

FINAL-FORM RULEMAKING 125-225

PENNSYLVANIA GAMING CONTROL BOARD

58 PA. CODE CH. 441a, 465a, 501a, 503a, 603a, and 609a

**Slot Machine Licenses; Accounting and Internal Controls;
Compulsive and Problem Gambling Requirements; Casino Self-
Exclusion; Table Game Equipment; Credit**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2), and § 1516(a) and (b), proposes to amend Chapters 441a, 465a, 501a, 503a, 603a, and 609a to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking will revise the existing body of regulations to alter the procedures for a person to self-exclude from gaming activities in licensed facilities in the Commonwealth, and specifically delineate that the modified sections apply only to casino and retail sports wagering self-exclusion. Self-exclusion for other forms of gaming in the Commonwealth (interactive gaming, VGT gaming, and Fantasy Contests) will all be maintained on separate lists in a manner consistent with the Act.

Explanation

Chapters 441a and 465a

The only amendments are made for cross-reference purposes.

Chapter 501a

The amendments in this Chapter are to § 501a.2, § 501a.3, § 501a.4, and § 501a.7. These amendments are made to re-name the self-exclusion list the "casino self-exclusion list," as well as minor administrative changes regarding compulsive and problem gambling messages in advertisements. The advertising changes in § 501a.7 relate to the inclusion of reference to the Department of Drug and Alcohol Programs as an entity which provides assistance to the Board and casino patrons when it comes to problem gaming.

Chapter 503a

The amendments in this Chapter are made to re-name the self-exclusion list the "casino self-exclusion list." This list will be available for people who only want to self-exclude from brick-and-mortar casino gaming and retail sports wagering at licensed facilities. Separate lists will be maintained by the Board for individuals who wish to self-exclude from interactive gaming (including interactive sports wagering), Video Gaming, and Fantasy Contests.

Section 503a.1 (relating to definitions) contains amendments to the Definitions section, removing the definitions of "self-excluded person" and "self-exclusion list" and adding the definition of "casino self-excluded person" and "casino self-exclusion list." Additionally, provisions relating to the placement of sports wagers were added to the definitions relating to what a gaming transaction or gaming activity consists of.

In § 503a.2 (relating to request for casino self-exclusion), additional procedures have been added to allow a patron to self-exclude from gaming activities in licensed facilities electronically on the Board's website. When filling out the webform on the Board's website, an individual has the option to check a box as to which forms of gaming he or she wishes to self-exclude from. An individual only needs to fill out the form once to self-exclude from multiple forms of gaming after selecting the forms of gaming he or she wants to self-exclude from.

Updates to § 503a.3 (relating to casino self-exclusion list), updates are made to the terminology to reference the casino self-exclusion list, and update the procedures for distribution of the information on the casino self-exclusion list to licensed facilities. Section 503a.4 (relating to duties of slot machine licensees) is merely updated to make reference to the casino self-exclusion list.

Section 503a.5 (relating to removal from casino self-exclusion list) contains modifications that are designed to amend the procedures for a patron who wishes to remove himself or herself from the casino self-exclusion list, including provisions that allow an individual who self-excluded for lifetime to request removal under limited circumstances. The Board sought to make it easier for individuals who requested a one-year or five-year self-exclusion to remove themselves from the casino self-exclusion list. The individual may now choose to make the request for removal from the self-exclusion at an appointment with Board staff

or complete the request online on the Board's website. Permitting an individual to remove themselves online will be less burdensome and more efficient for self-excluded individuals and will ease administrative burden on Board staff.

As it pertains to individuals who previously selected lifetime casino self-exclusion, the regulations have not permitted an voluntary self-excluded individual from seeking removal from the self-exclusion list when lifetime was selected. Individuals, however, often petition the Board for relief, which requires the Office of Enforcement Counsel ("OEC") to file a response and then have a hearing in the Office of Hearings and Appeals ("OHA").

