

CALIFORNIA GAMBLING CONTROL COMMISSION
2339 Gateway Oaks Drive, Suite 100
Sacramento CA 95833

October 13, 2006

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

Pursuant to the requirements of Government Code section 11346.8(c), and the California Code of Regulations, title 1, section 44, the California Gambling Control Commission (“Commission”) is providing notice of changes made to the proposed regulations concerning **Problem Gambling**.

A formal 45-day public notice and comment period was held from April 7, 2006, through May 23, 2006. Based on comments received by the Commission, changes are being made to these regulations.

If you have any comments regarding the proposed changes, please submit them in writing **between October 17, 2006 and November 1, 2006**. All comments must be submitted to the Commission no later than 5 p.m. on Wednesday, November 1, 2006.

Please address all comments to:
Heather Hoganson, Staff Counsel, California Gambling Control Commission

By Mail:	By Facsimile (FAX):
2339 Gateway Oaks Drive, Suite 100 Sacramento CA 95833	916-263-0452
	By Electronic Mail (E-Mail):
	hhoganson@cgcc.ca.gov

Questions concerning the substance of the proposed changes should be directed to Heather Hoganson at 916-274-6328.

Copies of the text of the proposed changes and the changes to the forms will be available on the Commission’s web site, at www.cgcc.ca.gov, under “Laws and Regulations; Gambling Control Act Regulations; 2006 Proposed Gambling Control Act Regulations / Documents.” Requests for copies should be addressed to Pamela Ramsay, Staff Services Analyst, at 916-263-8111.

All written comments received by 5 p.m. on Wednesday, November 1, 2006, which pertain to the proposed regulation changes will be summarized and responded to by the Commission as part of the compilation of the rulemaking file.

1 **Modification to Draft Dated March 22, 2006**

2 **Title 4. Business Regulations**

3 **Division 18. California Gambling Control Commission**

4 **Chapter 7. Conditions of Operation for Gambling Establishments**

5 **Article 6. Program for Responsible Gambling**

6 **Section 12460. Article Definitions**

7 For purposes of this Article:

8 (a) "Self-Exclusion" means an irrevocable voluntary agreement to be excluded from
9 gambling establishments and all games or gaming activities or privileges and to be
10 prohibited from collecting any winnings or recovering any losses for a specified
11 term. A Self-Exclusion list shall be maintained by the Division and shall not be
12 open to public inspection.

13 (b) "Self-Restriction" means an irrevocable voluntary agreement for a specified term
14 to:

15 (1) Completely exclude from a particular gambling establishment and all
16 games or gaming activities or privileges and to be prohibited from
17 collecting any winnings or recovering any losses,

18 (2) Exclude from the play of a particular game or gaming activity, if the
19 gambling establishment determines that such segregation of games is
20 feasible,

21 (3) Restrict the amount of credit and/or check cashing that may occur at
22 that particular gambling establishment, and/or

23 (4) Exclude from any marketing or promotional activities of the particular
24 gambling establishment.

25 **Authority:** Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code

26 **Reference:** Section 19845, Business and Professions Code

27 **12461. Posting Referral Information**

28 (a) Each licensee, within 120 days of the effective date of this regulation, shall post or
29 provide, at entrances or exits, and in conspicuous places in or near gambling areas
30 and any areas where cash or credit are available to patrons, accessible written
31 materials concerning the nature and symptoms of problem gambling and the toll-free
32 telephone number approved by the Office of Problem Gambling (or its successors)
33 that provides information and referral services for problem gamblers,
34 currently "1-800-GAMBLER".

35 (b) If the licensee operates a web site for the gambling establishment, that web site shall
36 contain a responsible gambling message and a link to the Office of Problem Gambling
37 (or its successors) that provides information and referral services for problem
38 gamblers, currently "<http://www.problemgambling.ca.gov>".

- 1 (c) If the licensee produces any advertising material, such material shall contain a
2 responsible gambling message and shall refer to the telephone number listed in
3 subsection (a) above and/or the link to the web site listed in subsection (b) above.

