

CHAPTER 815a. INTERACTIVE GAMING SELF-EXCLUDED PERSONS

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Authority

The provisions of this Chapter 815a added under 4 Pa.C.S. §§ 1202(b)(30) and 13B02, unless otherwise noted.

Source

The provisions of this Chapter 815a added August 27, 2021, effective August 28, 2021, 51 Pa.B. 5389, unless noted otherwise.

Cross References

This chapter cited in 58 Pa. Code § 830a.10 (relating to compulsive and problem gaming; self-exclusion); and 58 Pa. Code § 1401a.1 (relating to scope).

§ 815a.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.

§ 815a.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 or interactive or mobile sports wagering occurring 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.

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

Gaming related activity—An activity related to interactive gaming or interactive or mobile sports wagering including applying for player club memberships or credit, cashing checks or accepting a complimentary gift, service, pro-

motional item or other thing of value from an interactive gaming certificate holder, interactive gaming operator or an affiliate thereof.

Interactive gaming self-excluded person—A person whose name and identifying information is included, at the person’s own request, on the interactive gaming self-exclusion list maintained by the Board.

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

OCPG—Office of Compulsive and Program Gambling.

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

§ 815a.3. Requests for interactive gaming self-exclusion.

(a) A person requesting placement on the interactive 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 interactive 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 interactive 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 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 interactive 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 interactive gaming activities in this Commonwealth must include a signed release which:

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

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

(3) Acknowledges that the individual requesting interactive 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 interactive gaming self-exclusion list in accordance with the procedures set forth in § 815a.6 (relating to removal from the interactive gaming self-exclusion list) and that a person requesting a 1-year or 5-year exclusion will remain on the interactive gaming self-exclusion list 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 suspended 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 operators 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 to withhold interactive gaming privileges from or restore interactive gaming privileges to an interactive gaming self-excluded person.

(ii) Otherwise permitting or not permitting an interactive gaming 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.

(f) A person submitting an interactive 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 interactive 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 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.

Cross References

This section cited in 58 Pa. Code § 815a.4 (relating to interactive gaming self-exclusion list); and 58 Pa. Code § 815a.6 (relating to removal from the interactive gaming self-exclusion list).

§ 815a.4. Interactive gaming self-exclusion list.

(a) The Board will maintain the official interactive gaming self-exclusion list and will make all necessary additions or deletions of individuals removed from the list under § 815a.6 (relating to removal from interactive gaming self-exclusion list) within 5 business days of the verification of the information received under § 815a.3 (relating to requests for interactive gaming self-exclusion) and shall make the interactive gaming self-exclusion list available to interactive gaming certificate holders and interactive gaming operators electronically by means of the Board's self-exclusion system.

(b) The information made available to interactive gaming certificate holder and interactive gaming operators by means of the Board's self-exclusion system will include 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, or the last 4 digits of the individual's 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) 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 § 815a.3.

(c) The information made available to interactive gaming certificate holders and interactive gaming operators 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 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 at least every 2 business days with the information made available by means of the Board's self-exclusion system and that all appropriate employees and agents of the interactive gaming certificate holder or interactive gaming operator 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) Interactive gaming certificate holders or interactive gaming operators, 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 whose duties and functions require access to the information. Notwithstanding the foregoing, an interactive gaming certificate holder or interactive gaming operator 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 list.

(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.

§ 815a.5. Certificate holder and operator duties.

(a) An interactive gaming certificate holder or interactive gaming operator 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 or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to interactive gaming activities.

(4) Make available to registered players materials explaining the interactive gaming self-exclusion program.

(b) An interactive gaming certificate holder or interactive gaming operator shall submit a copy of its procedures and training materials established under this subsection to the Director of 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 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 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 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 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 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, 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 may submit revised amendments in accordance with this subsection (c).

(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) Under section 1516 of the act (relating to list of persons self-excluded from gaming activities), interactive gaming certificate holders and interactive gaming operators 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 an interactive gaming self-excluded person.

(2) Permitting or not permitting an interactive gaming self-excluded person to gamble.

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

(g) An interactive gaming certificate holder or interactive gaming operator 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.

§ 815a.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 selected lifetime interactive gaming self-exclusion under § 815a.3(d)(3) (relating to requests for interactive gaming self-exclusion):

(1) After being on the interactive gaming self-exclusion list for a period of 10 years, the individual may petition the Board to be removed from the interactive 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 interactive 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 interactive gaming self-excluded individual filing the petition for removal from the interactive 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 interactive gaming 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 interactive gaming self-exclusion list, which shall notify the individual that he or she shall remain on the interactive 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 interactive gaming self-exclusion list for a period of five years from the date of denial.

Cross References

This section cited in 58 Pa. Code § 815a.3 (relating to requests for interactive gaming self-exclusion); and 58 Pa. Code § 815a.4 (relating to interactive gaming self-exclusion list).

§ 815a.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:

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(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.

§ 815a.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.

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