  4. Responsible gambling programs are embedded across all activities of the organization;
  5. Methods for tracking levels of understanding and implementation of responsible gambling practices across its organization; and
  6. Measures to ensure staff understand the importance of responsible gaming and are knowledgeable about their roles and the company's expectations of their actions. Such measures should include:
    - a. Corporate responsible gambling policies are explained to employees along with local (e.g., site-specific) codes of practice, self-ban procedures, and regulations;
    - b. Staff learn about problem gambling and its impact as well as key responsible gambling information;
    - c. Staff are taught skills and procedures required of them for assisting players who may have problems with gambling;
    - d. Staff are trained to avoid messages that reinforce misleading or false beliefs;
    - e. All staff are trained upon hiring and retrained regularly;
    - f. Objectives are clear and accessible, training accommodates different learning styles, and material is tested or reviewed with staff;
    - g. A formal evaluation process is in place; and
    - h. Making reasonable efforts to ensure that the training program or evaluation is informed by evidence-based research.

### Regulation: 11 VAC 5-90-100. General facility operator requirements

- J. Voluntary exclusion; responsible gaming.
  5. Responsible gaming plan.
    - a. A facility shall establish a responsible gaming plan that sets forth the facility's plan for addressing problem gambling at the facility.
    - b. The responsible gaming plan shall include at least the following elements:
      1. Goals;

2. Procedures and deadlines for implementation;
3. Identification of facility personnel responsible for implementation;
4. Responsibilities of facility personnel identified as responsible for implementation;
5. Training for facility personnel on problem gambling and voluntary exclusion;
6. Means of controlling access to records pertaining to voluntary exclusion;
7. Means of educating players about:
  - a. Problem gambling;
  - b. Problem gambling treatment resources; and
  - c. Voluntary exclusion;
8. Placement of responsible gambling awareness materials in the facility;
9. Procedures for ensuring that an individual in the voluntary exclusion program is not permitted to:
  - a. Enter the facility;
  - b. Play a casino game; or
  - c. Claim a jackpot;
10. The facility's response to the discovery of an individual who is enrolled in the voluntary exclusion program on facility property, which may include pursuing criminal charges against the individual; and
11. Any other element required by the department.
  - c. A facility operator shall submit to the department its responsible gaming plan at least 60 days before operations are to commence.
  - d. A facility operator shall submit any amendments to its responsible gaming plan to the department prior to implementation.
  - e. A facility operator shall submit to the department an annual report describing the facility's responsible gaming plan.

## Self-Exclusion

### **Statute: Va. Code Ann. § 58.1-4015.1. Voluntary exclusion program**

- A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.
- B. The regulations shall include the following provisions:
  1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of this article; (ii) participating in sports betting, as defined in § 58.1-4030; (iii) engaging in any form of casino gaming that may be allowed under the laws of the Commonwealth; (iv) participating in charitable gaming, as defined in § 18.2-340.16; (v) participating in fantasy contests, as defined in § 59.1-556; or (vi) wagering on horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall assist in administering the voluntary exclusion program pursuant to the provisions of this section.
  2. A person who participates in the voluntary exclusion program may choose an exclusion period of two years, five years, or lifetime.

3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program may not petition the Board for removal from the program for the duration of his exclusion period.
4. The name of a person participating in the program shall be included on a list of excluded persons. The list of persons entering the voluntary exclusion program and the personal information of the participants shall be confidential, with dissemination by the Department limited to sales agents and permit holders, as defined in § 58.1-4030, and any other parties the Department deems necessary for purposes of enforcement. The list and the personal information of participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon request by the participant and agreement by the Board.
5. Sales agents and permit holders shall make all reasonable attempts as determined by the Board to cease all direct marketing efforts to a person participating in the program. The voluntary exclusion program shall not preclude sales agents and permit holders from seeking the payment of a debt incurred by a person before entering the program. In addition, a permit holder may share the names of individuals who self-exclude across its corporate enterprise, including sharing such information with any of its affiliates.

**Statute: Va. Code Ann. § 58.1-4103. Voluntary exclusion program**

- A. The Board shall adopt regulations to establish and implement a voluntary exclusion program.
- B. The regulations shall include the following provisions:
  1. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program agrees to refrain from (i) playing any account-based lottery game authorized under the provisions of this chapter or Chapter 40 (§ 58.1-4000 et seq.); (ii) participating in sports betting as such activity is regulated by the Board; (iii) engaging in any form of casino gaming authorized under the provisions of this chapter; (iv) participating in charitable gaming, as defined in § 18.2-340.16; (v) participating in fantasy contests, as defined in § 59.1-556; or (vi) wagering on horse racing, as defined in § 59.1-365. Any state agency, at the request of the Department, shall assist in administering the voluntary exclusion program pursuant to the provisions of this section.
  2. A person who participates in the voluntary exclusion program may choose an exclusion period of two years, five years, or lifetime.
  3. Except as provided by regulation of the Board, a person who participates in the voluntary exclusion program may not petition the Board for removal from the program for the duration of his exclusion period.
  4. The name of a person participating in the program shall be included on a list of excluded persons. The list of persons entering the voluntary exclusion program and the personal information of the participants shall be confidential, with dissemination by the Department limited to lottery sales agents licensed under Chapter 40 (§ 58.1-4000 et seq.), owners and operators of casino gaming establishments, and any other parties the Department deems necessary for purposes of enforcement. The list and the personal information of participants in the voluntary exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 5.2-3700 et seq.). In addition, the Board may disseminate the list to other parties upon request by the participant and agreement by the Board.
  5. Lottery sales agents and owners and operators of casino gaming establishments shall make all reasonable attempts as determined by the Board to cease all direct marketing efforts to a person

participating in the program. The voluntary exclusion program shall not preclude any lottery sales agents and owners and operators of casino gaming establishments from seeking the payment of a debt incurred by a person before entering the program. In addition, the owner or operator of a casino gaming establishment may share the names of individuals who self-exclude across its corporate enterprise, including sharing such information with any of its affiliates.

## **Regulation: 11 VAC 5-60-20. Request for self-exclusion**

- A. An individual may have his name placed on the self-exclusion list by submitting a request in the form and manner required by this section.
- B. An individual requesting placement on the self-exclusion list shall submit a completed request for self-exclusion over the internet as required by this chapter. If an individual requests to be placed on the self-exclusion for life list, such request shall be made in person at department headquarters or any other location specified by the department.
- C. An individual requesting placement on the self-exclusion for life list shall submit, in person, a completed request for self-exclusion as required by this chapter. The request shall be delivered to department headquarters or any other location specified by the department. Any individual submitting a self-exclusion for life request shall be required to present valid identification credentials containing the individual's signature and either a photograph or a general physical description.
- D. A request for self-exclusion shall be in a form prescribed by the department that shall include:
  1. The following identifying information concerning the individual submitting the request:
    - a. Name, including any aliases or nicknames;
    - b. Date of birth;
    - c. Street and mailing address of current residence; telephone number; and
    - d. Social Security Number, which information is voluntarily provided in accordance with § 7 of the Privacy Act (5 USC § 552a);
  2. The length of self-exclusion requested by the individual:
    - a. Two years;
    - b. Five years; or
    - c. Lifetime;
  3. An acknowledgement that individuals on the self-exclusion list shall be prohibited from participating in any form of legalized gaming in the Commonwealth and are prohibited from collecting any winnings or recovering any losses resulting from violation of the restrictions to which such individuals have agreed;
  4. An acknowledgement that the department shall coordinate the administration of the self-exclusion program with the Office of Charitable and Regulatory Programs and the Virginia Racing Commission pursuant to procedures developed by the department;
  5. An acknowledgment that the department will share the self-exclusion list with operators of legal gambling in the Commonwealth and that such operators, pursuant to their own policies, may extend the exclusion of the individual to offerings at the operators' locations outside the borders of the Commonwealth;
  6. An acknowledgement that the individual requesting self-exclusion shall notify the department within seven days if the individual's address or other contact information changes; and