OEC would request denial of the Petition for Removal, as the regulations do not provide for the relief requested by the individual. OHA would then be bound to issue a Report and Recommendation to the Board recommending denial of the petition, for lack of an available remedy. However, there have been instances where individuals have made compelling arguments in their hearing or directly to the Board at the Public Meeting to justify removal from the self-exclusion list. These reasons include, but are not limited to, a significant time passing from the original decision to self-exclude and individuals who sought treatment for relevant issues and were in recovery, have presented a significant change in life circumstances, or even issues encountered by misinterpretation for non-English speaking patrons. However, without any remedy available, the Board was bound by the regulations to deny the relief requested, despite the establishment of compelling circumstances which may justify a rescission of an entirely voluntary action years earlier by the person.

The amended provisions in § 503a.5(f) give the Board discretion to remove from the list an individual has been on the casino self-exclusion list for a period of at least 10 years after selecting lifetime self-exclusion who satisfies his or her burden of proof presents a compelling case that the removal will not have a negative impact on the individual or gaming in the Commonwealth. This maintains a level of protection both for the public at large, individuals who choose to self-exclude, and the integrity of gaming operations in the Commonwealth.

Chapters 603a and 609a

The only amendments are made for cross-reference purposes.

Response to Comments

The Board did not receive any public comments from the regulated community or the general public. Comments were received from the Independent Regulatory Review Commission (IRRC), and responses to the comments are below:

1. Statutory Authority; Whether the regulation is in the public interest; Reasonableness of requirements; and Protection of the public health, safety and welfare.

The statutory authority of 4 Pa.C.S. § 1516(a) and (b) govern the creation and implementation of a self-exclusion list. These provisions state that "[t]he 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." This provision is contrary to later provisions in the Act which state that interactive gaming **may not** be conducted within a licensed facility (see 4 Pa.C.S. § 13B63(c)). This creates an inconsistency in the statute that the Board is required to navigate.

The Board determined that given the inconsistent use of the language, the Board is within its statutory authority to create the two separate lists, and that it was a better public interest decision to have two lists. The Board also considered the Legislature's directive that a separate list be created for video gaming (Part III of Title 4) and fantasy contests (Part I, Chapter 3 of Title 4), but no provisions were included for a separate Sports Wagering self-exclusion list, as sports wagering is offered in retail form at licensed facilities and as a form of interactive gaming. This multiple list is also consistent with the Commonwealth's regional gaming neighbor in New Jersey, who maintain a separate self-exclusion list for casino gaming and interactive gaming.

A two-list approach recognizes that an individual's decision to self-exclude is entirely voluntary on his or her part and not mandated by the Board or a third person. Accordingly, an individual is provided the option to self-exclude from retail gaming, interactive gaming, or both. The ability to choose is to the persons benefit as it allows him or her to exclude from one form or the other, as they voluntarily choose. This encourages a person to self-exclude from the form that they believe may pose a problem for them. A blanket exclusion may discourage some individuals from self-excluding with an all or nothing approach and thereby not serve the interests of the individual. For

example, an individual who believes on-line gaming poses a risk to themselves but they still enjoy visiting a casino with a spouse periodically, may decline self-exclusion so they can go to a casino, thereby placing themselves at risk by not being self-excluded from the form of gaming they elect. This two-list approach allows patrons who wish to continue to visit licensed facilities to prevent themselves from having 24/7 access to interactive gaming website and mobile applications. From a compulsive and problem gambling standpoint, allowing the separate lists provides an additional safeguard for individuals who wish to control their access to gaming, while still maintaining their ability to gamble on their own terms.

When an individual fills out the webform on the Board's website, he or she is able to click on all of the forms of gaming he or she wishes to self-exclude from. This allows a patron to self-exclude from multiple forms of gaming while only having to provide the information one time.

