

**CHAPTER 1119. SELF-EXCLUSION—TEMPORARY REGULATIONS**

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**§ 1119.1. Definitions.**

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

*OCPG*—The Office of Compulsive and Program Gambling of the Board.

*Video gaming activity*—The play of video gaming terminals at the premises of an establishment licensee.

*Video gaming related activity*—An activity related to the play of video gaming terminals including applying for player club memberships or credit, cashing checks, or accepting a complimentary gift, service, promotional item or other thing of value at an establishment licensee's premises.

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

*Video gaming self-exclusion list*—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to all of the following:

- (i) Excluded from the video gaming area where video gaming activity is conducted.
- (ii) Excluded from engaging in all video gaming related activities at an establishment licensee's facility.
- (iii) Prohibited from collecting any winnings or recovering any losses resulting from video gaming activity.

*Winnings*—Any money or thing of value received from, or owed by, an establishment licensee or terminal operator licensee as a result of a fully executed video gaming transaction.

**§ 1119.2. Self-exclusion procedure.**

(a) A person may request to be self-excluded from video gaming activities of an establishment licensee. The exclusion may be for a specific establishment licensee or throughout this Commonwealth.

(b) A person requesting self-exclusion shall do all of the following:

- (1) Acknowledge that the person is a problem gambler.
- (2) Agree that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any video gam-

ing activity within establishment licensees and that the person may be subject to arrest for trespass if found within a video gaming area of an establishment licensee.

(3) Agree to other conditions established by the Board.

(c) Forms to be used to request placement on the video gaming self-exclusion list are available on the Board's web site and at each establishment licensee's facility.

(d) A person wishing to place himself on the video gaming self-exclusion list at a single establishment licensee's facility may do so by the following:

(1) Submitting a completed Request for Voluntary Self-exclusion from Video Gaming Activities Form to the Board.

(2) Include all of the following identifying information:

(i) Name, including any aliases or nicknames.

(ii) Date of birth.

(iii) Address of current residence.

(iv) Telephone number.

(v) A copy of the individual's photo driver's license, passport or other recent photo identification.

(vi) 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.

(vii) Name, address and county of the establishment licensee's facility at which the person wishes to be excluded from video gaming activity.

(viii) The length of time the individual seeks to be excluded from video gaming activities.

(e) A person wishing to place himself on the video gaming self-exclusion list at all video gaming establishments in this Commonwealth may do so by the following:

(1) Submitting a completed Request for Voluntary Self-exclusion from Video Gaming Activities Form to the Board.

(2) Include all of the following identifying information:

(i) Name, including any aliases or nicknames.

(ii) Date of birth.

(iii) Address of current residence.

(iv) Telephone number.

(v) A copy of the individual's photo driver's license, passport or other recent photo identification.

(vi) 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.

(vii) Specify that the person desires to be excluded from video gaming activity in this Commonwealth.

(viii) The length of time the individual seeks to be excluded from video gaming activities.

(f) 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.

(g) A request for self-exclusion must include a signed release which meets all of the following:

- (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 if the individual is discovered in a video gaming area, 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.

(5) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board, and all terminal operator licensees and establishment licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the video gaming 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 an establishment licensee to withhold video gaming privileges from or restore video gaming privileges to a video gaming self-excluded person.
- (ii) Otherwise permitting or not permitting a video gaming self-excluded person to engage in video gaming activity in a video gaming establishment while on the list of video gaming self-excluded persons.
- (iii) Confiscation of the individual's winnings.

(h) Video gaming self-exclusions for 1 year or 5 years remain in effect until the period of video gaming self-exclusion concludes.

#### Cross References

This section cited in 58 Pa. Code § 1116.1 (relating to video gaming area).

### § 1119.3. Video gaming self-exclusion list.

(a) The Board will maintain the official video gaming self-exclusion list and notify each establishment licensee of additions to or deletions from the list on a

biweekly basis by first class mail or by transmitting the video gaming self-exclusion list electronically directly to each establishment licensee and terminal operator licensee.

(b) The notice provided to establishment licensees and terminal operator licensees by the Board will include all of the following information concerning a person who has been added to the video gaming self-exclusion list:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of residence.
- (4) Telephone number.
- (5) A copy of the individual's photo driver's license, passport or other recent photo identification.
- (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.

(c) The notice provided to establishment licensees and terminal operator licensees by the Board concerning a person whose name has been removed from the video gaming self-exclusion list will include the name and date of birth of the person.

(d) A establishment licensee and terminal operator licensee shall maintain a copy of the video gaming 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 establishment licensee are notified of any addition to or deletion from the list within 5 business days after the day notice is mailed to each establishment licensee and terminal operator 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) Establishment licensees, terminal operator licensees, and employees or agents thereof may not disclose the name of, or any information about, a person who has requested video gaming self-exclusion to anyone other than employees and agents of the establishment licensee and terminal operator licensee whose duties and functions require access to the information.

(g) A video gaming 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 video gaming self-exclusion list.

(h) Winnings incurred by a video gaming 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, or redeemed by a video gaming self-excluded person will be presumed to constitute winnings subject to remittance to the Board.

#### Cross References

This section cited in 58 Pa. Code § 1120.4 (relating to duties of the Bureau and the Office of Enforcement Counsel).

### § 1119.4. Duties of video gaming establishment licensees.

(a) An establishment licensee shall train its employees and establish procedures to do all of the following:

(1) Identify a video gaming self-excluded person when present in the video gaming area and, upon identification, immediately notify employees of the establishment licensee whose duties include the removal of video gaming self-excluded persons.

(2) Deny video gaming related activities to a video gaming self-excluded person.

(3) Ensure that video gaming self-excluded persons do not receive, either from the video gaming establishment licensee or any agent thereof, targeted advertisements of video gaming activities at its premises.

(4) Notify the Pennsylvania State Police and the Bureau of the presence of a video gaming self-excluded person in the video gaming area.

(5) Prepare a report of the presence of a video gaming self-excluded person in a video gaming area on a form provided by the Board and to submit that completed form to the OCPG and the Bureau within 24 hours for each occurrence of a video gaming self-excluded person being present in a video gaming area.

(6) Make available to patrons written materials explaining the video gaming self-exclusion program.

(b) The list of video gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of 4 Pa.C.S. Part III (relating to video gaming).

### § 1119.5. Removal from video gaming self-exclusion list.

(a) For individuals who are video gaming self-excluded for 1 year or 5 years, upon the conclusion of the period of self-exclusion, the individual will be removed from the video gaming self-exclusion list without further action on his part.

(b) For individuals who have elected to be video gaming self-excluded for lifetime, the individual will not be removed from the video gaming self-exclusion list until all of the following have occurred:

(1) At least 10 years has elapsed since the individual placed himself on the video gaming self-exclusion list for lifetime.

(2) The individual has filed a petition with the Board's Office of Hearings and Appeals requesting to be removed from the video gaming self-exclusion list.

(3) The individual has presented facts and circumstances which, in the Board's discretion, demonstrate a compelling reason for the Board to grant early removal from the lifetime self-exclusion list.

(4) The Board has found by a preponderance of the evidence that the person should be removed from the video gaming self-exclusion list and issues an order to that effect.

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