7. A waiver and release that shall release and forever discharge the Commonwealth of Virginia, the department, the department’s employees and agents, all holders of permits to operate a sports betting platform and their employees and agents, the Office of Charitable and Regulatory Programs, and the Virginia Racing Commission and their employees and agents from any liability to the individual requesting self-exclusion, as applicable, and the individual’s heirs, administrators, executors, and assigns for any harm, monetary or otherwise, that may arise out of or by reason of any act or omission relating to the request for self-exclusion or request for removal from the self-exclusion list, including:
    - a. The processing or enforcement of the request for self-exclusion or request for removal from the self-exclusion list;
    - b. The failure to withhold gaming privileges from or restore gaming privileges to a self-excluded individual;
    - c. Permitting a self-excluded individual to engage in gaming activity while on the list of self-excluded individuals; and
    - d. Disclosure of the information contained in the self-exclusion list, except for a willfully unlawful disclosure of such information,
- E. For self-exclusion submissions for a stated period of time:
1. A sports betting permit holder shall provide a link directly to the department’s self-exclusion application form.
  2. The department’s online self-exclusion form shall provide to the self-excluding individual for the individual’s acknowledgement the following statement: “I am voluntarily requesting exclusion from all Virginia sports betting and account based lottery. I also understand that the department will share my information with the Office of Charitable and Regulatory Programs, the Virginia Racing Commission, and all sports betting permit holders, any of whom may prohibit me from participating in further gaming activities regulated or provided by those entities, including out-of-state sports betting sites in accordance with the policies of that sports betting permit holder. I agree to notify the department within seven days if my contact information changes. I certify that the information I have provided is true and accurate, and that I have read and understand and agree to the waiver and release included with this request for self-exclusion. I am aware that my digital signature authorizes the department to prohibit me from participating in all account-based lottery games and to direct all holders of sports betting permits in Virginia to restrict my gaming activities. I am further aware that my digital signature authorizes the department to share my information with the Office of Charitable and Regulatory Programs and the Virginia Racing Commission, who may further restrict my gaming activities. In accordance with this request and until such time as the department removes my name from the self-exclusion list under the terms of my request for voluntary self-exclusion, I am aware and agree that during any period of self-exclusion any money obtained by me in violation of the terms of my self-exclusion shall be subject to forfeiture and donated to the Commonwealth’s Problem Gambling Treatment and Support Fund.”
- F. For lifetime self-exclusion submissions:
1. The signature of the individual submitting the request shall acknowledge the following statement: “I am voluntarily requesting exclusion from all Virginia sports betting and account based lottery. In addition, I understand that my information will be shared with the Office of Charitable and Regulatory Programs, the Virginia Racing Commission, and all sports betting permit holders, any of whom may prohibit me from participating in further gaming activities regulated or provided by those entities, including out-of-state sports betting sites in accordance with the policies of that sports betting permit holder. I agree to notify the department within seven days if my contact information changes. I certify that the information I have provided is true and accurate, and that I have read and understand and

agree to the waiver and release included with this request for self-exclusion. I am aware that my signature authorizes the department to prohibit me from participating in all account-based lottery games and to direct all holders of sports betting permits in Virginia to restrict my gaming activities. I am further aware that my signature authorizes the department to share my information with the Office of Charitable and Regulatory Programs and the Virginia Racing Commission, who may further restrict my gaming activities. In accordance with this request I am aware and agree that any money obtained by me in violation of the terms of my self-exclusion shall be subject to forfeiture and donated to the Commonwealth's Problem Gambling Treatment and Support Fund."

2. The department shall document the type of identification credentials that were examined containing the signature of the individual requesting lifetime self-exclusion.
3. A department employee authorized to accept a self-exclusion request shall sign the application form and confirm that the signature of the individual on the request for lifetime self-exclusion appears to agree with that contained on his identification credentials.
4. The department shall confirm the individual's request to be placed on the lifetime self-exclusion list.

## Regulation: 11 VAC 5-60-30. Self-exclusion list

- A. The department shall maintain the official self-exclusion list and shall transmit notification of any addition to or deletion from the list to:
  1. Each sports betting permit holder;
  2. The Office of Charitable and Regulatory Programs; and
  3. The Virginia Racing Commission.
- B. Each party noted in subsection A of this section shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the list is kept up to date. All appropriate employees and agents of the parties noted in subsection A of this section who are notified of any addition or deletion from the self-exclusion list shall update their lists accordingly. Changes to the list shall be made by each party noted in subsection A of this section within seven days after the day the notice is transmitted and any remaining balance in the individual's gaming account shall be refunded pursuant to internal control standards approved by the department and the department's regulations. The notice provided by the department shall include the following information concerning any individual whose name is added to the list:
  1. Name, including any aliases or nicknames;
  2. Date of birth;
  3. Street and mailing address of current residence;
  4. Telephone number; and
  5. Social Security number if voluntarily provided by the individual requesting self-exclusion.
- C. Information furnished to or obtained by the department pursuant to this chapter shall be deemed confidential and not be disclosed except in accordance with this chapter. The voluntary self-exclusion list and the personal information of participants in the voluntary self-exclusion program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).
- D. Except as provided in this subsection, no employee or agent of the department or any of the parties included in subsection A of this section shall disclose the name of or any information about any excluded individual to anyone other than employees and agents whose duties and functions require access to such information.

1. Any sports betting permit holder may disclose the name of and information about a self-excluded individual to appropriate employees of other sports betting permit holders in Virginia for the purpose of alerting the employees that a self-excluded individual has tried to gamble or obtain gaming related privileges or benefits from the sports betting permit holder. In addition, the permit holder may share the name of an information about self-excluded individuals across the permit holder's corporate enterprise, including sharing such information with any of its affiliates.
2. It shall be permissible for a sports betting permit holder, or an employee or agent thereof, to disclose the names of individuals on the self-exclusion list to a third party that is registered or licensed by the department pursuant to 11 VAC 5-70 for the purpose of allowing the third party to remove the names of such individuals from a targeted mailing or other advertising or promotion to be made on behalf of the sports betting permit holder. The company to whom such self-exclusion list disclosed shall be prohibited from distribution or disclosing the list to the public or to any other party and shall be required to establish procedures approved by the department to ensure the self-exclusion list is not disclosed.
3. A licensed or registered company that obtains the self-exclusion list from a sports betting permit holder shall be permitted to use the list solely to exclude names or addresses from a marketing campaign on behalf of the sports betting permit holder. Such company may not use the self-exclusion list for any other type of marketing or for any other purpose whatsoever.

#### Regulation: 11 VAC 5-60-40. Duties of sports betting permit holder

- A. A sports betting permit holder shall establish procedures that are designed, to the greatest extent practicable, to:
  1. Prevent an individual on the self-exclusion list from opening a new sports betting account;
  2. Identify and suspend any sports betting accounts of an individual on the self-exclusion list;
  3. Refund any remaining balance to an individual on the self-exclusion list consistent with the department's regulations and the permit holder's internal control standards as approved by the department;
  4. Ensure that self-excluded individuals do not receive, either from the permit holder or any agent thereof, targeted mailings, telemarketing promotions, player club materials, or other targeted promotional materials relating to sports betting; and
  5. Enforce the provisions of this chapter.
- B. Upon notification that an individual has been added to or deleted from the self-exclusion list, each sports betting permit holder shall comply with all relevant provisions of 11 VAC 5-60-50.
- C. Each sports betting permit holder shall maintain on file a current copy of the permit holder's internal control standards procedures established pursuant to 11 VAC 5-60-60 and 11 VAC 5-70.

#### Regulation: 11 VAC 5-60-50. Removal from self-exclusion list

- A. Upon expiration of the period of self-exclusion requested pursuant to 11 VAC 5-60-20, the department shall remove the individual's name from the self-exclusion list and notify each sports betting permit holder, the Office of Charitable and Regulatory Programs, and the Virginia Racing Commission of the removal.
- B. Within seven days of receipt of notice from the department, the parties notified in subsection A of this section shall delete the name of the individual from the parties' self-exclusion lists.

## Regulation: 11 VAC 5-60-60. Forfeiture of winnings by self-excluded individual

- A. If a sports betting permit holder detects or is notified of the presence of a sports bettor suspected of being a self-excluded individual who has engaged in or is engaging in gaming activity, the permit holder shall take reasonable measures to verify that the sports bettor is a self-excluded individual and the evidence of the individual's exclusion.
- B. Upon verification of the individual's self-excluded status, the sports betting permit holder shall:
  - 1. Immediately prohibit access to the individual's sports betting account, return the balance accrued prior to the exclusion request, and seize any winnings that accrue after the exclusion request; and
  - 2. Issue a Payout Receipt and Notice of Forfeiture to the excluded player via electronic or regular mail, containing the following:
    - a. The total value and a detailed description of winnings that were seized;
    - b. The date of the incident;
    - c. The name of the self-excluded individual, if known, and basis for determining the individual is a self-excluded individual;
    - d. The street and mailing address of the self-excluded individual, if known, at which the individual may be notified regarding any future proceedings;
    - e. The date of the internet or mobile wagering session during which the self-excluded individual was engaged in a gaming transaction; and
    - f. Notice to the self-excluded individual that the department shall be seeking forfeiture of the winnings seized, that the individual has the right to be heard about the forfeiture, and that failure to respond to a forfeiture notice from the department shall be deemed a waiver of the right to be heard.
- C. The original Payout Receipt and Notice of Forfeiture prepared and signed as required in subsection B of this section shall be maintained on file by the sports betting permit holder. Copies of the document shall be provided to the self-excluded individual and filed with the department, which filing may be made electronically.
- D. All funds identified by a permit holder as subject to forfeiture shall be maintained separately and held by the sports betting permit holder until further order of the department or upon notice from the department that the funds may be released.
- E. Pursuant to the self-excluded individual's request submitted under 11 VAC 5-60-20, any winnings seized from a self-excluded individual shall be subject to forfeiture, following notice to the self-excluded individual and an opportunity to be heard. A failure to respond to a forfeiture notice shall result in the waiver of the right to be heard.
- F. The internal control standards of a sports betting permit holder shall contain procedures for processing any winnings seized from a self-excluded individual as if the winnings were paid and reported in accordance with normal procedures applicable to such payouts. Such procedures shall include, however, such modification to forms or additional documentation as necessary to record and report the payout as a payout withheld from a self-excluded individual. This documentation shall be compared by the sports betting permit holder's accounting department at the end of the gaming day to the copy of the Payout Receipt and Notice of Forfeiture. Any winnings withheld from a self-excluded individual that are paid and reported in accordance with the normal procedures applicable to such payouts, as modified in this section, shall be deducted in the calculation of gross revenue if the winnings were actually paid to the self-excluded individual.
- G. The department may initiate forfeiture of a self-excluded individual's winnings by sending notice to the self-excluded individual via personal service or regular mail sent to the address provided by the individual.