2. Compliance with the RRA or IRRC regulations.

The Preamble and RAF to this Final-Form Rulemaking have been updated as requested to highlight the amendments to the sections and the rationale for the proposed changes.

3. Communication with the regulated community.

This matter was addressed in the updated final-form RAF form in the Board's response to question #14.

4. Section 503a.1. Definitions. - Clarity.

These clarity issues were addressed in Annex A of the final-form rulemaking.

5. Section 503a.2. Request for casino self-exclusion. - Clarity; Reasonableness of requirements, implementation procedures and timetable for compliance by the public and private sectors; and Possible conflict with statute.

The amendments to the regulatory provisions state that when an individual does not choose to voluntarily provide his or her full social security number, at least the last four digits must be provided. This is to ensure that there is no confusion if individuals with the same or similar names place themselves on the casino self-exclusion list (or other lists, as this language is

contained in the Board's other provisions regarding self-exclusion in other forms of gaming).

The provisions of the Privacy Act of 1974 only bind federal agencies and covers only records under control of federal agencies. It is cited in our regulations to acknowledge that an individual's Social Security Number is private and personal identifiable information, or PII. However, for purposes of maintaining the accuracy of the casino self-exclusion list, it is imperative that the Board gather at least a truncated social security number from those who request to be placed on the list.

As to the second issue raised, it is true that certain licensed facilities, when gaining the information of individuals on the casino self-exclusion list, may choose to exclude those individuals from using their interactive gaming platforms or at jurisdictions in other states as well. When an individual chooses to self-exclude from casino gaming, he or she must identify as a problem gambler on the form. Certain entities in the gambling industry may choose to exclude a self-excluded person from all forms of gambling the entity provides as is their common-law right and potentially limit liability if the person would use the other forms of gambling to the persons detriment.

The Board's self-exclusion web portal, which will provide access to all self-exclusion lists, contains a disclaimer in the Frequently Asked Questions section that states: "Licensees may have more restrictive policies on self-exclusion. Licensees may ban you from their iGaming sites if you have enrolled in the Casino Self-Exclusion Program. Likewise, licensees may ban you from entering their casino if you have enrolled in the iGaming self-exclusion program. Licensees may also choose to ban self-excluded individuals from gambling establishments and iGaming sites in other jurisdictions. It is your responsibility to learn these policies by contacting the licensees directly by phone or email."

When an individual uses the Board's online self-exclusion portal to self-exclude from any or all forms of gaming, he or she must create an account. If an individual self-excludes via the online portal, he or she will be able to log into his or her account and update the required information. However, if a person self-excluded prior to the implementation of the self-exclusion portal or chooses to self-exclude at a Board office or a licensed facility, the individual will not have a self-exclusion portal account. However, an "Update My Information" webform will be created that will allow an individual to submit a request for the Office of Compulsive and Problem Gambling to update the information

in the database. Annex A in the final-form rulemaking has been updated to reflect this.

6. *Section 503a.3. Casino self-exclusion list. - Clarity.*

This clarity issue was addressed in Annex A of the final-form rulemaking.

7. *Section 503a.5. Removal from casino self-exclusion list. - Clarity; Reasonableness of requirements, implementation procedures and timetables for compliance by the public; Whether the regulation is in the public interest; and Protects the public health, safety and welfare.*

The provisions of §§ 503a.2(d)(4) and 503a.2(f) were amended in Annex A of the final-form rulemaking to make clear that an individual remains self-excluded and prohibited from entering licensed facilities until the complete request for removal is accepted by the Board and seven business days have elapsed from the acceptance. A request for removal from the casino self-exclusion list is deemed accepted when all necessary information and documentation has been provided to the Board, either in-person or via the Board's website. Once accepted, the Board will remove the individual's name within five business days, and after seven business days, the individual is permitted to enter licensed facilities again.

