

**ADVERTISING  
DECEMBER 4, 2018 REGULATIONS WORKSHOP:  
SUBSTANTIVE CHANGES THAT WILL BE PROPOSED TODAY**

**Section 12002, subparagraph (b)(1)(B).  
Page 1, lines 32 – 33**

The Pala Band of Mission Indians and the United Auburn Indian Community of The Auburn Rancheria commented that the proposed exemption for business signage is too broad and that it should be made clear that signage including advertising material should be treated as an advertisement. This change would remove the identifying business signage exemption from the definition of an advertisement. The provision would be further amended and relocated to a more appropriate location (covered later in this document) to provide additional clarity.

Staff proposes to modify the draft text as follows:

**§ 12002. General Definitions.**

...

(b) "Advertisement" or "advertising material" ...

(1) "Advertisement" or "advertising material" does not include:

...

~~(B) Any identifying business signage located in or on the premises of a gambling establishment.~~

~~(C)~~ (B) Any notices or postings otherwise required by the Act, this Division, or Title 11, Division 3 of the California Code of Regulations, such as posted game rules.

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**Section 12080, subsection (b).  
Page 3, insert after Line 13**

The Bureau commented that the current proposed requirement limiting the extent a third-party provider of proposition player services (TPPPS) can provide advertising services to a gambling enterprise with which it has a Bureau-approved contract, does not prevent a TPPPS from providing advertising for a gambling enterprise with which it does not have an approved contract. This change would explicitly prevent a TPPPS licensee from providing advertising services for a gambling enterprise without having a Bureau-approved TPPPS contract in effect with that gambling enterprise.

Staff proposes to modify the draft text by adding a new subsection as follows:

**§ 12080. General Requirements.**

...

(c) A third-party provider of proposition player services will not create, purchase, place, or distribute any advertisement for a gambling enterprise with which it does not have a proposition player contract, as defined in Section 12200.

**Section 12082, subsection (c).**  
**Page 3, beginning on Line 32**

This change, based on the previously discussed comment by the Pala Band of Mission Indians and the United Auburn Indian Community of The Auburn Rancheria, would ensure the exemption for identifying business signage is clear and does not inadvertently exempt signage that would otherwise be considered an advertisement. Further, Commission staff proposes to more appropriately relocate the provision adjacent to the exemption for small tangible items, located in Section 12082, paragraph (c)(1).

Staff proposes to modify the draft text as follows:

**§ 12082. Advertising Content.**

...

(c) The requirements of paragraph (2) of subsection (b), do not apply to: ~~any~~

(1) Any small tangible items upon which the information required would be impracticable to print or display, such as: apparel, hats, pens, key chains, dishware, drinking glasses, coffee mugs, etc.

(2) Any business signage that solely identifies the name, nickname, alias, or any other name by which the gambling establishment is commonly known, which is located on the premises of that gambling establishment.

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**Section 12082, subparagraph (f)(2).**  
**Page 4, Lines 14 – 15**

The Bureau provided a comment suggesting that any audio be required to be at either the beginning or end of an advertisement. Similar to this suggestion, this change would ensure that for any advertisement containing audio, the required information would be spoken at the end of the advertisement. Further, this change would align with the proposed requirements for written statements in video advertisements, which must be displayed at the end of the advertisement.

Staff proposes to modify the draft text as follows:

**§ 12082. Advertising Content.**

...

(f)...

(2) Audio. The information must be spoken and audible for at least four consecutive seconds at the end of the advertisement.