Notice shall include a description of the winnings subject to forfeiture and the self-excluded individual's right to a hearing.

- H. If the self-excluded individual wishes to contest the forfeiture, the individual shall submit a written request for a hearing within 15 days of the date of the notice of the forfeiture. If no response is filed by the self-excluded individual within 15 days of the date of the notice of the forfeiture, the winnings shall be deemed forfeited and transmitted to the Commonwealth's Problem Gambling Treatment and Support Fund. The decision of the board shall be final and may not be appealed.

### Regulation: 11 VAC 5-70-240. Advertising and marketing

- L. Advertising, marketing, or promotional materials may not be placed before an audience where the majority of the participants is presumed to be younger than 21 years of age or that targets potentially vulnerable persons, including self-excluded bettors.
- N. A permit holder, or a supplier or vendor acting on behalf of a permit holder, shall discontinue targeted advertising and marketing to a self-excluded individual's mobile device through direct messaging or text, email, or through other contact information collected by the permit holder, supplier, or vendor.

### Regulation: 11 VAC 5-80-70. Excluded individuals

- A. A permit holder shall take such actions and establish such procedures as may be necessary to identify and report to the department any activity prohibited by the board's regulation and § 58.1-4041 of the Code of Virginia. Such actions and procedures include:
  - 1. Making known to all affected individuals and corporate entities the prohibition against disclosure of proprietary or nonpublic information that may affect sports betting or the outcome of sports betting to any individual permitted to participate in sports betting; and
  - 2. Making commercially reasonable efforts to exclude individuals prohibited by the sports betting law from participating in sports betting. The department shall maintain and distribute the Virginia Lottery Exclusion List and a list of self-excluded individuals to permit holders for the purpose of monitoring for and excluding such individuals from platforms operated by the permit holder.
- B. A permit holder, upon learning of a violation of § 58.1-4041 of the Code of Virginia, shall immediately bar an individual committing the violation from participating in or disclosing proprietary or nonpublic information about sports betting by:
  - 1. Banning the individual committing the violation or disclosing or receiving prohibited information from all sports betting platforms operated by the permit holder;
  - 2. Terminating any existing promotional agreements with the individual; and
  - 3. Refusing to make any new promotional agreements that compensate the individual.

### Regulation: 11 VAC 5-80-102. Protections for at-risk or problem bettors

- A. In accordance with 11 VAC 5-60, sports bettors have the right to self-exclude from and to self-impose restrictions on their participation in sports betting in the Commonwealth. Sports bettors may self-exclude through the voluntary exclusion program as provided in § 58.1-4015.1 of the Code of Virginia or directly with a permit holder. In addition to participating in the voluntary exclusion program as provided in § 58.1-4015.1, a permit holder shall honor requests from a sports bettor to self-exclude from all sports betting activities for a period of at least 72 hours, to set deposit limits, to set limits on the sport bettor's total betting activity, or to limit participation to bets below an established limit.

- B. A permit holder shall institute and prominently publish procedures for sports bettors to implement the restrictions provided in subsection A of this section. Such procedures shall include, at a minimum:
  - 1. Opportunities to self-exclude from or to set self-imposed limits on each permit holder's sports betting platform used by that sports bettor to make deposits into a segregated account;

### **Regulation: 11 VAC 5-90-100. General facility operator requirements**

- J. Voluntary exclusion; responsible gaming.
  - 1. In addition to the requirements of 11VAC5-90-60, a facility operator shall comply with the requirements of this subsection.
  - 2. A facility operator may disclose information about an individual on the voluntary exclusion list to:
    - a. The department;
    - b. The facility's:
      - 1. Manager;
      - 2. Security department;
      - 3. Surveillance department; or
      - 4. Employees who are directly responsible for excluding unauthorized individuals from the facility; and
    - c. If the facility operator pursues criminal charges against an individual on the voluntary exclusion list who is suspected of trespassing at a facility, to:
      - 1. A law enforcement officer; or
      - 2. A person who is legally authorized to be involved in the criminal prosecution of an individual on the voluntary exclusion list who is suspected of trespassing at a facility.
  - 3. If an individual on the voluntary exclusion list is found on the premises of a facility, the facility operator:
    - a. Shall immediately notify the department; and
    - b. May pursue criminal charges against the individual for trespassing or any other appropriate criminal charge.
  - 4. A facility operator may not:
    - a. Permit an individual on the voluntary exclusion list to:
      - 1. Enter the facility; or
      - 2. Play a casino game;
    - b. Knowingly fail to exclude from the premises an individual on the voluntary list; or
    - c. Disclose information about individuals on the voluntary exclusion list beyond the disclosures that are authorized by subdivision 2 of this subsection.

## Property Signage and Responsible Gaming Disclosure

### **Regulation: 11 VAC 5-80-80. Corporate responsible gambling policies**

- A. A permit holder's website or mobile application shall prominently publish a responsible gambling logo in a manner approved by the director and shall direct a player to the permit holder's responsible gambling page.
- B. A permit holder's website or mobile application shall contain, at a minimum, the following:

1. A prominent message that provides a toll-free number approved by the director for individuals to use if the individuals suspect they or someone they know may have a gambling problem; and
2. A clear statement of the permit holder's commitment to responsible gaming and problem gambling prevention.

### Regulation: 11 VAC 5-80-90. Sports betting platform

A sports betting platform must possess the following features:

1. A prominent link to information about the permit holder's self-exclusion program;

### Regulation: 11 VAC 5-80-120. Protections for at-risk or problem bettors

- D. A permit holder shall prominently publish a description of opportunities for at-risk or problem bettors to receive assistance or that direct sports bettor to a reputable source accessible in the Commonwealth of such information.

### Regulation: 11 VAC 5-90-100. General facility operator requirements

- J. Voluntary exclusion; responsible gaming.
  6. A facility operator shall:
    - a. Post signage that prominently bears the gambling assistance message and the underage warning message approved by the department at each customer entrance to the gaming floor;
    - b. Ensure that the gambling assistance message approved by the department is included in an advertisement that is intended to encourage casino game play at its facility, including advertisements that are:
      1. In print medium;
      2. On a billboard;
      3. Broadcast on radio, television, or other means, including social media;
      4. Printed on a paper product that is associated with player consumption of food or beverage if the paper product is:
        - a. Special ordered; and
        - b. Branded with the facility's logo; or
        - c. Printed on ticket stock; and
        - d. Place in the facility responsible gambling awareness materials according to its responsible gaming plan.

## Advertising Restrictions

### Regulation: 11 VAC 5-70-240. Advertising and marketing

- A. A permit holder shall maintain and make available to the director upon request all advertising, marketing, and promotional materials developed by or on behalf of the permit holder by a supplier or vendor.
- B. A supplier or vendor that advertises, markets, or offers promotions on behalf of more than one permit holder or without affiliation to any permit holder shall maintain and make available to the director upon request all advertising, marketing, and promotional materials related to sports betting in the Commonwealth of Virginia that it has developed.

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- C. A permit holder may not directly target sports betting advertisements or promotions to minors.
- D. Advertising, marketing, and promotional materials shall include a responsible gaming message, which includes, at a minimum, a director-approved problem gambling helpline number and an assistance and prevention message, except as otherwise permitted by the director for certain mediums such as social media messages.
- E. A permit holder shall communicate the minimum legal age to participate on any website, mobile application, and other mediums or forms of advertising, marketing, and promotions, except as otherwise permitted by the director for certain mediums such as social media messages.
- F. A permit holder shall comply strictly with all state and federal standards to make neither false or misleading claims, nor to create a suggestion that the probabilities of winning or losing with the permit holder's sports betting platform are different than those actually experienced.
- H. Advertising, marketing, and promotional materials may not contain images, symbols, celebrity or entertainer endorsements, or language designed to appeal specifically to individuals younger than 21 years of age.
- H. Advertising, marketing, and promotional materials may not feature anyone who is or appears to be younger than 21 years of age except for professional athletes who may be minors.
- I. A permit holder may not advertise in a media outlet (including social media) that appeals primarily to individuals younger than 21 years of age.
- J. Advertisements may not be placed with such intensity and frequency that they represent saturation of that medium or become excessive.
- K. Advertising, marketing, or promotional materials may not contain claims or representations that sports betting will guarantee an individual's social, financial, or personal success.
- L. Advertising, marketing, or promotional materials may not be placed before an audience where the majority of the participants is presumed to be younger than 21 years of age or that targets potentially vulnerable persons, including self-excluded bettors.
- M. Advertising, marketing, or promotional materials may not imply that chances of winning increase the more one participates in, or the more one spends on, sports betting.
- N. A permit holder, or a supplier or vendor acting on behalf of a permit holder, shall discontinue targeted advertising and marketing to a self-excluded individual's mobile device through direct messaging or text, email, or through other contact information collected by the permit holder, supplier, or vendor.
- O. Advertising, marketing, or promotional materials may not be placed on any website or printed page or medium devoted primarily to responsible gaming.
- P. Advertising, marketing, or promotional materials shall neither contain nor imply lewd or indecent language, images, or actions.
- Q. Advertising, marketing, and promotional materials shall reflect generally accepted contemporary standards of good taste.
- R. All direct advertising, marketing, and promotions via email or text message shall allow the option to unsubscribe.
- S. A permit holder shall respect user privacy and comply with all applicable legal privacy requirements, including those requiring governing consent.
- T. A permit holder shall provide the requirements of this section to advertising, marketing, and promotions personnel, contractors, agents, and agencies and shall require compliance.
- U. Cooperative marketing with ABC licensee
  - 1. For purposes of this subsection:

