

1 **California Gambling Control Commission**
2 **SPECIFIC LANGUAGE OF PROPOSED REGULATIONS**
3 **Advertising**
4 **CGCC-GCA-2022-05-R**

5
6 **CALIFORNIA CODE OF REGULATIONS**
7 **TITLE 4. BUSINESS REGULATIONS.**
8 **DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.**

9
10 **CHAPTER 1. GENERAL PROVISIONS.**
11 **ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES.**

12
13 **§ 12002. General Definitions.**

14 Unless otherwise specified, the definitions in Business and Professions Code
15 section 19805, supplemented by the definitions found in Chapter 10 of Title 9 of
16 Part 1 of the Penal Code (commencing with section 330), govern the construction
17 of this division. As used in this division:

18 ...

19 (b) “Advertise” or “advertising” means the publication, dissemination, or
20 causing the publication or dissemination of an advertisement.

21 (c) “Advertisement” includes any written or verbal statement, illustration, or
22 depiction that is disseminated to the public which is calculated to induce
23 participation in a controlled game or gaming activity at one or more gambling
24 establishment, including, without limitation, any written, printed, graphic, or other
25 material, billboard, sign, or other outdoor display, periodical literature,
26 publication, or in a radio or television broadcast, social media business page, or in
27 any other media.

28 (1) “Advertisement” does not include:

29 (A) The solicitation of activities, events, or services that do not relate to the
30 conduct of or participation in a controlled game or gaming activity and may
31 otherwise be provided on the licensed premises including, but not limited to,
32 restaurant dining, concerts, trade shows, business conferences, and non-gambling
33 related promotions and contests.

34 (B) Use of the name, nickname, alias, or any other name by which the
35 gambling establishment is commonly known, including its logo or trademark,
36 exclusive of any other content.

37 (C) Any editorial or other reading material, such as a news release, in any
38 periodical, publication, or newspaper for the publication of which no money or
39 valuable consideration is paid or promised, directly or indirectly, by any owner
40 category licensee, and which is not written by or at the direction of the owner
41 category licensee.

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1 (D) The distribution of informational material that is not targeted at persons
2 under 21 years of age for purposes of recognizing a donation, gift, or charitable
3 contribution. The information provided may include the name, logo, and
4 trademark of a gambling establishment and may be provided in informational
5 material including, but not limited to, a program pamphlet or informational
6 handout for an event, a posting on a charitable organization’s website, etc.

7 (E) Any job postings for employment opportunities.

8 (F) Any notices or postings otherwise required by the Act, this Division, or
9 Title 11, Division 3 of the California Code of Regulations, such as posted game
10 rules.

11 (2) Any advertising material included with or attached to those items which do
12 not constitute an advertisement pursuant to paragraph (1), must comply with
13 Article 5.

14 (d)~~(b)~~

15 (e)~~(e)~~

16 (f)~~(d)~~

17 (g)~~(e)~~

18 (h)~~(f)~~

19 (i)~~(e)~~

20 (j)~~(h)~~

21 (k)~~(i)~~

22 (l)~~(j)~~

23 (m)~~(k)~~

24 (n)~~(l)~~

25 (o)~~(m)~~

26 (p)~~(n)~~

27 (q)~~(o)~~

28 (r)~~(p)~~

29 (s)~~(q)~~

30 (t)~~(r)~~

31 (u)~~(s)~~

32 (v)~~(t)~~

33 (w)~~(u)~~

34 (x)~~(v)~~

35 (y)~~(w)~~

36 (z)~~(x)~~

37 (aa)~~(y)~~

38 (ab)~~(z)~~

39 (ac)~~(aa)~~

40 (ad)~~(ab)~~

41 (ae)~~(ae)~~

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1
2 **§ 12096. Specific TPPPS Business Requirements.**

3 (a) A TPPPS business licensee:

4 (1) Will not create, purchase, place, or disseminate any advertisement for a
5 cardroom business licensee unless it has a TPPPS contract with that cardroom
6 business licensee and the advertisement costs and scope of advertising services to
7 be performed are included in the TPPPS contract.

8 (2) Must provide the cardroom business licensee copies or transcripts of all
9 advertisements used to promote a gaming activity that the TPPPS business
10 licensee has, or has caused to be, created, purchased, placed, or disseminated for
11 the cardroom business licensee for purposes of complying with Title 11, CCR,
12 Section 2072, subsection (e).