4 Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
5 Reference: Sections 19801 and 19920, Business and Professions Code. Sections 4359.2 and 4369.4,
6 Welfare and Institutions Code.
7

8 **12462. Training Requirements**

- 9 (a) Each licensee shall implement, within 120 days of the effective date of this regulation,
10 procedures to conduct new employee orientations and annual training for all
11 employees, excluding food and beverage servers, who directly interact with gambling
12 patrons in gambling areas.

- 13 (b) New employee orientations and annual training shall be documented, including
14 signatures by the employee and the licensee or key employee who coordinated the
15 training, the date and length of the training, and the name of the trainer, as part of the
16 licensee's application for renewal. Copies of this documentation shall be kept in an
17 employee's personnel file for a minimum of five years.

- 18 (c) The training shall, at a minimum, consist of information concerning the nature and
19 symptoms of problem gambling behavior, assisting patrons in obtaining information
20 about problem gambling programs, and information on the self-restriction and self-
21 exclusion programs.

- 22 (d) Each licensee shall designate personnel responsible for maintaining the program and
23 addressing the types and frequency of such training and procedures.

- 24 (e) This section shall not be construed to require employees to identify problem
25 gamblers.

26 Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
27 Reference: Sections 19801 and 19920, Business and Professions Code. Sections 4369.2 and 4369.4,
28 Welfare and Institutions Code.
29

30 **12463. Self-Restriction Program**

- 31 (a) Licensees shall implement, within 120 days of the effective date of this regulation, a
32 program that allows patrons to self-limit their access to the gambling establishment
33 entirely, or to the issuance of credit, check cashing, or marketing by that licensee.
34 Such program shall contain, at a minimum, the following:

35 (1) The development of written materials for dissemination to patrons explaining the
36 program;

37 (2) The development of written forms allowing patrons to participate in the program,
38 which may include use of a form entitled "Self-Restriction Form" CGCC-036 (New
39 ~~0309~~06), attached in Appendix A to this Chapter;

40 (3) Policies and procedures for maintaining and updating a list of self-restricted
41 persons, wherein the confidentiality of the list is protected and only agents or
42 employees have access, unless needed by Division staff or law enforcement

1 pursuant to an investigation or in assisting in a Problem Gambling program by an
2 entity approved by the Commission;

3 (4) Policies and procedures that allow a patron to be excluded from certain games or
4 gaming activities within the gambling establishment, if the gambling establishment
5 determines that such segregation of games is feasible, or from the gambling
6 establishment completely during the term of exclusion, with the exception of
7 access for the sole purpose of carrying out the duties of employment, including:

8 (A) Removal procedures for patrons who attempt entry after requesting to be
9 excluded,

10 (B) Notification to the Division of any incidents of removals, and

11 (C) Forfeiture of any money or prizes won or any losses recovered by an excluded
12 person and the remittance of such ~~to the Office of Problem Gambling (or its~~
13 ~~successors)~~ for deposit into the Gambling Addiction Program Fund for problem
14 gambling prevention and treatment services through the Department of Alcohol
15 and Drug Programs, Office of Problem and Pathological Gambling;

16 (5) Policies and procedures that allow a patron to be excluded from access to check
17 cashing or the issuance of credit during the term of restriction;

18 (6) Policies and procedures that allow a patron to be excluded from customer lists
19 maintained by the licensee for direct mail marketing, telephone marketing, and
20 other direct marketing regarding gaming opportunities or promotions at the
21 gambling establishment during the term of restriction;

22 (7) Policies and procedures for removal of a patron from check-cashing, credit, or
23 marketing opportunities by the gambling establishment.

24 (b) This section does not mandate that a gambling establishment provide the services of
25 a notary public for persons who wish to complete the Self-Restriction form.