- a. “ABC licensee” means a person to whom a license has been issued pursuant to the provisions of Title 4.1 of the Code of Virginia.
  - b. “Casino gaming operator” and “casino gaming establishment” shall have the meanings established in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 of the Code of Virginia.
  - c. “Major league sports franchise” and “motor sports facility” shall have the meanings established in § 58.1-4030 of the Code of Virginia.
2. A permit holder shall not combine its sports betting platform marketing efforts with those of an ABC licensee for the parties’ mutual benefit, except as follows:
    - a. A permit holder that is a (i) motor sports facility or (ii) motor sports facility operator may combine its platform marketing efforts with those of an ABC licensee, provided such marketing is limited to consumers physically located on the premises of the motor sports facility;
    - b. A permit holder that is a major league sports franchise may combine its platform marketing efforts with those of an ABC licensee, provided such marketing is limited to consumers physically located on the premises of the stadium where the sports franchise plays its games; and
    - c. A permit holder that is a casino gaming operator may combine its platform marketing efforts with those of an ABC licensee, provided such marketing is limited to consumers physically located on the premises of the casino gaming establishment.
  3. Prior to marketing its platform as permitted in this section, a permit holder must be able to demonstrate to the satisfaction of the director:
    - a. Compliance with all applicable zoning ordinances; and
    - b. Approval of the local governing body in the form of an ordinance allowing such marketing to occur with respect to the permit holder’s motor sports facility, stadium, or casino gaming establishment.

### Regulation: 11 VAC 5-80-140. Promotional offers

- A. A permit holder shall fully and accurately disclose the material terms of all promotional offers involving sports betting at the time any such offer is advertised and provide full disclosure of the terms of and limitations on the offer before the sports bettor provides anything of value in exchange for the offer. If the material terms of a promotional offer cannot be fully and accurately disclosed within the constraints of a particular advertising medium, the material terms and conditions shall be accessed by hyperlink that takes the individual directly to the material terms or directs the individual to the site to access the offer or bonus terms and in reasonably prominent size.
- B. No promotional offer available to a sports bettor who sets up a new user account may contain terms that delay full implementation of the offer by the permit holder for a period of longer than 90 days, regardless of the number or amount of wagers in that period by the sports bettor.

### Regulation: 11 VAC 5-80-150. Advertising in general

- A. An advertisement for sports betting shall disclose the identity of the permit holder.
- B. An advertisement for sports betting may not depict:
  1. Minors, other than professional athletes who may be minors;
  2. Students;
  3. Schools or colleges; or
  4. School or college settings. Incidental depiction of nonfeatured minors shall not be deemed a violation of this subsection.

- C. An advertisement for sports betting shall not state or imply endorsement by:
  - 1. Minors, other than professional athletes who may be minors;
  - 2. Collegiate athletes;
  - 3. Schools or colleges; or
  - 4. School or college athletic associations.
- D. A permit holder shall not intentionally use characteristics of at-risk or problem bettors to target potentially at-risk or problem bettors with advertisements.
- E. An advertisement for sports betting in published media shall (i) include information concerning assistance available to at-risk or problem bettors or (ii) direct consumers to a reputable source for such information. If an advertisement is not of sufficient size or duration to reasonably permit inclusion of such information, that advertisement shall refer to a website, application, or telephone hotline that does prominently include such information.
- F. Any representation concerning winnings:
  - 1. Shall be accurate and capable of substantiation at the time the representation is made;
  - 2. Shall not mislead bettors about the outcomes of gambling; and
  - 3. Shall not misrepresent the odds of winning.
- G. An advertisement is misleading if it makes representations about average winnings without representing with equal prominence the average net winnings of all sports bettors.

### **Regulation: 11 VAC 5-80-160. Restrictions on advertising to minors or at schools or school sporting events**

- A. An advertisement for sports betting published, disseminated, circulated, broadcast, or placed before the public in the Commonwealth shall not be aimed exclusively or primarily at minors.
- B. A permit holder shall not advertise or run promotional activities at elementary or secondary schools or on college campuses in the Commonwealth.

### **Regulation: 11 VAC 5-90-100. General facility operator requirements**

- J. Voluntary exclusion; responsible gaming.
  - 6. A facility operator shall:
    - b. Ensure that the gambling assistance message approved by the department is included in an advertisement that is intended to encourage casino game play at its facility, including advertisements that are:
      - 1. In print medium;
      - 2. On a billboard;
      - 3. Broadcast on radio, television, or other means, including social media;
      - 4. Printed on a paper product that is associated with player consumption of food or beverage if the paper product is:
        - a. Special ordered; and
        - b. Branded with the facility's logo; or
        - c. Printed on ticket stock;

## Wager/Time Limits

### Regulation: 11 VAC 5-80-120. Protections for at-risk or problem bettors

- A. In accordance with 11 VAC 5-60, sports bettors have the right to self-exclude from and to self-impose restrictions on their participation in sports betting in the Commonwealth. Sports bettors may self-exclude through the voluntary exclusion program as provided in § 58.1-4015.1 of the Code of Virginia or directly with a permit holder. In addition to participating in the voluntary exclusion program as provided in § 58.1-4015.1, a permit holder shall honor requests from a sports bettor to self-exclude from all sports betting activities for a period of at least 72 hours, to set deposit limits, to set limits on the sport bettor's total betting activity, or to limit participation to bets below an established limit.
- B. A permit holder shall institute and prominently publish procedures for sports bettors to implement the restrictions provided in subsection A of this section. Such procedures shall include, at a minimum:
  1. Opportunities to self-exclude from or to set self-imposed limits on each permit holder's sports betting platform used by that sports bettor to make deposits into a segregated account;
  3. Options to implement limits and timeouts (e.g. cooling off periods). Sports bettors shall have the option to adjust self-imposed limits to make the limits more restrictive as often as the sports bettors like but shall not have the option to make limits less restrictive until the prior restriction has expired.

## Restrictions on Extension of House Credit

### Regulation: 11 VAC 5-80-130. Prohibition on the extension of credit

A permit holder shall not extend credit to a sports bettor.

### Regulation: 11 VAC 5-90-100. General facility operator requirements

- G. Conduct of casino gaming; prohibited acts.
  7. No licensee, permit holder, or any person on the premises of a casino gaming establishment shall extend lines of credit or accept any credit card for participation in any gaming operation.

## Treatment and Research Funding

### Statute: Va. Code Ann. § 37.2-314.2. Problem Gambling Treatment and Support Fund

- A. As used in this section: "Compulsive gambling" means persistent and recurrent problem gambling behavior leading to clinically significant impairment or distress, as indicated by an individual exhibiting four or more of the criteria as defined by the Diagnostic Statistical Manual of Mental Disorders in a 12-month period and where the behavior is not better explained by a manic episode. "Problem gambling" means a gambling behavior that causes disruptions in any major area of life, including the psychological, social, or vocational areas of life, but does not fulfill the criteria for diagnosis as a gambling disorder.
- B. There is hereby created in the state treasury a special nonreverting fund to be known as the Problem Gambling Treatment and Support Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenue accruing to the Fund pursuant to subsection A of § 58.1-4038 and moneys required to be deposited into the Fund pursuant to Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in

the Fund. Moneys in the Fund shall be used solely for the purposes of (i) providing counseling and other support services for compulsive and problem gamblers, (ii) developing and implementing compulsive and problem gambling treatment and prevention programs, and (iii) providing grants to support organizations that provide assistance to compulsive and problem gamblers. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

## **Statute: Va. Code Ann. § 58.1-4038. Distribution of tax revenue**

- A. The Department shall allocate 2.5 percent of the tax revenue collected pursuant to § 58.1-4037 to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2.

## **Regulation: 11 VAC 5-70-290. Player accounts**

- D. If a permit holder determines that the information provided by a player to make a deposit or process a withdrawal is inaccurate or incapable of verification; fails to verify the identity of the player; or the player violates the policies and procedures of the permit holder, the permit holder shall, within 21 days, require the submission of additional information from the player that can be used to remedy any violation or failure to verify the identity or funds deposit or withdrawal information of the player. If such information is not provided or does not result in verification of the player's identity or deposit or withdrawal information, the permit holder shall:
  2. Submit any winnings attributable to the player to the director for distribution to the Commonwealth's Problem Gambling Treatment and Support Fund;

## **Regulation: 11 VAC 5-90-20. Unclaimed jackpots**

- A. A player shall have a maximum of 180 days from the date an unclaimed jackpot is won to claim it.
- B. After 180 days, an unclaimed jackpot shall be distributed to the Lottery for deposit in the Problem Gambling Treatment and Support Fund established by § 37.2-314.1 of the Code of Virginia.