13 Note: Authority cited: Sections 19824, 19826, 19840, 19841 and 19984, Business and Professions
14 Code. Reference: Sections 19841 and 19984, Business and Professions Code.

15
16 **§ 12097. Advertising Content and Dissemination.**

17 (a) Advertisements must present all of the required information pursuant to
18 this section in a clear and conspicuous manner. Clear and conspicuous means the
19 required information is legible and readable or audible and intelligible, as
20 applicable.

21 (b) Advertisements must present the information required by paragraph (2) of
22 subsection (c) of this section and paragraph (1) of subsection (b) of Section 12461
23 in all of the languages used in the advertisement.

24 (c) All advertisements must include:

25 (1) The name, nickname, alias, or any other name by which the gambling
26 establishment is commonly known; and,

27 (2) A statement that participants must be 21 or older to gamble;

28 (3) Information required by paragraphs (1) and (3) of subsection (b) of Section
29 12461;

30 (4) In any reference to a game, either:

31 (A) The name of the Bureau-approved game;

32 (B) The Bureau-approved alternative name for the Bureau-approved game or
33 group of games; or,

34 (C) If the game or group of games is identified by a name other than that
35 which is in accordance with items (A) and or (B), the advertisement must state
36 one of the following:

37 (i) “California game” or “California games”;

38 (ii) “California style”;

39 (iii) “This cardroom does not offer Nevada-style banked games”; or,

40 (iv) Any other safe harbor statement(s) published by the Bureau at its
41 discretion.

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1 (5) In any reference to a gaming activity, either:

2 (A) The name of the Bureau-approved gaming activity; or,

3 (B) Any gaming activity name with the Bureau-approved identification
4 number.

5 (d)(1) The requirements of paragraphs (2) through (5) of subsection (c) do not
6 apply to any small tangible items upon which the information required would be
7 impracticable to print, display, or present, including, but not limited to: apparel,
8 hats, pens, key chains, dishware, drinking glasses, coffee mugs, etc.

9 (2) The requirements of paragraphs (2) and (3) of subsection (c) do not apply
10 to any digital material where the inclusion would be impracticable due to limited
11 characters or spaces, if a link to a website that complies with subsection (b) of
12 Section 12461 is included in the advertisement.

13 (e) An advertisement must not be deceptive to the public. An advertisement is
14 deceptive if it does any of the following:

15 (1) Depicts gambling as a means to become wealthy or resolve a financial
16 burden.

17 (2) Targets or appeals to children or adolescents or encourages persons under
18 21 years of age to engage in controlled gambling. Examples of this include, but
19 are not limited to:

20 (A) Using depictions, images, appearances, or voice-over services of anyone
21 under 21 years of age.

22 (B) Using objects such as toys, inflatables, movie characters, cartoon
23 characters, or any other display, depiction, or image designed in a manner likely
24 to be substantially or predominately appealing to minors or anyone under 21 years
25 of age.

26 (C) Advertising on the premises of any day care center, youth center,
27 preschool, or school providing instruction in any grades kindergarten to 12, or at
28 any function for a school providing instruction to any grades kindergarten to 12,
29 or at any function that is held primarily for persons under the age of 21.

30 (3) Uses any of the following terms when describing any of the games or
31 gaming activities offered at the gambling establishment:

32 (A) “Nevada style”; or,

33 (B) “Vegas style”.

34 (4) Makes any false or misleading claims.

35 (5) Depicts, illustrates, portrays, or refers to a game prohibited by Penal Code
36 section 330.

37 Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code.
38 Reference: Sections 19801, 19841 and 19920, Business and Professions Code; and Sections
39 4369.2 and 4369.4, Welfare and Institutions Code.

1 **§ 12098. Age Confirmation in Advertising.**

2 (a) Prior to any advertising from the owner category licensee involving direct
3 communication or dialogue, the owner category licensee must use age affirmation
4 to verify that the recipient is 21 years of age or older. For the purposes of this
5 section, direct communication or dialogue may occur through any form of
6 communication, including in-person, telephone, physical mail, or electronic.

7 (b) A method of age verification is not necessary for a communication if the
8 owner category licensee can verify that the owner category licensee has
9 previously had the intended recipient verify the recipient is 21 years of age or
10 older by a method of age affirmation and the owner category licensee sends the
11 communication to the intended recipient.