The rationale behind only accepting assessments from state funded providers is two-fold. The first is that it provides an avenue where people can get either free or reduced cost assessments done, as the Commonwealth provides funding for such assessments. Additionally, state funded providers must be approved by the Department of Drug and Alcohol Programs to conduct problem gambling assessment and/or treatment. The Board prefers to have individuals who have previously identified as problem gamblers to have assessments performed by treatment providers who have been identified as being qualified in that area.

The self-exclusion process for individuals granted relief under § 503a.5(f)(6)(i) will be the same process for other individuals who self-excluded for one-year or five-years seeking removal from the casino self-exclusion list. The information that will be provided to the individual, referred to in (f)(6)(i), will be the procedures outlined for removal in § 503a.5(a) - (e). Additionally, any denial order under (f)(6)(ii) will include the reason for denial.

8. *Miscellaneous clarity.*

All points raised for miscellaneous clarity were addressed in Annex A of the Final-Form rulemaking.

Fiscal Impact

Commonwealth. The Board does not expect that this final-form rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. The updated processes for casino self-exclusion will be reviewed by existing Board staff.

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This final-form rulemaking will not have a fiscal impact on the private sector. The procedures for casino self-exclusion and enforcement of such by licensed facilities are already in place, including the use of the self-exclusion system to update the self-exclusion lists that slot machine licensees maintain.

General public. This final-form rulemaking will provide persons who wish to self-exclude from gaming activities at casinos in the Commonwealth an option to do so online, eliminating the need to make an appointment to do so in person and thus requiring no travel.

Paperwork Requirements

If an individual wishes to join the casino self-exclusion list, the person may do so online on the Board's website by filling out a webform and choosing what forms of gaming the individual desires to self-exclude from. An individual who wishes to self-exclude from multiple forms of gaming need only fill out the form one time, and check boxes as to self-exclusion list the individual wishes to join. The Board's self-exclusion website address is:

<https://responsibleplay.pa.gov/self-exclusion/>

If a person who self-excluded for one or five years wishes to remove himself or herself from the casino self-exclusion list, he or she must file a Request for Removal from Voluntary Self-Exclusion form, which will be available on the Board's website. An individual seeking removal from lifetime casino self-exclusion must file a petition with the Board requesting removal.

Effective Date

The final-form rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the proposed rulemaking, published at 49 Pa.B. 7084 and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees are provided with copies of comments received during the public comment period, as well as other documents when requested. With regard to this rulemaking, no comments were received from the Committees.

Under section 5a(j.2) of the Regulatory Review Act, on [insert date], the final-form rulemaking was deemed approved by the Committees. IRRC met on [insert date], and approved the regulations in accordance with section 5a(e) of the Regulatory Review Act.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa.Code §§ 7.1 and 7.2. (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) This final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa.Code 441a, 465a, 501a, 503a, 603a, and 609a, are amended to read as set forth in Annex A.

(2) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(3) This order shall take effect upon publication in the Pennsylvania Bulletin.

DAVID M. BARASCH,
Chairman

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

SUBPART C. SLOT MACHINE LICENSING

CHAPTER 441a. SLOT MACHINE LICENSES

§ 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 casino self-exclusion; persons required to be excluded; and underage gaming) and that only the following persons are permitted to enter the gaming area:

* * * * *

Subpart E. SLOT MACHINE, TABLE GAME AND ASSOCIATED EQUIPMENT

TESTING AND CONTROL; ACCOUNTING AND INTERNAL CONTROLS

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.11. Slot machine licensee's organization; jobs compendium.

