

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

**CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS.
DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.**

**CHAPTER 1. GENERAL PROVISIONS.
ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES.**

§ 12002. General Definitions.

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

...

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

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

(1) “Advertisement” does not include:

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

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

(C) Any editorial or other reading material, such as a news release, in any periodical, publication, or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any owner

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1 category licensee, and which is not written by or at the direction of the owner
2 category licensee.

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

9 (E) Any job postings for employment opportunities.

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

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

16 (d)~~(b)~~

17 (e)~~(e)~~

18 (f)~~(d)~~

19 (g)~~(e)~~

20 (h)~~(f)~~

21 (i)~~(g)~~

22 (j)~~(h)~~

23 (k)~~(i)~~

24 (l)~~(j)~~

25 (m)~~(k)~~

26 (n)~~(l)~~

27 (o)~~(m)~~

28 (p)~~(n)~~

29 (q)~~(o)~~

30 (r)~~(p)~~

31 (s)~~(q)~~

32 (t)~~(r)~~

33 (u)~~(s)~~

34 (v)~~(t)~~

35 (w)~~(u)~~

36 (x)~~(v)~~

37 (y)~~(w)~~

38 (z)~~(x)~~

39 (aa)~~(y)~~

40 (ab)~~(z)~~

41 (ac)~~(aa)~~

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- 1 (ad)~~(ab)~~
- 2 (ae)~~(ae)~~
- 3 (af)~~(ad)~~
- 4 (ag)~~(ae)~~
- 5 (ah)~~(af)~~
- 6 (ai)~~(ag)~~
- 7 (aj)~~(ah)~~
- 8 (ak)~~(ai)~~
- 9 (al)~~(aj)~~
- 10 (am)~~(ak)~~
- 11 (an)~~(al)~~
- 12 (ao)~~(am)~~
- 13 (ap)~~(an)~~
- 14 (aq)~~(ao)~~
- 15 (ar)~~(ap)~~
- 16 (as)~~(aq)~~
- 17 (at)~~(ar)~~
- 18 (au)~~(as)~~
- 19 (av)~~(at)~~
- 20 (aw)~~(au)~~
- 21 (ax)~~(av)~~
- 22 (ay)~~(aw)~~
- 23 (az)~~(ax)~~
- 24 (ba)~~(ay)~~
- 25 (bb)~~(az)~~

26 Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19853 and 19854, Business
 27 and Professions Code. Reference: Sections 19800, 19805, 19811, 19816, 19853 and 19984,
 28 Business and Professions Code.

ARTICLE 5: ADVERTISING

§ 12095. General Requirements.

- 32 (a) An owner category licensee must comply with all the requirements of this
 33 article, as applicable.
- 34 (b) In construing and enforcing the advertising provisions of this article, any
 35 action, omission, or failure to comply with this article by an advertising agent,
 36 representative, contractor, or any other person retained by the owner category
 37 licensee, will be deemed the act, omission, or failure to comply with this article
 38 by the owner category licensee.

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 Modified text shown in double underline; deletions shown in ~~double-strikeout~~.

1 (c) Nothing in this article will be construed to create or imply a private cause
2 of action.

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

5
6 **§ 12096. Specific TPPPS Business Requirements.**

7 (a) A TPPPS business licensee:

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

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

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

19
20 **§ 12097. Advertising Content and Dissemination.**

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

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

28 (c) All advertisements must include:

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

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

32 (3) Information required by paragraphs (1) and (3) of subsection (b) of Section
33 12461;

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

35 (A) The name of the Bureau-approved game or group of games;

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

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

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

2 (ii) “California style”;

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

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

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

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

8 (B) Any gaming activity name with the Bureau-approved identification
9 number.

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

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

18 (e) An advertisement must not be deceptive to the public. The Bureau must
19 consider the following criteria in determining whether an ~~An~~ advertisement is
20 deceptive ~~if it does any of the following:~~

21 (1) The advertisement depicts ~~Depicts~~ gambling as a means to become
22 wealthy or resolve a financial burden.

23 (2) The advertisement targets ~~Targets~~ or appeals to children or adolescents or
24 encourages persons under 21 years of age to engage in controlled gambling.
25 Examples of this include, but are not limited to:

26 (A) The advertisement uses ~~Using~~ depictions, images, appearances, or voice-
27 over services of anyone under 21 years of age.

28 (B) The advertisement uses ~~Using~~ objects such as toys, inflatables, movie
29 characters, cartoon characters, or any other display, depiction, or image designed
30 in a manner likely to be substantially or predominately appealing to minors or
31 anyone under 21 years of age.

32 (C) The advertisement is used ~~Advertising~~ on the premises of any day care
33 center, youth center, preschool, or school providing instruction in any grades
34 kindergarten to 12, or at any function for a school providing instruction to any
35 grades kindergarten to 12, or at any function that is held primarily for persons
36 under the age of 21.

