

**RULES AND REGULATIONS**

**TITLE 58. RECREATION**

**PENNSYLVANIA GAMING CONTROL BOARD**

**[58 PA. CODE CHAPTER 503]**

**PREAMBLE**

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Chapter 503 entitled Self Exclusion, is added to Subpart I, entitled Compulsive and Problem Gambling.

*Purpose and Background*

Under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. To invite public input, the Board published draft regulations on the Board's website and 10-day public comment period was provided.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than three years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201--205 of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law (CDL)(45 P. S. §§ 1201--1208) or to the act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act (71 P. S. §§ 745.1--745.15).

*Financial Impact*

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to, or operate gaming facilities.

The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The

licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board.

It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

*Statutory Authority*

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

*Regulatory Review*

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations will expire two years from the effective date of Act 71.

*Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201--205 of the CDL.

(2) A 10-day public comment period was held prior to the adoption of the temporary regulations.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

*Order*

The Board, acting under the authorizing statute, orders that:

(a) The Board acting under the authority of the Act 71, adopts as its final-form temporary regulations, the draft regulations as amended by resolution at the May 19, 2006, public meeting. The temporary regulations pertain to self exclusion.

(b) The following temporary regulations of the Board, 58 Pa. Code Chapter 503 are added: §§ 503.1–503.6 to read as set forth in Annex A.

(c) The temporary regulations are effective May 19, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,  
Chairperson

**ANNEX A**

**RULES AND REGULATIONS**

**TITLE 58. RECREATION**

**PENNSYLVANIA GAMING CONTROL BOARD**

**[58 PA. CODE CHS 503]**

**TABLE OF CONTENTS**

**Title 58. Recreation**

**Part VII. Gaming Control Board**

**SUBPART I. COMPULSIVE AND PROBLEM GAMBLING**

**CHAPTER 503. SELF EXCLUSION**

§ 503.1. Definitions

§ 503.2. Scope of self exclusion

§ 503.3. Request for self exclusion

§ 503.4. Self-exclusion list

§ 503.5. Duty of slot machine licensee

§ 503.6. Removal from self-exclusion list

**§ 503.1. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

**Fully executed gaming transaction** - Any activity involving a slot machine or associated equipment which occurs on the gaming floor of a licensed gaming facility and which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee.

**Self-excluded person** - Any person whose name is included, at the person's own request, on the self-exclusion list maintained by the Board.

**Self-exclusion list** - A list of names of persons who, pursuant to this chapter, have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings, recovering any losses or accepting complimentary gifts or services or any other thing of value at all licensed facilities.

**Winnings** - Any money or thing of value received from, or being owed by the licensed gaming entity as a result of a fully executed gaming transaction.

**§ 503.2. Scope of self exclusion.**

(a) Self exclusion under this chapter shall only apply to the gaming floor of all licensed gaming facilities.

**§ 503.3. Request for self exclusion.**

(a) Any person may have the person's name placed on the self-exclusion list by submitting a request for self exclusion in the form and manner required by the Board.

(b) Any person requesting placement on the self-exclusion list shall submit, in person, a completed request for self exclusion as required by subsection (c).

(c) The request shall be presented to the Board's Bureau of Investigations and Enforcement. The Board may designate other locations for submission of completed requests for self exclusion in accordance with these rules.

(d) A request for self exclusion shall include the following identifying information:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number of current residence.

(5) Social security number, where voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a.

(6) 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.

(7) Government issued photo identification such as driver's license or passport.

(e) All information provided in subsection (d) shall be updated by the self-excluded person within 30 days of the change.

(f) The length of self exclusion requested by the person may be one of the following:

(1) One year (12 months).

(2) Five years.

(3) Lifetime.

(g) A request for self exclusion shall include a signed release which shall waive and forever discharge the Commonwealth of Pennsylvania, the Board, and all licensed gaming entities from any liability relating 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 one or more:

(1) The failure of a licensed gaming entity to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

(2) 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.

(3) Disclosure by a licensed gaming entity of information regarding a self-excluded person to any person or group who is not affiliated with the licensed gaming entity.

(4) Disclosure of information regarding a self-excluded person by the Board.

(h) Any person submitting a request for self-exclusion shall sign the following statement:

"I am voluntarily requesting exclusion from all gaming activities at all licensed gaming facilities in the Commonwealth of Pennsylvania because I am a problem gambler. I certify that the information I have provided above is true and accurate, and I have read and understand and agree to the release included with this request for self exclusion. I am aware that my signature authorizes the Pennsylvania Gaming Control Board to direct all slot machine 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 Board 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, I shall not collect any winnings or recover any losses resulting from any gaming activity at all licensed slot facilities, and any money or thing of value obtained by me from, or owed to me by, a slot machine licensee as a result of wagers made by me while on the self-exclusion list shall be subject to remittance to the Board."

(i) Self exclusions for one or five years shall remain in effect until the self-excluded person requests removal from the Board's self-exclusion list pursuant to § 503.6.