26 Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
27 Reference: Sections 19801, ~~and~~ 19920, and 19954, Business and Professions Code. Section 4369.4,
28 Welfare and Institutions Code.
29

30 **12464. Self-Exclusion Program.**

31 (a) Licensees shall implement, within 120 days of the effective date of this regulation,
32 a program that allows patrons to self-exclude themselves from gambling
33 establishments using a form entitled "Self-Exclusion Form" CGCC-037 (New ~~0309-~~
34 06), attached in Appendix A to this Chapter. Such program shall contain, at a
35 minimum, the following:

36 (1) Policies and procedures for providing Self-Exclusion forms and for sending any
37 completed Self-Exclusion forms to the Division;

38 (2) Policies and procedures for maintaining and updating a list of self-excluded
39 persons, wherein the confidentiality of the list is protected and only agents or
40 employees have access, unless needed by Division staff or law enforcement
41 pursuant to an investigation or in assisting in a Problem Gambling program by
42 an entity approved by the Commission;

- 1 (3) Policies and procedures to ensure that self-excluded patrons, as noticed by the
2 Commission or Division, are not allowed on the premises during the term of
3 exclusion, with the exception of access for the sole purpose of carrying out the
4 duties of employment, including removal procedures for patrons who attempt
5 entry after requesting to be excluded and notification to the Division of any
6 incidents of removals;
- 7 (4) Policies and procedures for the forfeiture of any money or prizes won or any
8 losses recovered by an excluded person and the remittance of such ~~to the~~
9 ~~Office of Problem Gambling (or its successors);~~ for deposit into the Gambling
10 Addiction Program Fund for problem gambling prevention and treatment
11 services through the Department of Alcohol and Drug Programs, Office of
12 Problem and Pathological Gambling;
- 13 (5) Policies and procedures for removal of a patron from customer lists maintained
14 by the licensee for direct mail marketing, telephone marketing, and other direct
15 marketing regarding gaming opportunities or promotions at the gambling
16 establishment;
- 17 (6) Policies and procedures for removal of a patron from check-cashing, credit, or
18 marketing opportunities by the gambling establishment.

19 (b) This section does not mandate that a gambling establishment provide the services
20 of a notary public for persons who wish to complete the Self-Exclusion form.

21 Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
22 Reference: Sections 19801, ~~and~~ 19920, and 19954, Business and Professions Code. Section 4369.4,
23 Welfare and Institutions Code.
24

25 **12466. Responsible Gambling Program Review**

- 26 (a) The Executive Director or Division staff may require that any licensee make available
27 for review or submit any of the elements of its program described in this Article, to the
28 Executive Director or Division staff for review. If the Commission makes an
29 administrative determination that the licensee's program does not adequately address
30 the standards as set forth in this Article, then the Executive Director may issue such a
31 determination identifying the deficiencies and specifying a time certain within which
32 those deficiencies shall be cured. Judicial review of the Executive Director's decision
33 is subject to the limitation of Business and Professions Code Section 19804.
- 34 (b) Failure by a licensee to establish the programs set forth in this Article, or to cure a
35 deficiency identified pursuant to subsection (a), constitutes an unsuitable method of
36 operation and is in violation of this section.
- 37 (c) In addition to any other remedy under the Gambling Control Act, the Commission may
38 assess a monetary penalty not exceeding \$1,000 for each violation of this section.
- 39 (d) This section does not create any right or cause of action on behalf of an individual
40 who participates in self-restriction or self-exclusion under this Article against the state
41 of California, the California Gambling Control Commission, the Division of Gambling
42 Control, the Office of Problem Gambling, or a gambling establishment.

43 Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.

1 Reference: Sections 19801 and 19920, Business and Professions Code. Section 4369.4, Welfare and
2 Institutions Code.

3

4 **Appendix A**

5



SELF-RESTRICTION FORM

Type or print (in ink) all information requested on this form.
 If additional space is needed, please note response on a separate sheet of paper and attach to the form.

