

CHAPTER 815. INTERACTIVE GAMING SELF-EXCLUDED PERSONS—TEMPORARY REGULATIONS

Sec.

- 815.1. Scope.
- 815.2. Definitions.
- 815.3. Requests for interactive gaming self-exclusion.
- 815.4. Interactive gaming self-exclusion list.
- 815.5. Certificate holder and licensee duties.
- 815.6. Removal from the interactive gaming self-exclusion list.
- 815.7. Exceptions for individuals on the interactive gaming self-exclusion list.
- 815.8. Disclosures of information related to persons on the self-exclusion list.

Authority

The temporary provisions of this Chapter 815 issued under 4 Pa.C.S. §§ 1202(b)(30) and 13B03(b), unless otherwise noted.

Source

The temporary provisions of this Chapter 815 adopted May 4, 2018, effective May 5, 2018, expire May 5, 2020, 48 Pa.B. 2631, unless otherwise noted.

Cross References

This chapter cited in 58 Pa. Code § 830.10 (relating to compulsive and problem gaming; self-exclusion).

§ 815.1. Scope.

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

§ 815.2. Definitions.

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

Fully executed gaming transaction—An activity involving interactive gaming which occurs in this Commonwealth which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by an interactive gaming certificate holder or interactive gaming operator licensee.

Gaming activity—The play of interactive gaming including play during contests, tournaments or promotional events.

Gaming related activity—An activity related to interactive gaming including applying for player club memberships or credit, cashing checks or accepting a complimentary gift, service, promotional item or other thing of value from an interactive gaming certificate holder, interactive gaming operator licensee or an affiliate thereof.

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

(i) Excluded from engaging in interactive gaming in this Commonwealth.

(ii) Prohibited from collecting any winnings or recovering any losses resulting from interactive gaming activity in this Commonwealth.

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.

Winnings—Any money or thing of value received from, or owed by, an interactive gaming certificate holder or interactive gaming operator licensee as a result of a fully executed gaming transaction.

§ 815.3. Requests for interactive gaming self-exclusion.

(a) A person requesting placement on the interactive gaming self-exclusion list shall submit electronically a completed Request for Voluntary Self-Exclusion from Interactive Gaming Only Activities Form available on the Board's web site.

(b) A request for self-exclusion from interactive gaming 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, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) A physical description of the person that may assist in the identification of the person.

(c) 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.

(d) A request for self-exclusion from interactive gaming activities in this Commonwealth must include a signed release which:

- (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 self-exclusions for a 1-year or 5-year period remain in effect until the period of exclusion expires.
- (5) Acknowledges that if the individual is discovered participating in interactive gaming, that the individual's interactive gaming account will be sus-

pended 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 interactive gaming certificate holders or interactive gaming operator 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 an interactive gaming certificate holder or interactive gaming operator licensee to withhold interactive gaming privileges from or restore interactive gaming privileges to a self-excluded person.

(ii) Otherwise permitting or not permitting a self-excluded person to engage in interactive gaming activities in this Commonwealth while on the list of interactive gaming self-excluded persons.

(iii) Confiscation of the individual's winnings.

(e) A person submitting an interactive gaming self-exclusion request shall provide a valid government-issued photo identification containing the person's signature and photograph when the person submits the request. If the request is made electronically, the individual shall present a scanned copy of a valid government-issued photo identification containing the person's signature and photograph when the person submits the request.

(f) A person requesting self-exclusion under this chapter shall upload a photo of his current valid government-issued photo identification during self-exclusion enrollment.

§ 815.4. Interactive gaming self-exclusion list.

(a) The Board will maintain the official interactive gaming self-exclusion lists and notify each interactive gaming certificate holder and interactive gaming operator licensee of additions to or deletions from the lists within 5 business days of the verification of the information received under this chapter by first class mail or by transmitting the self-exclusion list electronically directly to each interactive gaming certificate holder and interactive gaming operator licensee.