(j) Any person submitting a self-exclusion request shall be required to present a government issued photo identification containing the person's signature and photograph.

(k) Any person requesting self exclusion under this chapter shall be required to have a photograph taken and be fingerprinted by the Board, or agent thereof, upon the Board's acceptance of the request to be on the list.

**§ 503.4. Self-exclusion list.**

(a) The Board shall maintain the official self-exclusion list and shall notify each slot machine licensee of any addition to or deletion from the list by first class mail or by transmitting a notice by electronic means directly to each slot machine licensee.

(b) The notice provided by the Board will include the following information concerning any person whose name shall be 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 of current residence.
- (5) Social security number, where voluntarily provided by the person requesting self exclusion pursuant to section 7 of the Privacy Act, 5 U.S.C. § 552a.
- (6) 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.
- (7) A copy of the photograph taken by the Board or Bureau pursuant to § 503.3(k).

(c) The notice provided by the Board will include the name and date of birth of any person whose name has been removed from the self-exclusion list.

(d) Each slot machine licensee 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 slot machine licensee are notified of any addition to or deletion from the list within five business days after the day notice is mailed to each slot machine licensee or transmitted electronically pursuant to subsection (a).

(e) Information furnished to or obtained by the Board pursuant to this subchapter shall be deemed confidential and shall not be disclosed except in accordance with this chapter.

(f) No slot machine licensee, employee or agent thereof shall disclose the name of, or any information about, any person who has requested self exclusion to anyone other than employees and agents of the slot machine licensee whose duties and functions require access to such information. Notwithstanding the foregoing, a slot machine licensee may disclose the name of and information about a self-excluded person to appropriate employees of other slot machine licensees in the Commonwealth or affiliated gaming entities in other jurisdictions from

disclosing the identity of persons self excluded to other affiliated gaming entities in this Commonwealth or other jurisdiction for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated licensed gaming entities.

(g) No self-excluded person shall 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 self-exclusion list.

(h) Any winnings incurred by a self-excluded person shall be remitted to the Board and deposited into the Compulsive and Problem Gambling Treatment Fund.

(i) For the purposes of this section, any winnings issued to, found on or about, or redeemed by a self-excluded person shall be presumed to constitute winnings subject to remittance to the Board.

**§ 503.5. Duty of slot machine licensee.**

(a) Each slot machine licensee shall establish procedures that are designed, to the greatest extent practicable, to:

(1) Train appropriate employees of the slot machine licensee to identify a self-excluded person when present in a licensed gaming facility and, upon such identification, notify the following persons:

(i) Employees of the slot machine licensee whose duties include the identification and removal of self-excluded persons.

(ii) Designated representatives of the Board.

(2) Refuse wagers from and deny any gaming privileges to any self-excluded person.

(3) Deny 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 slot machine 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 facility.

(5) Comply with the provisions of § 503.4(d).

(6) Establish an employee training program consistent with section 1516 of the act relating to list of persons self excluded from gaming activities and § 501.4, which also include:

(i) Procedures for the dissemination of written materials to patrons explaining the self-exclusion program.

(ii) Procedures to prevent any person placed on the self-exclusion list from having access to or from receiving complimentary services and discounts, or other like benefits.

(b) Each slot machine licensee shall submit a copy of its procedures established under subsection (a) to the Board 30 days prior to initiation of gaming activities at the licensed facility. Any amendments to these procedures shall be submitted to the Board at least three business days prior to their implementation. If the Board does not object to the procedures or amendments thereto, the procedures or amendments shall be deemed to be approved.

(c) The list of self-excluded persons shall be considered confidential, and any distribution of said list to an unauthorized source shall constitute a violation of the act and subject the disclosing party to sanctions as the Board deems appropriate.

(d) Under section 1516 of the act and §§ 501.6(4) and (5) licensed gaming entities and employees thereof shall not be liable for damages in any civil action, which is based on the following:

(1) Failure to withhold gaming privileges from a self-excluded person.

(2) Permitting a self-excluded person to gamble.

(3) Disclosing the identity of a self-excluded person to someone other than those authorized by this chapter.

**§ 503.6. Removal from self-exclusion list.**

(a) Any self-excluded person may, upon the expiration of the period of self exclusion, request removal of the person's name from the self-exclusion list by submitting, in person, a completed request for removal as is required by subsection (b). The request shall be delivered to the Board. Any person submitting a request for removal from the list shall be required to present valid government issued photo identification credentials containing the person's signature and a photograph.

(b) A request for removal from the self-exclusion list shall be in a form prescribed by the Board, which form shall include:

(i) The identifying information specified in § 503.3 (d)(1) through (7).

(ii) 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 Board to permit all slot

machine licensees of the Commonwealth of Pennsylvania to  
reinstate my gaming privileges at licensed slot facilities."

(c) Within five business days, the Board will delete the  
name of the person requesting removal from the self-exclusion  
list and notify each slot machine licensee of the removal.