

CHAPTER 1209a. FANTASY CONTEST SELF-EXCLUSION

Sec.

- 1209a.1. Fantasy contest self-exclusion definitions.
- 1209a.2. Fantasy contest self-exclusion procedure.
- 1209a.3. Fantasy contest self-exclusion list.
- 1209a.4. Duties of fantasy contest licensees.
- 1209a.5. Removal from fantasy contest self-exclusion list.

Authority

The provisions of this Chapter 1209a added under 4 Pa.C.S. §§ 311, 1202(b)(30) and 13F06(a), unless otherwise noted.

Source

The provisions of this Chapter 1209a adopted July 30, 2021, effective July 31, 2021, 51 Pa.B. 4229, unless otherwise noted.

Cross References

This chapter cited in 58 Pa. Code § 1205a.6 (relating to licensed gaming entities).

§ 1209a.1. Fantasy contest self-exclusion definitions.

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

Fantasy contest activity—The play of fantasy contests at any location in this Commonwealth.

Fantasy contest related activity—An activity related to the play of fantasy contests including creating a player account, funding a player account or withdrawing funds on account.

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

Fantasy contest self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be excluded from the conduct of fantasy contests for a period of time as selected by the person.

Winnings—Any money or thing of value received from, or owed by, a fantasy contest licensee as a result of a fully executed fantasy contest transaction.

§ 1209a.2. Fantasy contest self-exclusion procedure.

(a) A person requesting to be self-excluded from fantasy contest activity shall submit a completed Request for Voluntary Self-Exclusion from Fantasy Contest 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 may contact the Office of Compulsive and Problem Gaming at (717) 346-8300 or problemgambling@pa.gov.

(b) When requesting fantasy contest self-exclusion, the person shall do all of the following:

(1) Provide all of the following information:

(i) The individual's complete name, including any aliases or nicknames.

(ii) Current address.

(iii) Telephone number.

(iv) E-mail address.

(v) Age.

(vi) Date of birth.

(vii) 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).

(2) Identify the period of time in years for which the individual seeks to self-exclude, which shall not be less than 1 year.

(3) Agree that, during any period of voluntary self-exclusion, the person may not collect any winnings or recover any losses resulting from any fantasy contest activity.

(4) Agree to release, indemnify, hold harmless and forever discharge the Commonwealth, the Board and all fantasy contest licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the fantasy contest 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 fantasy contest licensee to withhold fantasy contest privileges from or restore fantasy contest privileges to a fantasy contest self-excluded person.

(ii) Otherwise permitting or not permitting a fantasy contest self-excluded person to engage in fantasy contest activity while on the list of fantasy contest self-excluded persons.

(iii) Confiscation of the individual's winnings.

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

(c) A link to the form to be used to request placement on the fantasy contest self-exclusion list must be available on the responsible gaming webpage of each fantasy contest licensed operator's web site.

(d) The information provided in subsection (b) shall be updated by the fantasy contest 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 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
COMMONWEALTH TOWER
303 WALNUT STREET, 5TH FLOOR
HARRISBURG, PA 17101

Source

The provisions of this § 1209a.2 amended August 2022, effective August 2022. Immediately preceding text appears at serial pages (405361) to (405363).

§ 1209a.3. Fantasy contest self-exclusion list.

(a) The Board will maintain the official fantasy contest self-exclusion list and shall make the fantasy contest self-exclusion list available to each licensed operator by means of the Board's self-exclusion system.

(b) The information made available to licensed operators by the Board will include all of the following information concerning a person who has been added to the fantasy contest self-exclusion list:

- (1) The individual's complete name, including any aliases or nicknames.
- (2) Current address.
- (3) Telephone number.
- (4) E-mail address.
- (5) Age.
- (6) Date of birth.

(7) 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).

(c) A licensed operator shall establish procedures to ensure that its database of self-excluded persons is updated to correspond with the Board's current fantasy contest self-exclusion list.

(d) A licensed operator shall maintain a copy of the fantasy contest self-exclusion list and establish procedures to ensure that the copy of the fantasy contest self-exclusion list is updated at least every 2 business days with the information made available to licensed operators by means of the Board's self-exclusion system and that all appropriate employees and agents of the licensed operator are notified of the updates to the fantasy contest self-exclusion 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 and 4 Pa.C.S. § 325(6)(ii) (relating to conditions of licensure).

(f) Except as provided in 4 Pa.C.S. § 325(6)(ii), licensed operators and employees or agents thereof may not disclose the name of, or any information about, a person who has requested fantasy contest self-exclusion to anyone other

than employees and agents of the licensed operator whose duties and functions require access to the information.

(g) A fantasy contest 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 fantasy contest self-exclusion list.

(h) Winnings incurred by a fantasy contest 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 fantasy contest self-excluded person will be presumed to constitute winnings subject to remittance to the Board.

§ 1209a.4. Duties of fantasy contest licensees.

(a) A fantasy contest licensee shall do all of the following:

(1) Deny fantasy contest related activities to a fantasy contest self-excluded person.

(2) Ensure that a fantasy contest self-excluded persons may not establish an account or deposit money in an established account while the person is on the fantasy contest self-exclusion list.

(3) Retain a record of any attempts of a fantasy contest self-excluded person to engage in fantasy contest related activity and to provide the record to the Board's Office of Compulsive and Problem Gaming (Office) in a form and manner as approved by the Office. The record must include the name of the self-excluded person, the date of the occurrence and a description of the attempted fantasy contest related activity.

(4) Notify the Office within 24 hours of identifying that an individual on the self-exclusion list has gained access to the individual's account or has entered a fantasy contest.

(5) Make available to patrons materials explaining the fantasy contest self-exclusion program.

(b) The list of fantasy contest self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of 4 Pa.C.S. Chapter 3 (relating to fantasy contests).

§ 1209a.5. Removal from fantasy contest self-exclusion list.

An individual who has elected to self-exclude from fantasy contest related activity will remain on the self-exclusion list for the duration of the period selected and will be removed from the fantasy contest self-exclusion list only upon the conclusion of the period of self-exclusion.

[Next page is 1401-1.]