## **Regulation: 11 VAC 5-90-100. General facility operator requirements**

- K. Mandatory exclusion.
  7. Inclusion on mandatory exclusion list
    - c. If the director decides to place an individual on the mandatory exclusion list, department staff shall deliver to the individual via U.S. Postal Service mail, a written notice explaining:
  5. That the excluded individual shall be:
    - c. Required to redeem or liquidate an unredeemed item with monetary value that the individual has received since being placed on the mandatory exclusion list and surrender those redeemed or liquidated sums to the Problem Gambling Treatment and Support Fund established under § 37.2-314.2 of the Code of Virginia.

## **Employee Training**

### **Regulation: 11 VAC 5-80-80. Corporate responsible gambling policies**

- C. A permit holder shall maintain a corporate policy on responsible gambling that addresses the following:

5. Methods for tracking levels of understanding and implementation of responsible gambling practices across its organization; and
6. Measures to ensure staff understand the importance of responsible gaming and are knowledgeable about their roles and the company's expectations of their actions. Such measures should include:
  - a. Corporate responsible gambling policies are explained to employees along with local (e.g., site-specific) codes of practice, self-ban procedures, and regulations;
  - b. Staff learn about problem gambling and its impact as well as key responsible gambling information;
  - c. Staff are taught skills and procedures required of them for assisting players who may have problems with gambling;
  - d. Staff are trained to avoid messages that reinforce misleading or false beliefs;
  - e. All staff are trained upon hiring and retrained regularly;
  - f. Objectives are clear and accessible, training accommodates different learning styles, and material is tested or reviewed with staff;
  - g. A formal evaluation process is in place; and
  - h. Making reasonable efforts to ensure that the training program or evaluation is informed by evidence-based research.

### **Regulation: 11 VAC 5-80-120. Protections for at-risk or problem bettors**

- E. A permit holder shall train employees on at-risk or problem betting. Such training shall include training on policies and best practices for identifying and assisting sports bettors who may be at-risk or problem sports bettors.

### **Regulation: 11 VAC 5-90-100. General facility operator requirements**

- J. Voluntary exclusion; responsible gaming.
  5. Responsible gaming plan.
    - b. The responsible gaming plan shall include at least the following elements:
      5. Training for facility personnel on problem gambling and voluntary exclusion;

## Other

### **Regulation: 11 VAC 5-90-100. General facility operator requirements**

- K. Mandatory exclusion.
  1. This subsection establishes a mechanism by which the department:
    - a. Maintains a list of individuals who are to be mandatorily excluded or ejected from a facility; and
    - b. Establishes standards that require a facility operator to:
      1. Exclude or eject an individual from the premises of the facility; and
      2. Ensure that intoxicated individuals and individuals younger than 21 years of age are not allowed:
        - a. To play casino games, engage in sports betting, participate in on-premises mobile casino gaming; or

- b. To be in areas of the facility where casino games, sports betting facilities, are located or onsite mobile casino gaming is conducted.
2. The department shall establish and maintain a mandatory exclusion list that identifies individuals whom the department has directed be mandatorily excluded or ejected by a facility operator.
3. The director may place on the mandatory exclusion list an individual who:
  - a. Has exhibited behavior:
    1. In an occupational manner or context for the purpose of economic gain; and
    2. Utilizes methods that are deemed by the department as criminal violations inimical to the interest of the Commonwealth;
  - b. Has been convicted of a criminal offense under the laws of the United States or any jurisdiction within the United States that is a criminal offense involving moral turpitude or a gambling offense;
  - c. Would adversely affect the interests of the Commonwealth, the licensee, or the individual if the individual were to be present at a facility;
  - d. Is the subject of any administrative or judicial order directing the individual to stay away from a casino or other gaming facility;
  - e. Presents a threat to the safety of any individual on the premises of a facility;
  - f. Engages in, or has a documented history of engaging in, disturbance of players or disruption of casino game play;
  - g. The director or a facility operator has a reasonable belief that such individual has cheated, or attempted to cheat at a facility by engaging in conduct including:
    1. Altering or misrepresenting the outcome of a game or event on which bets have been placed;
    2. Placing, canceling, increasing, or decreasing a bet based on knowledge that is not available to other players;
    3. Claiming or collecting a prize from a facility that the individual did not win or earn or that the individual was not otherwise authorized to claim or collect;
    4. Manipulating a casino game, a central monitor and control system, or associated equipment or software to affect the outcome of a game or bet; or
    5. Altering the elements of chance or methods of selection or criteria that determine the outcome of a game or bet;
  - h. Has been banned for life from casino play or operations pursuant to the gaming law or this chapter; or
  - i. Engages in any conduct that may adversely affect public confidence in, or perception of, casino gaming operations in the Commonwealth.
4. In evaluating whether to place an individual on the mandatory exclusion list related to an incident or series of incidents, the director may specify monetary amounts and circumstances, including:
  - a. The nature of the incident;
  - b. Whether the individual was an employee of a licensee or permit holder at the time of the incident;
  - c. If the individual was a licensee or the holder of a permit, whether the individual was working at a facility while the individual engaged in conduct described in subdivision 3 of this subsection;
  - d. Whether the incident or incidents had a direct impact on:
    1. A facility;
    2. A player

3. A licensee; or
4. The amount or type of loss to:
  - a. A facility;
  - b. A player; or
  - c. A licensee or permit holder;
  - e. Whether the individual made restitution;
  - f. Whether the individual was involved in a prior incident that meets the criteria of subdivision 3 of this subsection;
  - g. Whether a facility has other information the director finds relevant; and
  - h. Any other information the director finds relevant.
5. The entry of an individual on the mandatory exclusion list shall include sufficient information to identify the excluded individual.
6. The mandatory exclusion list shall be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).
7. Inclusion on mandatory exclusion list
  - a. Upon receipt of information that reasonably indicates that an individual meets any criteria under subdivision 3 of this subsection, and after making any considerations described in subdivision 3 of this subsection, the director shall:
    1. Evaluate the information;
    2. Ensure that the information sufficiently identifies the individual; and
    3. Decide whether to place the individual on the mandatory exclusion list.
  - b. Prior to placing an individual on the mandatory exclusion list, the director or the director's designee may provide a facility with:
    1. Information used to identify an individual who may be excluded;
    2. The factual basis for placing an individual on the mandatory exclusion list; and
    3. An opportunity to provide the director with information identified in subdivision 3 of this subsection.
  - c. If the director decides to place an individual on the mandatory exclusion list, department staff shall deliver to the individual via U.S. Postal Service mail, a written notice explaining:
    1. The factual basis for placing the individual on the mandatory exclusion list;
    2. The availability of a reconsideration meeting with the director or the director's designee;
    3. The requirements for submitting a request for a reconsideration meeting;
    4. That if a timely request for a reconsideration meeting is not submitted, the individual's name shall be:
      - a. Placed on a mandatory exclusion list;
      - b. Distributed to all Virginia facility operators; and
      - c. Made publicly available; and
5. That the excluded individual shall be:
  - a. Prohibited from entering any facility and from playing any casino game in the Commonwealth of Virginia;
  - b. Subject to criminal charges for trespassing or any other appropriate criminal charge; and

- c. Required to redeem or liquidate an unredeemed item with monetary value that the individual has received since being placed on the mandatory exclusion list and surrender those redeemed or liquidated sums to the Problem Gambling Treatment and Support Fund established under § 37.2-314.2 of the Code of Virginia.
- 8. Reconsideration meeting.
  - a. An individual may submit to the director a written request for a reconsideration meeting within 15 days of the date of the individual's receipt of the notice described in subdivision 7 of this subsection.
  - b. If an individual fails to timely submit a request for a reconsideration meeting, the individual shall be placed on the mandatory exclusion list.
  - c. A reconsideration meeting may be held by the director or the director's designee.
  - d. During a reconsideration meeting, an individual may:
    - 1. Be represented by counsel; and
    - 2. Present evidence as to why the individual does not meet the criteria for mandatory exclusion.
  - e. The director or the director's designee shall deliver to the individual via U.S. Postal Service mail, a written notice of the decision following the reconsideration meeting.
  - f. An individual dissatisfied with the result of a reconsideration meeting may submit a written request to the board for an appeal hearing.
  - g. The request for an appeal hearing shall:
    - 1. Be submitted within 15 days of the date of the individual's receipt of the written notice of the decision following the reconsideration meeting; and
    - 2. Describe the individual's legal and factual bases for disagreeing with placement on the mandatory exclusion list.
  - h. If an individual fails to timely submit a written request for an appeal hearing, the individual shall be placed on the mandatory exclusion list.
  - i. Upon receipt of a timely written request for an appeal hearing, the board shall provide the individual with a notice for the appeal hearing.
- 9. Appeal hearing.
  - a. If after an appeal hearing the board decides that the excluded individual does not meet any criteria under subdivision 3 of this subsection, the individual's name may not be placed on the mandatory exclusion list.
  - b. If after an appeal hearing, the board decides that the excluded individual meets any criteria under subdivision 3 of this subsection:
    - 1. The individual's name shall remain on the mandatory exclusion list;
    - 2. The department shall notify all facility operators of the individual's addition to the mandatory exclusion list;
    - 3. The individual may seek judicial review of the board's decision; and
    - 4. The individual may request to be removed from the mandatory exclusion list only as provided in subdivision 10.
- 10. Removal from mandatory exclusion list
  - a. After an excluded individual has been on the mandatory exclusion list for at least five years, the individual may request removal from the mandatory exclusion list.