37 (3) The advertisement uses either ~~Uses any~~ of the following terms when
38 describing any of the games, groups of games, or gaming activities offered at the
39 gambling establishment, unless the use of the term draws a distinction between
40 the term and the games or gaming activities offered at the gambling
41 establishment:

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1 (A) “Nevada style”; or,

2 (B) “Vegas style”.

3 (4) The advertisement makes ~~Makes~~ any false or misleading claims.

4 (5) The advertisement depicts, ~~Depicts,~~ illustrates, portrays, or refers to a
5 game, group of games, or gaming activity that has not been approved by the
6 Bureau for the cardroom advertised ~~prohibited by Penal Code section 330.~~

7 Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code.
8 Reference: Sections 19801, 19841 and 19920, Business and Professions Code; and Sections
9 4369.2 and 4369.4, Welfare and Institutions Code.

10
11 **§ 12098. Age Confirmation in Advertising.**

12 (a) Prior to any advertising from the owner category licensee involving direct
13 communication or dialogue directed to a particular individual, the owner category
14 licensee must use age affirmation, self-attestation, or other reasonable means to
15 verify or substantiate a good-faith belief that the intended recipient is 21 years of
16 age or older. For the purposes of this section, direct communication or dialogue
17 may occur through any form of communication initiated by or for the owner
18 category licensee, including in-person, telephone, physical mail, or electronic.
19 This Section does not apply to digital advertising that uses an age filter to target
20 advertising to persons 21 years of age or older.

21 (b) A method of age verification is not necessary for a communication if the
22 owner category licensee can verify that the owner category licensee has
23 previously had the intended recipient verify the recipient is 21 years of age or
24 older by a method of age affirmation or self-attestation and the owner category
25 licensee sends the communication to the intended recipient.

26 (c) An owner category licensee must use a method of recipient age affirmation
27 or self-attestation, or provide notice to a person that they must be 21 years of age
28 or older, before ~~having~~ a potential customer joins ~~added to~~ a mailing list,
29 subscribes, or otherwise consents to receiving direct communication or dialogue
30 controlled by an owner category licensee.

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

35 Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code.
36 Reference: Sections 19801, 19841 and 19920, Business and Professions Code; and Section
37 4369.4, Welfare and Institutions Code.

38
39 **§ 12099. Disapproval of Advertising.**

40 (a) If the Bureau determines an advertisement is deceptive in accordance ~~not~~
41 ~~compliant~~ with this article, the Bureau may issue a notice of disapproval to the

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1 owner category licensee. The notice of disapproval must include, at minimum, the
2 following:

3 (1) A legal citation of the violation;

4 (2) A description of each part of the advertisement that is not compliant with
5 this article; ~~and;~~

6 (3) A specified deadline to correct the advertisement; ~~and,~~

7 (4) An explanation of the owner category licensee’s right to submit written
8 support to rebut the notice of disapproval, consistent with subsection (b).

9 (b) An owner category licensee may submit written support to the Bureau to
10 rebut the notice of disapproval within seven calendar days following the Bureau’s
11 issuance of the notice of disapproval. Following receipt of timely written support
12 submitted to rebut the notice of disapproval, the Bureau will consider the
13 information provided and will notify the owner category licensee of one of the
14 following:

15 (1) The Bureau’s determination to uphold the notice of disapproval, including
16 the deadline to correct the advertisement specified in the notice of disapproval;

17 (2) The Bureau’s determination to uphold the notice of disapproval, and to
18 grant an extension to the deadline to correct the advertisement; or,

19 (3) The Bureau’s determination to rescind the notice of disapproval.

20 ~~(c)~~ If a notice of disapproval is issued in accordance with subsection (a) and
21 the noncompliant advertisement is not corrected by the deadline specified by the
22 Bureau, the Bureau may take additional disciplinary action as it deems
23 appropriate.

24 ~~(d)~~ Any notice of disapproval and failure to correct the advertisement
25 pursuant to subsection (a), instances of repeated violations of this article, and any
26 subsequent action by the owner category licensee and/or ~~and-or~~ Bureau, must be
27 included in the Bureau report for consideration during an owner category
28 licensee’s initial or renewal license application and may be considered a factor in
29 determining suitability for licensure.

30 ~~(e)~~ Nothing in this article will be construed to limit the Bureau from filing a
31 disciplinary action under Chapter 10 of this division and/or ~~and-or~~ under Business
32 and Professions Code sections 19930 and 19931.

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

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

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

§ 12461. Posting Referral Information.

...

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

(1) a responsible gambling message;

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

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

(A) 1-800-GAMBLER;

(B) 800gambler.chat; or,

(C) Text “SUPPORT” to 53342.

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

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

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

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

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