12 (c) An owner category licensee must use a method of recipient age affirmation
13 or self-attestation before having a potential customer added to a mailing list,
14 subscribe, or otherwise consent to receiving direct communication or dialogue
15 controlled by an owner category licensee.

16 (d) Where possible, any website or social media landing page operated by or
17 for an owner category licensee must require the visitor to affirm he or she is 21
18 years of age or older before being allowed access to the website or social media
19 landing page.

20 Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code.
21 Reference: Sections 19801, 19841 and 19920, Business and Professions Code; and Section
22 4369.4, Welfare and Institutions Code.

23
24 **§ 12099. Disapproval of Advertising.**

25 (a) If an advertisement is not compliant with this article, the Bureau may issue
26 a notice of disapproval to the owner category licensee. The notice of disapproval
27 must include, at minimum, the following:

28 (1) A legal citation of the violation;

29 (2) A description of each part of the advertisement that is not compliant with
30 this article; and,

31 (3) A specified deadline to correct the advertisement.

32 (b) If a notice of disapproval is issued in accordance with subsection (a) and
33 the noncompliant advertisement is not corrected by the deadline specified by the
34 Bureau, the Bureau may take additional disciplinary action as it deems
35 appropriate.

36 (c) Any notice of disapproval and failure to correct the advertisement pursuant
37 to subsection (a), instances of repeated violations of this article, and any
38 subsequent action by the owner category licensee and or Bureau, must be
39 included in the Bureau report for consideration during an owner category
40 licensee's initial or renewal license application and may be considered a factor in
41 determining suitability for licensure.

1 (d) Nothing in this article will be construed to limit the Bureau from filing a
2 disciplinary action under Chapter 10 of this division and or under Business and
3 Professions Code sections 19930 and 19931.

4 (e) Nothing in this article will be construed to create or imply a private cause
5 of action.

6 Note: Authority cited: Sections 19811, 19824, 19841, 19856, 19857, 19859 and 19920, Business
7 and Professions Code. Reference: Sections 19801 and 19920, Business and Professions Code; and
8 Section 4369.4, Welfare and Institutions Code.

9
10 **CHAPTER 7. CONDITIONS OF OPERATION FOR GAMBLING ESTABLISHMENTS.**
11 **ARTICLE 9. PROGRAM FOR RESPONSIBLE GAMBLING.**

12
13 **§ 12461. Posting Referral Information.**

14 ...

15 (b) Any website or social media landing page operated by or ~~on behalf of~~
16 under the control of any cardroom business licensee or TPPPS business licensee
17 must, in accordance with subsection (a) and (b) of Section 12097, contain the
18 following information in writing:

19 (1) ~~a~~A responsible gambling message;

20 (2) ~~and a link~~A hyperlink to the Office of Problem Gambling at
21 <http://www.problemgambling.ca.gov> (or its successors) that provides information
22 and referral services for problem gamblers,~~currently~~
23 ~~“<http://www.problemgambling.ca.gov>.”; and,~~

24 (3) At least one of the following information and referral services for problem
25 gamblers approved by the Office of Problem Gambling (or its successors):

26 (A) 1-800-GAMBLER;

27 (B) 800gambler.chat; or,

28 (C) Text “SUPPORT” to 53342.

29 ~~(e) Advertising material produced by or on behalf of any cardroom business~~
30 ~~licensee or TPPPS business licensee must contain a responsible gambling~~
31 ~~message and shall refer to the telephone number listed in subsection (a) above or~~
32 ~~the website listed in subsection (b) above, or both. This provision applies to any~~
33 ~~advertisement that will be distributed by television, radio, outdoor display, flyer,~~
34 ~~mail or digitally. This provision does not apply to:~~

35 ~~(1) Any digital material with limited characters or space that provides a link to~~
36 ~~a website that complies with subsection (b).~~

37 ~~(2) Any promotional item in which size or space limitations do not allow the~~
38 ~~responsible gambling message to be legibly displayed, such as: pens, key chains,~~
39 ~~hats, drinking glasses, coffee mugs, etc.~~

1 Note: Authority cited: Sections 19811, 19840, 19841~~(e)~~ and 19920, Business and Professions
2 Code. Reference: Sections 19801 and 19920, Business and Professions Code; and Sections 4369.2
3 and 4369.4, Welfare and Institutions Code.
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