- b. An excluded individual's request for removal shall be submitted to the director in writing and shall include a detailed statement about why there is:
    1. Good cause for removal of the individual from the list; and
    2. A material change in the individual's circumstances since the individual's name was placed on the list.
  - c. The director or the director's designee shall investigate the request and make a recommendation to the department whether to grant or deny the request.
  - d. If the director or the director's designee recommends removing the individual from the list, the department may approve the recommendation without a hearing, and department staff shall:
    1. Remove the individual from the mandatory exclusion list;
    2. Deliver to the individual via U.S. Postal Service mail a notice of removal from the mandatory exclusion list; and
    3. Notify all facility operators of the individual's removal from the mandatory exclusion list.
  - e. If the director or the director's designee recommends continued inclusion on the mandatory exclusion list, the excluded individual may submit to the board a written request for an appeal hearing.
11. Appeal hearing.
- a. The request for an appeal hearing shall:
    1. Be submitted within 15 days of the date of the individual's receipt of the written notice of the recommendation of the director or the director's designee; and
    2. Describe the individual's legal and factual bases for disagreeing with the recommendation.
  - b. If an individual fails to timely submit a written request for an appeal hearing, the individual shall remain on the mandatory exclusion list.
  - c. Upon receipt of a timely written request for an appeal hearing, the director shall provide the individual with notice for a hearing.
12. If after a hearing the board denies the individual's request for removal, the board shall deliver to the individual via U.S. Postal Service mail a notice that the:
- a. Request was denied; and
  - b. Individual shall remain on the mandatory exclusion list.
13. Separate from the individual's ability to request removal from the mandatory exclusion list, the director shall periodically review the mandatory exclusion list and may consider the following in order to determine if an individual should be removed:
- a. Whether the individual is living;
  - b. Whether there are changed circumstances; or
  - c. Any other relevant information.
14. Judicial review. The board's decision under subdivisions 9 and 11 of this subsection may be subject to judicial review.

# West Virginia



West Virginia established its responsible gaming framework in 1985 following legislation establishing the state lottery. The state added new requirements in 1994 following the authorization of electronic gaming devices at racetracks, in 2001 with the authorization of similar devices at other retail locations, and in 2018 after the legalization of sports betting in West Virginia. Further requirements were added in 2021 following the adoption of final rules for internet gaming.

West Virginia's responsible gaming framework includes a statewide self-exclusion program, significant restrictions concerning ATM access and use of debit and credit cards, and advertising restrictions. Following the adoption of internet gaming rules in 2021, the state passed several iGaming-specific responsible gaming regulations that include ensuring players can set both wagering and time limits, as well as restrictions pertaining to advertising for internet gaming.

## Self-Exclusion

### Regulation: WV CSR §179-8-126. Exclusion List; Duty to Exclude

1. Entry into the casino shall be denied to any person who is excluded under this rule. If the Director places a person on the Commission's exclusion list, the person is prohibited from entering the casino until a determination is made by the Commission or a court to the contrary.
2. The casino licensee shall exclude or eject any excluded person from its premises if the casino licensee or the licensee's agents know or reasonably should know that the person is on the Commission's exclusion list.
3. The casino licensee shall inform the Commission, in writing, of the names of persons that it knows or should know who meet the criteria for placement on an exclusion list and the reason the person meets the exclusion criteria.
4. This rule does not preclude the casino licensee from ejecting or barring a person from its casino for reasons considered necessary by the licensee. The casino licensee may seek to have a person it has ejected or barred from its premises placed on the Commission exclusion list.

### Regulation: WV CSR §179-8-127. Distribution and Availability of Exclusion Lists

1. The Commission shall maintain a list of persons to be ejected or excluded from the casino. The exclusion list is a public record. The list may be distributed to law enforcement agencies. All of the following information, to the extent known, shall be provided for each excluded person:
  - a. The person's full name and date of birth and all aliases;
  - b. A physical description of the person;
  - c. The effective date the person's name was placed on the exclusion list;
  - d. A photograph of the person, if available;
  - e. The person's occupation and current home and business addresses; and
  - f. Any other information considered necessary by the Director to facilitate identification of the person placed on the exclusion list.

**Regulation: WV CSR §179-8-128. Criteria for Exclusion and Placement on Exclusion List**

1. The Director may place a person on the exclusion list pending a hearing if any of the following provisions apply to the person:
  - e. The person has realized that he or she has a compulsive gaming disorder and has requested in writing to be excluded from the casino and/or all of the state's four pari-mutuel racetracks.

**Regulation: WV CSR §179-8-129. Procedure for Entry of Names on Exclusion List**

1. Upon a determination that a person comes under any of the criteria for exclusion, the person may be subject to exclusion and the Director shall file a notice of exclusion. The notice shall include all of the following information:
  - a. The identity of the person;
  - b. The nature and scope of the circumstances or reasons that the person should be placed on the exclusion list;
  - c. The names of potential witnesses; and
  - d. A recommendation as to whether the exclusion or ejection should be permanent.

The notice shall also inform the person of the availability of a hearing before the Commission.
2. A person excluded from the casino shall make a request for a hearing within thirty days from the date the notice of exclusion was served.
3. If a person is excluded or ejected from the casino, then the person is prohibited from further entering the casino until a determination is made by the Commission on the merits of a filed notice of exclusion or a requested hearing. If a determination by the Commission is appealed, then the exclusion shall continue until the judicial review is completed unless otherwise ordered by the court.
4. The name of a person on the exclusion list shall be removed from the list if the Commission or a subsequent judicial review finds in favor of an excluded person. The excluded person's exclusion shall be terminated as of the date of the decision of the Commission or the court. The excluded person's name shall remain on the exclusion list if the finding is against the excluded person. The excluded person's name shall remain on the exclusion list if a hearing is not requested.
5. The Director shall set the term of the temporary exclusion when the notice of exclusion provides for a temporary exclusion. The Director may consider the recommendation of the West Virginia Lottery staff when making this time determination. A temporary exclusion shall not be less than one hundred eighty days. A temporary exclusion shall apply only to a person excluded or ejected for disruptive conduct. All other exclusions shall be permanent.

**Regulation: WV CSR §179-8-130. Petition for Removal From Exclusion List**

1. A person who has been placed on any exclusion list may petition the Commission, in writing, and request that his or her name be removed from the exclusion list.
2. The provisions of West Virginia Code §29A-5-1 et seq. and the West Virginia Lottery's *Administrative Appeals Procedures* rule 179CSR2 apply to protests of exclusion under this section.

### **Regulation: WV CSR §179-10-5. Internal controls; house rules; terms and conditions; patron protection page**

5.6. All terms and conditions for interactive gaming shall be included as an appendix to the internal controls of the interactive gaming operator or MSP addressing all aspects of the operation, including the following:

5.6.9. The patron's right to set responsible gaming limits and to self-exclude;

## Property Signage and Responsible Gaming Disclosures

### **Statute: W. Va Code §29-22B-907. Display of information on terminal face or screen**

(4) A label prominently displaying information on how to locate and contact persons or organizations available for help, assistance or treatment for persons who may have a gambling addiction, together with the telephone number "1-800-GAMBLER."

### **Statute: W. Va. Code §29-22E-4. Commission duties and powers**

(1) Rules promulgated by the commission may include, but are not limited to, those governing the acceptance of wagers on interactive games; maximum wagers which may be accepted by an operator from any one patron on any one interactive game; method of accounting to be used by operators; types of records which shall be kept; use of credit and checks by patrons; type of system for wagering; protections for patrons placing wagers; and promotion of social responsibility, responsible gaming, and inclusion of the statement, "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER", in every designated area approved for interactive wagering and on any mobile application or other digital platform used to place wagers.

### **Regulation: WV CSR §179-9-13. Additional requirements for wagers placed on mobile applications and other digital platforms**

13.4. Each online sports pool website or mobile application shall display a responsible gaming logo in a manner approved by the Lottery to direct a patron to the site's responsible gaming page. The responsible gaming page shall be accessible to a patron during a patron session and shall contain, at a minimum, the following:

13.4.1 A prominent message, which states "If you or someone you know has a gambling problem and wants help, call 1-800-Gambler";

13.4.2 A direct link to the Problem Gamblers Help Network of West Virginia and one other organization based in the United States dedicated to helping people with potential gambling problems;

13.4.3 A clear statement of the online sports pool operator's policy and commitment to responsible gaming;

13.4.4 Rules governing self-imposed responsible gaming limits and the ability for the patron to establish those limits.

### **Regulation: WV CSR §179-10-5. Internal controls; house rules; terms and conditions; patron protection page**

5.15. Each interactive gaming operator's website shall display a responsible gaming logo in a manner approved by the Director, which shall direct a patron to the site's responsible gaming page. The

responsible gaming page shall be accessible to a patron during a patron session and shall contain, at a minimum, the following:

- 5.15.1. A prominent message that states “If you or someone you know has a gambling problem and wants help, call 1-800-Gambler;”
- 5.15.2. A direct link to the Problem Gambler’s Network of West Virginia;
- 5.15.3. A clear statement of the interactive gaming operator’s or MSP’s policy and commitment to responsible gaming; and
- 5.15.4. The rules governing self-imposed responsible gaming limits, including the ability for the patron to establish those limits.