* * * * *

(b) A slot machine licensee's system of internal controls must also include, at a minimum, the following departments and supervisory positions, each of which must be categorized as

mandatory and must cooperate with, yet perform independently of, other mandatory departments and supervisory positions of the slot machine licensee. Notwithstanding the foregoing, a department or supervisor that is not required or authorized by this section may operate under or in conjunction with a mandatory department or supervisor provided the organizational structure is consistent with the standards contained within the act and subsection (a). Mandatory departments and supervisory positions are:

(1) A surveillance department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of surveillance. The director of surveillance shall be subject to the reporting requirements specified in subsection (c) and shall be licensed as a key employee. The surveillance department shall be responsible for the following:

* * * * *

(vii) The detection of the presence of any individual who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act (relating to regulation requiring exclusion or ejection of certain persons; and repeat offenders excludable from licensed gaming facility) and Chapters 511a and 513a (relating to persons

required to be excluded; and underage gaming), or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act (relating to list of persons self-excluded from gaming activities) and Chapter 503a (relating to casino self-exclusion).

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Subpart I. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

§ 501a.2. Compulsive and problem gambling plan.

* * * * *

(f) The Board may provide the plan submitted by the slot machine licensee to the Department of **[Health] Drug and Alcohol Programs or its successor agency** for its use in administering the act. The Department of **[Health] Drug and Alcohol Programs or its successor agency** may provide comments and recommendations to the OCPG and the licensee relating to the plan.

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§ 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:

* * * * *

(8) Procedures for the dissemination of written materials to patrons explaining the casino self-exclusion program, described in Chapter 503a (relating to casino self-exclusion).

(9) Procedures for removing an excluded person, an underage individual or a person on the casino 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 casino 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 casino 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 casino 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 casino self-exclusion list from cashing checks.

* * * * *

(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 casino 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.

§ 501a.4. Reports.

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(b) The annual summary must contain, at a minimum, detailed information regarding:

* * * * *

(2) An estimated amount of printed materials provided to patrons regarding:

(i) Compulsive and problem gambling.

(ii) The casino 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 casino 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.

§ 501a.7. Advertising.

(a) A licensee, entity certified or registered **[entity] by the Board**, 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, entity certified or registered **[entity] by the Board**, 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, entity certified or registered **[entity] by the Board**, 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).

(d) Advertisements must contain a gambling assistance message that [is similar to one of the following:] 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.

[(1) If you or someone you know has a gambling problem, help is available. Call (toll free telephone number).

(2) Gambling Problem? Please call (toll free telephone number).

(3) Gambling Problem? Call (toll free telephone number).]

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CHAPTER 503a. CASINO SELF-EXCLUSION

§ 503a.1. Definitions.

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

Casino self-excluded person—A person whose name and identifying information is included, at the person's own request, on the casino self-exclusion list maintained by the Board.

Casino self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be:

(i) Excluded from the gaming floor and areas off the gaming floor where gaming activity is conducted.

(ii) Excluded from engaging in all gaming related activities at a licensed facility OR OTHER LOCATION APPROVED BY THE BOARD TO CONDUCT GAMING ACTIVITY.

(iii) Prohibited from collecting any winnings or recovering any losses resulting from gaming activity.

Fully executed gaming transaction—An activity involving a slot machine, table game or associated equipment, or placement of a sports wager which occurs on the gaming floor of a licensed facility or other location approved by the Board to conduct gaming activity or in areas off the gaming floor where contests or tournaments are conducted 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 or slot system operator.

Gaming activity—The play of slot machines [or], table games, or the placement of a sports wager, including play during contests, tournaments or promotional events.

Gaming related activity—An activity related to the play of slot machines [or], table games, or the placement of a sports wager, including applying for player club memberships or credit, cashing checks, or accepting a complimentary gift, service, promotional item or other thing of value at a licensed facility or other location approved by the Board to conduct gaming activity.

OCPG—Office of Compulsive and Program Gambling.

[Self-excluded person—A person whose name and identifying information is included, at the person's own request, on the self-exclusion list maintained by the Board.

Self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be:

(i) Excluded from the gaming floor and areas off the gaming floor where gaming activity is conducted.

(ii) Excluded from engaging in all gaming related activities at a licensed facility.

(iii) Prohibited from collecting any winnings or recovering any losses resulting from gaming activity.]

