

CHAPTER 1119a. SELF-EXCLUSION

Sec.

- 1119a.1. Scope.
- 1119a.2. Definitions.
- 1119a.3. Requests for video gaming self-exclusion.
- 1119a.4. Video gaming self-exclusion list.
- 1119a.5. Duties of video gaming establishment licensees.
- 1119a.6. Removal from the video gaming self-exclusion list.
- 1119a.7. Exceptions for individuals on the video gaming self-exclusion list.
- 1119a.8. Disclosures of information related to persons on the self-exclusion list.

Authority

The provisions of this Chapter 1119a added under 4 Pa.C.S. §§ 3301(a) and (b)(30) and 3302, unless otherwise noted.

Source

The provisions of this Chapter 1119a added August 20, 2021, effective August 21, 2021, 51 Pa.B. 5207, unless otherwise noted.

§ 1119a.1. Scope.

The purpose of this chapter is to provide players with a process to self-exclude from video gaming activities in this Commonwealth and detail the process by which individuals may self-exclude themselves from video gaming activity and restore their ability to participate in video gaming activity in this Commonwealth.

§ 1119a.2. 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.

§ 1119a.3. Requests for video gaming self-exclusion.

(a) A person requesting placement on the video gaming self-exclusion list shall submit a completed Request for Voluntary Self-Exclusion from Gaming Activities Form to the Board 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 shall contact the OCPG at (717) 346-8300 or problemgambling@pa.gov.

(b) A request for video gaming self-exclusion must include all of 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, or the last 4 digits of the individual’s 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, 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 video gaming 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 web site. A copy of the form can be obtained by calling the OCPG 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
COMMONWEALTH TOWER
303 WALNUT STREET, 5TH FLOOR
HARRISBURG, PA 17101

(d) The length of video gaming 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 from video gaming activities in this Commonwealth must include a signed release which:
- (1) Acknowledges that the request for video gaming self-exclusion has been made voluntarily.
 - (2) Certifies that the information provided in the request for video gaming self-exclusion is true and accurate.
 - (3) Acknowledges that the individual requesting video gaming self-exclusion is or may be a problem gambler.
 - (4) Acknowledges that a person requesting a lifetime exclusion may only request removal from the video gaming self-exclusion list in accordance with the procedures set forth in § 1119a.6 (relating to removal from the video gaming self-exclusion list) and that a person requesting a 1-year or 5-year exclusion will remain on the video gaming self-exclusion list until the period of exclusion expires, unless removed from the list pursuant to the provisions of § 1119a.6(b).
 - (5) Acknowledges that if the individual is discovered participating in video gaming that 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 terminal operator licensees and establishment 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 terminal operator licensee or 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 activities in this Commonwealth while on the list of video gaming self-excluded persons.
 - (iii) Confiscation of the individual's winnings.
- (f) A person submitting a video gaming 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).
- (g) A person requesting video gaming self-exclusion under this chapter shall have a photograph taken by the Board, or agent thereof, upon submission of the request to be on the list.

(h) A person requesting video gaming 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.

Source

The provisions of this § 1119a.3 amended August 2022, effective August 2022. Immediately preceding text appears at serial pages (406048) to (406050).

Cross References

This section cited in 58 Pa. Code § 1119a.4 (relating to video gaming self-exclusion list); 58 Pa. Code § 1119a.6 (relating to removal from the video gaming self-exclusion list); and 58 Pa. Code § 1120a.4 (relating to duties of the Bureau and the Office of Enforcement Counsel).

§ 1119a.4. Video gaming self-exclusion list.

(a) The Board will maintain the video gaming self-exclusion list and will make all necessary additions or deletions of individuals removed from the list under 1119a.6 (relating to removal from the video gaming self-exclusion list) within 5 business days of the verification of the information received under § 1119a.3 (relating to requests for video gaming self-exclusion) and shall make the video gaming self-exclusion list available to terminal operator licensees and establishment licensees electronically by the Board's self-exclusion system.

(b) The information made available to terminal operator licensees and establishment licensees by the Board's self-exclusion system will include 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 current residence.
- (4) Telephone number.
- (5) Social Security number, or the last 4 digits of the individual's Social Security number, when voluntarily provided by the person requesting video gaming self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) Physical description of the person, including height, 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 § 1119a.3.

(c) The information made available to terminal operator licensees and establishment 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 terminal operator licensee and establishment licensee shall maintain a copy of the video gaming self-exclusion list and establish procedures to ensure that the copy of the video gaming self-exclusion list is updated at least every 2 business days with the information made available by the Board's self-exclusion

system and that all appropriate employees and agents of the establishment licensee are notified of any additions to or deletions from the list.

(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) Terminal operator licensees and establishment licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion from video gaming to anyone other than employees and agents of the terminal operator licensee or establishment licensee whose duties and functions require access to the information. Notwithstanding the foregoing, a terminal operator licensee or establishment licensee may disclose the identity of a video gaming self-excluded person to appropriate employees of affiliated gaming entities in this or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.

(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 video gaming activity for the entire period of time that the person is on the Board's 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, found on or about or redeemed by a video gaming self-excluded person shall be presumed to constitute winnings subject to remittance to the Board.

§ 1119a.5. 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 occur-

rence of a video gaming self-excluded person being present in a video gaming area, which may be submitted by the terminal operator.

(6) Make available to patrons written materials provided by the OCPG 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).

(c) Under section 3903 of the act (relating to self-exclusion), establishment licensees and employees thereof may not be liable for damages in any civil action, which is based on the following:

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

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

(3) Good faith disclosure of the identity of a video gaming self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.

(d) An establishment licensee shall report the discovery of a video gaming self-excluded person that did or attempted to engage in video gaming related activities to the director of the OCPG within 24 hours.

§ 1119a.6. Removal from the video gaming self-exclusion list.

(a) For individuals who are on the video gaming self-exclusion list 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 the individual's part.

(b) For individuals who have elected to be video gaming self-excluded for less than lifetime but has not yet reached the date of completion of the selected self-exclusion period, the individual may be removed from the video gaming self-exclusion list if all of the following has occurred:

(1) 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.

(2) 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 video gaming self-exclusion list.

(3) 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.

(c) For individuals who selected lifetime video gaming self-exclusion under § 1119a.3(d)(3) (relating to requests for video gaming self-exclusion):

(1) After being on the video gaming self-exclusion list for a period of 10 years, the individual may petition the Board to be removed from the video gaming 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 engage in or attempt to engage in video gaming while self-excluded, including dates and times.

(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 video gaming self-excluded individual filing the petition for removal from the video gaming 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 video gaming self-exclusion list, and provide to the individual the contact information for the 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 video gaming self-exclusion list, which shall notify the individual that he or she shall remain on the video gaming 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 video gaming self-exclusion list for a period of 5 years from the date of denial.

Cross References

This section cited in 58 Pa. Code § 1119a.3 (relating to requests for video gaming self-exclusion); and 58 Pa. Code § 1119a.4 (relating to video gaming self-exclusion list).

§ 1119a.7. Exceptions for individuals on the video gaming self-exclusion list.

The prohibition against allowing video gaming self-excluded persons to engage in activities related to video gaming does not apply to an individual who is on the video gaming 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 individual does not otherwise engage in any video gaming activities.

§ 1119a.8. Disclosures 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 video gaming self-exclusion lists 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 video gaming self-exclusion list.

[Next page is 1120-1.]

1119a-8