(b) The notice provided to interactive gaming certificate holders or interactive gaming operator licensees by the Board will include all of the following information concerning a person who has been added to the interactive 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, when voluntarily provided by the person requesting interactive gaming self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

- (6) A physical description of the person that may assist in the identification of the person.
- (7) A person requesting self-exclusion under this chapter shall upload a photo of his current valid government-issued photo identification during self-exclusion enrollment.
- (c) The notice provided to interactive gaming certificate holders and interactive gaming operator licensees by the Board concerning a person whose name has been removed from the interactive gaming self-exclusion list will include the name and date of birth of the person.
- (d) An interactive gaming certificate holder and interactive gaming operator licensee shall maintain a copy of the interactive gaming self-exclusion list and establish procedures to ensure that the copy of the interactive gaming self-exclusion list is updated and that all appropriate employees and agents of the interactive gaming certificate holder or interactive gaming operator are notified of any addition to or deletion from the list within 5 business days after the day notice is mailed to each interactive gaming certificate holder or interactive gaming operator 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) Interactive gaming certificate holders or interactive gaming operator licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion from interactive gaming to anyone other than employees and agents of the interactive gaming certificate holder or interactive gaming operator licensee whose duties and functions require access to the information. Notwithstanding the foregoing, an interactive gaming certificate holder or interactive gaming operator licensee may disclose the identity of an interactive 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) An interactive 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 interactive gaming activity for the entire period of time that the person is on the Board's interactive gaming self-exclusion lists.
- (h) Winnings incurred by an interactive 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 an interactive gaming self-excluded person's interactive gaming account shall be presumed to constitute winnings subject to remittance to the Board.

§ 815.5. Certificate holder and licensee duties.

(a) An interactive gaming certificate holder or interactive gaming operator licensee shall train its employees and establish procedures to do all of the following:

- (1) Refuse wagers from and deny gaming privileges to an interactive gaming self-excluded person.
- (2) Deny gaming related activities and benefits to an interactive gaming self-excluded person.
- (3) Ensure that interactive gaming self-excluded persons do not receive, either from the interactive gaming certificate holder, interactive gaming operator licensee or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to interactive gaming activities.
- (4) Make available to patrons materials explaining the interactive gaming self-exclusion program.

(b) An interactive gaming certificate holder or interactive gaming operator licensee shall submit a copy of its procedures and training materials established under this subsection to the Director of the Office of Compulsive and Problem Gaming (OCPG) for review and approval at least 30 days prior to initiation of interactive gaming activities on interactive gaming sites. The interactive gaming certificate holder or interactive gaming operator 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 the OCPG. An interactive gaming certificate holder or interactive gaming operator licensee may not commence operations until the Director of the OCPG approves the procedures and training.

(c) An interactive gaming certificate holder or interactive gaming operator licensee shall submit amendments to the procedures and training materials required under this subsection to the Director of the OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The interactive gaming certificate holder or interactive gaming operator licensee may implement the amendments on the 30th calendar day following the filing of the amendments unless the interactive gaming certificate holder or interactive gaming operator licensee receives a notice under this subsection objecting to the amendments.

(d) If during the 30-day review period the Director of the OCPG determines that the amendments to the procedures and training materials may not promote the prevention of interactive gaming by self-excluded individuals or assist in the proper administration of the interactive gaming self-exclusion program, the Director of the OCPG may, by written notice to the interactive gaming certificate holder or interactive gaming operator 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 the OCPG.
- (e) When the amendments to the procedures and training materials have been objected to under this subsection, the interactive gaming certificate holder or interactive gaming operator licensee may submit revised amendments in accordance with this subsection.
- (f) The list of interactive gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.
- (g) An interactive gaming certificate holder or interactive gaming operator licensee shall report the discovery of an interactive gaming self-excluded person that did or attempt to engage in interactive gaming related activities to the Director of the OCPG within 24 hours.

§ 815.6. Removal from the interactive gaming self-exclusion list.

- (a) For individuals who are on the interactive 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 interactive gaming self-exclusion list without further action on his part.
- (b) For individuals who have elected to be interactive gaming self-excluded for less than lifetime, the individual may be removed from the interactive 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 interactive 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 interactive gaming self-exclusion list.
 - (3) The Board has found by a preponderance of the evidence that the person should be removed from the interactive gaming self-exclusion list and issues an order to that effect.
- (c) For individuals who have elected to be interactive gaming self-excluded for lifetime, the individual will not be removed from the interactive gaming self-exclusion list until all of the following has 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 interactive 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 interactive gaming self-exclusion list.

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

§ 815.7. Exceptions for individuals on the interactive gaming self-exclusion list.

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

§ 815.8. 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 interactive 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 interactive gaming self-exclusion lists.

[Next page is 817-1.]

815-8

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