SECTION 1: PERSONAL INFORMATION

Full Legal Name:

First	Middle (if applicable)	Last

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

Home Address:

Street	City	State	Zip Code

Mailing Address (if different than Home Address):

Street	City	State	Zip Code

Home Telephone Number:

()

Business Number:

()

Games most often played:

SECTION 2: RESTRICTION FOR _____ (Name of Cardroom or participating gambling facility)

TOTAL EXCLUSION: Initial Appropriate Term: One Year _____ Five Years _____ Lifetime _____

Please delete me from any MARKETING or PROMOTIONAL information:

Please exclude me from this GAME or GAMING ACTIVITY _____

Please restrict me from any CHECK-CASHING privileges: Or Limit as follows: _____

Please restrict me from any CREDIT : Or Limit as follows: _____

SECTION 3: PHOTO AND VISUAL DESCRIPTION

Gender: Male Female Date of Birth: _____ / _____ / _____ Race/Ethnicity: _____

Height: _____ Weight: _____ Hair Color/Type: _____ Eye Color: _____

Date of Photograph: _____ / _____ / _____ CA Drivers License: _____

Distinguishing marks (such as visible scars or tattoos – describe mark & location):

Type of vehicle normally driven: _____ License Plate: _____

AFFIX A RECENT
 PASSPORT QUALITY
 PHOTOGRAPH
 HERE SHOWING
 HEAD AND SHOULDERS OF
 PERSON TO BE EXCLUDED

SECTION 4: DECLARATION

I understand English or have had an interpreter read and explain this form to me from _____
(Language)

I understand that the ultimate responsibility to limit my access to the Gambling Establishment or participating gambling facility or gaming services in the State of California remains mine alone.

I voluntarily seek to exclude or restrict myself as indicated in Section 2.

If I choose Total Exclusion:

(Initial Here) I agree that I will not attempt to enter and/or use any of the services or privileges of a California Gambling Establishment or participating gambling facility during the period checked in Section 2.

(Initial Here) I acknowledge and understand that should I attempt to enter a California Gambling Establishment or participating gambling facility or use the services of a Gambling Establishment or participating gambling facility during the Term of Exclusion, once identified, I shall be escorted from the Gambling Establishment or participating gambling facility and any winnings or prizes I may have accrued or losses recovered will be confiscated and remitted by the Gambling Establishment or participating gambling facility ~~to the Office of Problem Gambling~~ for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling.

(Initial Here) This self-exclusion request is **irrevocable** during the time period checked in Section 2.

I understand that disclosure of certain information is necessary to effect my request for self-exclusion or restriction. Disclosure may also occur if needed for the conduct of an official investigation or if ordered by a court of competent jurisdiction.

I will not seek to hold the Gambling Establishment or participating gambling facility liable in any way should I enter a Gambling Establishment or participating gambling facility and/or use any of the services or privileges therein despite this exclusion/restriction request, and I agree to indemnify the State of California, the California Gambling Control Commission, the Division of Gambling Control and the Office of Problem Gambling for any liability relating to this request. Specifically, I for myself, my heirs, executors, administrators, successors, and assigns, hereby release and forever discharge the California Gambling Control Commission, the Division of Gambling Control, the Office of Problem Gambling, the Gambling Establishment, participating gambling facility, their agents, employees, officers, and Directors and those with whom they may lawfully share information regarding this exclusion or restriction (collectively, the "Released Parties") from any and all claims in law or equity that I now have, or may have in the future, against all or any of all of the Released Parties arising out of, or by reason of, the performance or non-performance of this self-exclusion/restriction request, or any matter relating thereto. I further agree, in consideration for the Released Parties' efforts to implement my exclusion or restriction, to indemnify and hold harmless the Released Parties to fullest extent permitted by law for any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or non-performance of the self-exclusion/restriction requested herein.

I declare that all information submitted on or with this self-restriction form is true, correct, and complete.