## Advertising Restrictions

**Statute: W. Va. Code §29-22A-9. General duties of all video lottery license and permit holders; duties of permitted manufacturers; duties of permitted service technicians; duties of permitted validation managers; duties of floor attendants; duties of licensed racetracks**

- (a) All video lottery license and permit holders shall:
  - (12) Conduct no video lottery advertising and promotional activities without the prior written approval of the director.

### Regulation: WV CSR §179-9-21. Advertising

- 21.1 The Lottery Director shall approve all advertising in advance of sports wagering systems in advance of a sports pool operator, its sports pool intermediaries, its agents, or its affiliates publishing or otherwise releasing such advertisements. Further requirements shall be defined by the Lottery Commission in its MICS.

### Regulation: WV CSR §179-10-22. Advertising

- 22.1 The Director shall approve all advertising of interactive gaming systems in advance of an operator or its MSP’s, or their agents or affiliates, publishing or otherwise releasing such advertisements. The Commission may define further requirements in its MICS.

## Wager/Time Limits

**Statute: W. Va. Code §29-22A-6. Video lottery terminal hardware and software requirements; hardware specifications; software requirements for randomness testing; software requirements for percentage payout; software requirements for continuation of video lottery game after malfunction; software requirements for play transaction records**

- (12) The rules of play for each game shall be displayed on the video lottery terminal face or screen. The commission may reject any rules of play which are incomplete, confusing, misleading or inconsistent with game rules approved by the commission. For each video lottery game there shall be a display detailing the credits awarded for the occurrence of each possible winning combination of numbers or symbols. A

## WEST VIRGINIA

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video lottery terminal may allow the amounts of minimum and maximum wagers on a single game to be determined by licensee or permit holder in the exercise of its business judgment subject to the approval of the commission. All information required by this subdivision shall be displayed under glass or another transparent substance. No stickers or other removable devices shall be placed on the video lottery terminal screen or face without the prior approval of the commission.

### **Statute: W. Va. Code §29-22C-22. Posting of betting limits**

A racetrack table game licensee shall conspicuously post a sign at each West Virginia Lottery table game indicating the permissible minimum and maximum wagers pertaining at that table. A racetrack table games licensee may not require any wager to be greater than the stated minimum or less than the stated maximum. However, any wager actually made by a patron and not rejected by a racetrack table games licensee prior to the commencement of play shall be treated as a valid wager.

### **Statute: W. Va. Code §29-25-19. Consent to presence of law-enforcement officers; wagering limits; operations and services; posting of betting limits**

- (b) Commission discretion in gaming operations. — Video lottery terminals operated at the gaming facility may allow minimum and maximum wagers on a single game the amounts determined by the license in the exercise of its business judgment subject to the approval of the commission.

### **Statute: W. Va. Code §29-22D-13. Posting of betting limits**

A sports wagering licensee shall conspicuously post a sign at each West Virginia Lottery sports wagering location indicating the minimum and maximum wagers permitted at that location and shall comply with the same.

### **Statute: W. Va. Code §29-22E-13. Posting of betting limits**

An interactive wagering licensee shall conspicuously post a sign at each West Virginia Lottery interactive wagering location and on all interactive gaming platforms indicating the minimum and maximum wagers permitted at that location and shall comply with the same.

### **Regulation: WV CSR §179-10-6. Interactive gaming system requirements**

- 6.22. An interactive gaming system shall be capable of allowing a patron to establish responsible gaming limits. Any decrease in these limits shall be effective no later than the patron's next login. Any increase in these limits shall become effective only after expiration of the time period for the previous limit. The responsible gaming limits shall include:
- 6.22.1. A deposit limit offered on a daily, weekly, and monthly basis, which specifies the maximum amount of money a patron may deposit into his or her interactive gaming account during a particular period of time;
  - 6.22.2. A spend limit offered on a daily, weekly, and monthly basis, which specifies the maximum amount of patron deposits that may be put at risk during a particular period of time; and
  - 6.22.3. A time-based limit offered on a daily basis, which specifies the maximum amount of time, measured hourly from the patron's login to log off, that a patron may spend playing on an interactive gaming system, provided that if the time-based limit is reached, a patron shall be permitted to complete any round of play, or active or prepaid tournament.

## Restrictions on Extension of House Credit

### **Regulation: W CSR §179-8-113. Credit extension procedures; establishment of procedures**

- 113.1 The casino licensee may extend credit to a patron only in the manner provided in its credit procedure approved by the Commission. The casino licensee is responsible for establishing policies and procedures to extend credit to patrons. The policies and procedures shall provide that each credit transaction is promptly and accurately recorded.

## Financial Instruments Restrictions

### **Statute: §29-22A-9. General duties of all video lottery license and permit holders; duties of permitted manufacturers; duties of permitted service technicians; duties of permitted validation managers; duties of floor attendants; duties of licensed racetracks**

- (a) All video lottery license and permit holders shall:
- (9) Provide no access by a player to an automated teller machine (ATM) in the area of the racetrack where video lottery games are played, accept no credit card or debit card from a player for the exchange or purchase of video lottery game credits or for an advance of coins or currency to be utilized by a player to play video lottery games, and extend no credit, in any manner, to a player so as to enable the player to play a video lottery game.

### **Statute: W. Va. Code §29-22B-702. Additional duties of limited video lottery retailers**

In addition to the general duties imposed on all licensees in section 22B-701, a limited video lottery retailer shall:

- (10) Provide no access by a player to an automated teller machine (ATM) in the restricted access adult-only facility where video lottery games are played, accept no credit card or debit card from a player for the exchange or purchase of video lottery game credits or for an advance of coins or currency to be utilized by a player to play video lottery games and extend no credit, in any manner, to a player so as to enable the player to play a video lottery game.

### **Statute: W. Va. Code §29-25-31. The specific video lottery duties required of the gaming facility**

The gaming facility licensee shall:

- (i) Provide no access by a player to an automated teller machine (ATM) in the area of the gaming facility where video lottery games are played.

## Treatment and Research Funding

### **Statute: W. Va. Code §29-22A-19. Compulsive Gambling Treatment Fund; contract requirements for compulsive gamblers treatment program**

- (a) There is hereby created and established a separate special account to be known as the “Compulsive Gambling Treatment Fund”. The fund shall be appropriated from the Commission’s administrative expense account and shall be not less than \$150,000 nor more than \$500,000 per fiscal year, as determined by the commission, as well as other amounts designated for in this chapter to provide funds for compulsive gambling treatment programs in the state.

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- (b) The Department of Health and Human Resources shall administer the grants and funds issued from the “Compulsive Gambling Treatment Fund”.
- (c) The Department of Health and Human Resources shall develop criteria consistent with this section which a treatment program for compulsive gamblers must meet in order to become eligible for a grant from the funds made available for treatment programs pursuant to this provision.
- (k) Once any contract to render services under a compulsive gambling treatment program is awarded pursuant to this section, the contract shall be administrated by the Department of Health and Human Resources, and the department shall maintain all records pertaining to each request for reimbursement and disbursement for under said contract for a minimum of five (5) years.

### **Statute: W. Va. Code §29-22B-1408. Distribution of state’s share of gross terminal income**

- (a) The state’s share of gross terminal income is calculated as follows:
  - (1) The commission shall deposit two percent of gross terminal income into the State Lottery Fund for the commission’s costs and expenses incurred in administering this article. From this amount, not less than \$150,000 nor more than \$1 million per fiscal year, as determined by the commission each year, shall be transferred to the Compulsive Gambling Treatment Fund created in §29-22A-19 of this code. In the event that the percentage allotted under this subsection for the commission’s costs and expenses incurred in administering this article generates a surplus, the surplus shall be allowed to accumulate to an amount not to exceed \$250,000.

### **Statute: W. Va. Code §29-22C-27. West Virginia Lottery Racetrack Table Games Fund; Community-Based Service Fund; State Debt Reduction Fund; distribution of funds**

- (e) All expenses of the commission incurred in the administration and enforcement of this article shall be paid from the Racetrack Table Games Fund, including reimbursement of state law-enforcement agencies for services performed at the request of the commission pursuant to this article. The commission’s expenses associated with a particular racetrack with authorized table games under this article may not exceed three percent of the total annual adjusted gross receipts received from that licensee’s operation of table games under this article, including, but not limited to, all license fees or other amounts attributable to the licensee’s operation of table games under this article, except as provided in subdivision (2), subsection (a) of this section. However, for the fiscal year following the licensing of every licensed racetrack to offer West Virginia lottery racetrack table games under this article and for the fiscal year thereafter, the commission’s expenses associated with a particular racetrack with authorized table games under this article may not exceed four percent of the total annual adjusted gross receipts received from that licensee’s operation of table games under this article, including, but not limited to, all license fees or other amounts attributable to the licensee’s operation of table games under this article, except as provided in subdivision (2), subsection (a) of this section. These expenses shall either be allocated to the racetrack with West Virginia Lottery table games for which the expense is incurred, if practicable, or be treated as general expenses related to all racetrack table games facilities and be allocated pro rata among the racetrack table games facilities based on the ratio that annual adjusted gross receipts from operation of table games at each racetrack with West Virginia Lottery table games bears to total annual adjusted gross receipts from operation of table games at all racetracks with West Virginia Lottery table games during the fiscal year of the state. From this allowance, the commission shall transfer at least \$100,000 but not more than \$500,000 into the Compulsive Gambling Treatment Fund created in section nineteen, article twenty-two-a of this chapter.