Winnings—Any money or thing of value received from, or owed by, a slot machine licensee or slot system operator as a result of a fully executed gaming transaction.

§ 503a.2. Request for casino self-exclusion.

(a) A person requesting **[placement on the self-exclusion list] to be self-excluded from gaming activity at licensed facilities or other locations approved by the Board to conduct gaming activity** shall submit[, **in person,**] a completed Request for Voluntary Self-Exclusion from Gaming Activities Form to the Board[. **The submission made 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.] by one of the following methods:**

(1) Electronically on the Board's web site.

(2) In person 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 or problemgambling@pa.gov.

(b) A request for casino 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). **At a minimum, the last 4 digits of the Social Security number must be provided.**

(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 **casino** self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address, **OR SUBMITTED ONLINE IN THE "UPDATE MY INFORMATION" WEBFORM ON THE BOARD'S WEBSITE.** A copy of the form can be obtained by calling the OPGC at (717) 346-8300, **by e-mail at problemgambling@pa.gov**, 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 casino 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 casino self-exclusion must include a signed release which:

(1) Acknowledges that the request for casino self-exclusion has been made voluntarily.

(2) Certifies that the information provided in the request for casino self-exclusion is true and accurate.

(3) Acknowledges that the individual requesting casino self-exclusion is a problem gambler.

(4) Acknowledges that a person requesting a lifetime exclusion **[is prohibited from requesting] may only request** removal from the casino self-exclusion list **in accordance with the procedures set forth in § 503a.5(f) (relating to removal from casino self-exclusion list)** and that a person requesting a 1-year or 5-year exclusion will remain on the casino self-exclusion list until a request for removal under § 503a.5 **[(relating to removal from self-exclusion list)]** is

~~approved~~ **ACCEPTED AND THE 7 BUSINESS DAYS REQUIRED UNDER § 503a.5(e) HAVE ELAPSED.**

(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 or other location approved by the Board to conduct gaming activity, 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 casino 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 casino self-excluded person.

(ii) Otherwise permitting or not permitting a casino self-excluded person to engage in gaming activity in a

licensed facility **OR OTHER LOCATION APPROVED BY THE BOARD TO CONDUCT GAMING ACIVITY** while on the list of casino self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) **[Self-exclusions] 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 [photo] 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 casino self-exclusion in person under this chapter shall have a photograph taken by the Board, or agent thereof, upon **[acceptance] submission** 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.

§ 503a.3. [Self-exclusion] Casino self-exclusion list.

(a) The Board will maintain the official casino self-exclusion list and [notify each slot machine licensee of additions to or deletions from the list] will make all necessary additions or deletions OF INDIVIDUALS REMOVED FROM THE LISTED UNDER § 503a.5 (RELATING TO REMOVAL FROM CASINO SELF-EXCLUSION LIST) within 5 business days of the verification of the information received under § 503a.2 (relating to request for casino self-exclusion) [by first class mail or by transmitting] and shall make the casino self-exclusion list available to slot machine licensees electronically [directly to each slot machine licensee] by means of the Board's self-exclusion system.

(b) The [notice provided] information made available to slot machine licensees [by the Board] by means of the Board's self-exclusion system will include the following information concerning a person who has been added to the casino 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). **At a minimum, the last 4 digits of the Social Security number will be provided.**

(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 **or submitted electronically** under § **[503a.2(i)] 503a.2(h) and (i).**

(c) The **[notice provided] information made available** 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 **casino** self-exclusion list is updated **at least every 2 business days with the information made available to slot machine licensees by means of the Board's**

self-exclusion system and that all appropriate employees and agents of the slot machine licensee are notified of [any addition] the additions to or [deletion] deletions 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.

§ 503a.4. Duties of slot machine licensees.

(a) A slot machine licensee shall train its employees and establish procedures to:

(1) Identify a casino 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 casino self-excluded persons.

(ii) Casino compliance representatives at the licensed facility.