## Employee Training

### Regulation: WV CSR §179-10-5. Internal controls; house rules; terms and conditions; patron protection page

- 5.13. All interactive gaming operators or MSP's with employees who have direct contact with patrons via phone, e-mail, electronic chat, or other means, shall implement training for those employees, at the start of their employment and at regular intervals thereafter. The training shall address the following subject areas:
- 5.13.1. How to recognize the nature and symptoms of problem gambling behavior;
  - 5.13.2. How to assist players in obtaining information about help for a gambling problem;
  - 5.13.3. How to provide information about individual interactive gaming operator self-exclusion and Lottery statewide self-exclusion programs;
  - 5.13.4. How to respond to patrons who may disclose that they have a gambling problem; and
  - 5.13.5. How to respond to reports from third parties, such as family members, about patrons who may have a gambling problem.

## Alcoholic Beverage Restrictions

### **Statute: §29-22A-9. General duties of all video lottery license and permit holders; duties of permitted manufacturers; duties of permitted service technicians; duties of permitted validation managers; duties of floor attendants; duties of licensed racetracks**

- (a) All video lottery license and permit holders shall:
  - (7) Monitor video lottery terminals to prevent access to or play by persons who are under the age of eighteen years or who are visibly intoxicated.

### **Statute: W. Va. Code §29-22B-702. Additional duties of limited video lottery retailers**

In addition to the general duties imposed on all licensees in section 22B-701, a limited video lottery retailer shall:

- (8) Monitor video lottery terminals to prevent access to or play by persons who are under the age of twenty-one years or who are visibly intoxicated.

### **Statute: W. Va. Code §29-25-31. The specific video lottery duties required of the gaming facility**

The gaming facility licensee shall:

- (g) Monitor video lottery terminals to prevent access to or play by persons who are under the age of twenty-one years or who are visibly intoxicated.

## Other

### Regulation: WV CSR §179-10-5. Internal controls; house rules; terms and conditions; patron protection page

- 5.6. All terms and conditions for interactive gaming shall be included as an appendix to the internal controls of the interactive gaming operator or MSP addressing all aspects of the operation, including the following:

- 5.6.10. The patron's right to suspend his or her account for a period of no less than 72 hours;
- 5.8. Interactive gaming systems shall require a patron to re-enter his or her username and password, upon 15 minutes of user inactivity as measured by the interactive gaming system;

### **Regulation: WV CSR §179-10-6. Interactive gaming system requirements**

- 6.18. Interactive gaming systems shall employ a mechanism that places an interactive gaming account in a suspended mode:
  - 6.18.1. When requested by the patron for a specified period of time, which shall not be less than 72 hours;
  - 6.18.2. When required by the Commission;
  - 6.18.3. Upon a determination that a patron is a prohibited interactive gaming participant; or
  - 6.18.4. When initiated by an interactive gaming operator or MSP who has evidence that indicates:
    - 6.18.4.a. Illegal activity;
    - 6.18.4.b. A negative patron account balance;
    - 6.18.4.c. Failed ACH deposit attempts as provided for in subsection 7.5.2.; or
    - 6.18.4.d. A violation of the terms and conditions.

# Wyoming



Wyoming's responsible gaming framework was largely established through legislation authorizing online sports wagering in April 2021. Regulations were approved in August 2021 by the Wyoming Gaming Commission and include requirements that operators submit a responsible gaming plan to the commission at the time of their license application, and that all sports betting advertisements contain information about available programs to prevent, treat or monitor compulsive or problem gambling.

## Responsible Gaming Plan Required

### Regulation: Chapter 8, Section 1. Responsible Gaming Plan

Applicants for a sports wagering operator permit shall submit a Responsible Gaming Plan to the Commission at the time of first application, within ten (10) business days of any changes to the plan, and at permit renewal. The plan must be approved by the Commission prior to commencing operations in Wyoming. The plan shall include, at a minimum, the following:

- (a) The goals of the plan, procedures and deadlines for implementation of the plan;
- (b) The identification of the individual(s) who will be responsible for the implementation and maintenance of the plan;
- (c) The applicant's plan for creating and disseminating promotional material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The applicant shall provide examples of the materials to be used as part of its plan and a description of how the material will be disseminated;
- (d) Details of the applicant's plan for responsible gaming training for its employees;
- (e) The duties and responsibilities of the key employees and gaming employees designated to implement or participate in the plan;
- (f) Procedures to prevent underage gambling; and
- (g) Other policies and procedures as determined by the Commission to prevent problem gambling and encourage responsible gambling.

## Self-Exclusion

### Regulation: Chapter 8, Section 2. Self-Exclusion Program

- (a) The Self-Exclusion Program is established for the purpose of allowing persons who wish to refrain from sports wagering and other types of gambling offered by the Commission, to notify the Commission that they will accept responsibility for refraining from engaging in sports wagering and other gambling activities offered by the Commission and its Permittees. Each person seeking placement in the Self-Exclusion Program acknowledges that it is his or her responsibility to refrain from engaging in sports wagering and other gambling activities under the jurisdiction of the Commission.
- (b) An individual may request to have their name placed on the Self-Exclusion List by completing the application.
- (c) Upon the filing of an application for placement in the Self-Exclusion Program, the Commission may file a Notice of Placement in the Self-Exclusion Program and such application and notice may be disclosed to sports wagering permittees and their agents and employees, as approved by the Commission.

### Regulation: Chapter 8, Section 4. Sports Wagering Operator or Sports Wagering Vendor Responsibilities

- (a) The sports wagering operator or sports wagering vendor shall receive the Self-Exclusion List and Involuntary Exclusion List from the Commission.
- (b) The Self-Exclusion List and Involuntary Exclusion List may only be accessed by individuals authorized in accordance with the internal controls.
- (c) Except as authorized or required by these rules, the Self-Exclusion List and Involuntary Exclusion List shall be kept confidential and the sports wagering operator or sports wagering vendor shall not disclose the names included on these lists.
- (d) The Self-Exclusion List and Involuntary Exclusion List shall not be publicly disclosed by the sports wagering operator, sports wagering vendor, employee, affiliate or other person authorized to access the lists. However, the sports wagering operator or sports wagering vendor may share the lists with other designated permittees in the State of Wyoming or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible play programs.
- (e) The sports wagering operator or sports wagering vendor shall establish procedures to add the names from the Self-Exclusion List and Involuntary Exclusion List into their internal list to exclude from sports wagering. If the sports wagering operator or sports wagering vendor utilizes an internal management system to track individuals on the Self-Exclusion List and Involuntary Exclusion List, they shall update that system at least every seventy-two (72) hours with names of individuals being added or removed from the Self Exclusion List and Involuntary Exclusion List.
- (f) The sports wagering operator or sports wagering vendor shall establish procedures that are designed, to the greatest extent practicable, to:
  - (i) Prevent an individual on the Self-Exclusion List or Involuntary Exclusion List from opening a new sports wagering account;
  - (ii) Identify and suspend any sports wagering accounts of an individual on the Self-Exclusion List or Involuntary Exclusion List;
  - (iii) Promptly notify the Commission, or its designee, if an individual on the Self-Exclusion List or Involuntary Exclusion List attempts to place or is discovered to have placed or attempted to place a wager;
  - (iv) In cooperation with the Commission, and where reasonably possible, determine the amount wagered and lost by an individual identified to be on the Self-Exclusion List or Involuntary Exclusion List. The monetary value of the losses shall be paid to the Commission within forty-five (45) days;
  - (v) Deny an individual identified to be on the Self-Exclusion List or Involuntary Exclusion List from any winnings derived from wagering while on the Self-Exclusion List or Involuntary Exclusion List. The monetary value of the withheld winnings shall be paid to the Commission within forty-five (45) days;
  - (vi) Refund any remaining balance to an individual on the Self-Exclusion List or Involuntary Exclusion List provided that the sports wagering operator or sports wagering vendor acknowledges that the funds have cleared; and
  - (vii) Ensure that individuals on the Self-Exclusion List or Involuntary Exclusion List do not receive, either from the sports wagering operator, sports wagering vendor or any agent thereof, targeted mailings, telemarketing promotions, player club materials, or other targeted promotional materials relating to sports wagering.

## Property Signage and Responsible Gaming Disclosures

### Regulation: Chapter 6, Section 4. Patron Protection Information

A sports wagering operator or sports wagering vendor must provide a Commission-approved patron protection information page that must be readily accessible to each patron. The patron protection page must contain, at a minimum, all of the following:

- (a) Information about potential risks associated with excessive wagering, and a direct link to the National Council on Problem Gambling as well as links to local assistance;
- (b) Notification that underage gambling is a criminal offense and that anyone who facilitates an individual under the age of eighteen (18) to place an online sports wager has committed a criminal offense and must be prohibited from online sports wagering;
- (c) A list of the available patron protection measures that can be invoked by the patron, such as self-imposed limits, and information on how to invoke those measures...

## Advertising Restrictions

### Regulation: Chapter 8, Section 5. Advertising

The Commission shall prohibit sports wagering advertising that it determines to be deceptive to the public. The Commission shall also require that every form of advertising contain a statement that minors are not allowed to open or have access to sports wagering accounts as well as information about available programs to prevent, treat, or monitor compulsive or problem gambling, and procedures for self-exclusion.