(iii) The Pennsylvania State Police, or local police department if applicable.

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

(3) Deny gaming related activities, gaming junket participation and other similar privileges and benefits to a casino self-excluded person.

(4) Ensure that casino 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 **OR OTHER LOCATION APPROVED BY THE BOARD TO CONDUCT GAMING ACTIVITY** as required under § 501a.3(a)(10) (relating to employee training program).

(5) Comply with § 503a.3(d) (relating to casino self-exclusion list).

(6) Make available to patrons written materials explaining the casino 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 **OR OTHER LOCATION APPROVED BY THE BOARD TO CONDUCT GAMING ACTIVITY**. 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.

(d) If during the 30-day review period the Director of OCPG determines that the amendments to the procedures and training materials may not promote the prevention of gaming by self-excluded individuals or assist in the proper administration of the casino self-exclusion program, 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.

(e) When the amendments to the procedures and training materials have been objected to under subsection (d), the slot machine licensee may submit revised amendments in accordance with subsections (c) and (d).

(f) A slot machine licensee shall post signs at all entrances to a licensed facility **OR OTHER LOCATION APPROVED BY THE BOARD TO CONDUCT GAMING ACTIVITY** indicating that a person who is on the casino 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 **OR OTHER LOCATION APPROVED BY THE BOARD TO CONDUCT GAMING ACTIVITY**. 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 casino 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 casino self-excluded person.

(2) Permitting or not permitting a casino self-excluded person to gamble.

(3) Good faith disclosure of the identity of a casino 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 casino 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.

§ 503a.5. Removal from casino 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.

(b) [At the scheduled appointment time, the] The individual requesting removal shall [submit, in person, a ~~completed~~] complete and submit a Request for Removal from Voluntary Self-Exclusion Form as required under subsections [(b) and] (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.

[(b)] (c) A complete ~~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.''

[(c)] (d) A person submitting a Request for Removal from Voluntary Self-Exclusion Form shall be required to present [a] or submit a copy of that person's valid government-issued [photo] 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).

[(d)] (e) Within [15] 5 business days after the complete 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 [and notify each slot machine licensee of the removal]. 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 [15] 7 business days from the date Board staff accepts the [request to be removed from the voluntary

self-exclusion list or may be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass)] 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 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 five years from the date of denial.

§ 503a.6. Exceptions for individuals on the casino self-exclusion list.

The prohibition against allowing casino 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 casino 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.

§ 503a.7. Disclosure of information related to persons on the casino self-exclusion list.

(a) The Board may periodically release to the public demographics and general information regarding the casino 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 casino self-exclusion list.

Subpart K. TABLE GAMES

CHAPTER 603a. TABLE GAME EQUIPMENT

§ 603a.20. Match Play Coupons; physical characteristics and issuance.

* * * * *

(q) If included in the certificate holder's internal controls, required under § 465a.2, a certificate holder may

authorize a gaming service provider to print and mail Match Play Coupons directly to patrons in accordance with the following requirements:

* * * * *

(7) The certificate holder is responsible for ensuring that the gaming service provider does not mail Match Play Coupons to individuals on the **CASINO** self-exclusion list under Chapter 503a (relating to casino self-exclusion) or the exclusion list under Chapter 511a (relating to persons required to be excluded).

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CHAPTER 609a. CREDIT

§ 609a.3. Application and verification procedures for granting credit.

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(c) Prior to a certificate holder's approval of a patron's credit limit, a credit clerk shall:

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(5) Verify that the patron's name is not on:

(i) The list of individuals who have voluntarily requested suspension of credit privileges under § 609a.9 (relating to voluntary credit suspension list).

(ii) The list of individuals who have voluntarily placed themselves on the **CASINO** self-exclusion list under Chapter 503a (relating to casino self-exclusion).

(iii) The list of individuals who have been placed on the exclusion list under Chapter 511a (relating to persons required to be excluded).

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