Signature: _____

Print Name: _____

Date: _____ / _____ / _____

SECTION 5: NOTARIZATION

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20_____,

By _____,
 personally known to me OR proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public Seal:

Signature _____
My Commission expires on: _____ / _____ / _____

OR

WITNESS BY KEY EMPLOYEE

As a Key Employee of _____ (name of Establishment or participating facility), I affirm that on _____ day of _____, 20_____,

I witnessed _____ (individual's name),

complete this form and that this person is:

personally known to me OR
 proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Key Employee _____



State of California Use Only
Date Received: _____
Data Input Date: _____
Date to CGCC: _____

SELF-EXCLUSION FORM

Type or print (in ink) all information requested on this form.

If additional space is needed, please note response on a separate sheet of paper and attach to the form.

You may hand this completed form in to any Cardroom or participating gambling facility, to the Division of Gambling Control, or the California Gambling Control Commission. Or you may mail this completed form to: **Division of Gambling Control, P.O. Box 168024, Sacramento, CA 95816.**

SECTION 1: PERSONAL INFORMATION

Full Legal Name:

First	Middle (if applicable)	Last

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

Home Address:

Street	City	State	Zip Code

Mailing Address (if different than Home Address):

Street	City	State	Zip Code

Home Telephone Number:

()

Business Number:

()

Games most often played:

SECTION 2: TERM OF EXCLUSION

Please Initial Appropriate Term: One Year _____ Five Years _____ Lifetime _____

SECTION 3: PHOTO AND VISUAL DESCRIPTION

Gender: Male Female Date of Birth: / / Race/Ethnicity:

Height: Weight: Hair Color/Type: Eye Color:

Date of Photograph: / / CA Drivers License:

Distinguishing marks (such as visible scars or tattoos – describe mark & location):

AFFIX A RECENT
 PASSPORT QUALITY
 PHOTOGRAPH
 HERE SHOWING
 HEAD AND SHOULDERS OF
 PERSON TO BE EXCLUDED

Type of vehicle normally driven: License Plate:

SECTION 4: DECLARATION

I understand English or have had an interpreter read and explain this form to me from _____
(Language)

I voluntarily seek to exclude myself as described checked in Section 2.

(Initial Here) I agree that I will not attempt to enter and/or use any of the services or privileges of a California Gambling Establishment or participating gambling facility during the period checked in Section 2.

(Initial Here) I acknowledge and understand that should I attempt to enter a California Gambling Establishment or participating gambling facility or use the services of a Gambling Establishment or participating gambling facility during the Term of Exclusion, once identified, I shall be escorted from the Gambling Establishment or participating gambling facility and any winnings or prizes I may have accrued or losses recovered will be confiscated and remitted by the Gambling Establishment or participating gambling facility ~~to the for~~ [deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling](#) ~~Office of Problem Gambling~~.

I understand that the ultimate responsibility to limit my access to the Gambling Establishment or participating gambling facility or gaming services in the State of California remains mine alone.

(Initial Here) This self-exclusion request is **irrevocable** during the time period checked in Section 2.

I understand that disclosure of certain information is necessary to effect my request for self-exclusion. I understand that my information will be added to a statewide exclusion database. Disclosure may also occur if needed for the conduct of an official investigation or if ordered by a court of competent jurisdiction.

I will not seek to hold the Gambling Establishment or participating gambling facility liable in any way should I enter a Gambling Establishment or participating gambling facility and/or use any of the services or privileges therein despite this exclusion request, and I agree to indemnify the State of California, the California Gambling Control Commission, the Division of Gambling Control, and the Office of Problem Gambling for any liability relating to this request. Specifically, I for myself, my heirs, executors, administrators, successors, and assigns, hereby release and forever discharge the California Gambling Control Commission, the Division of Gambling Control, the Office of Problem Gambling, the Gambling Establishment or participating gambling facility, their agents, employees, officers, and Directors and those with whom they may lawfully share information regarding this exclusion (collectively, the "Released Parties") from any and all claims in law or equity that I now have, or may have in the future, against all or any of all of the Released Parties arising out of, or by reason of, the performance or non-performance of this self-exclusion request, or any matter relating thereto. I further agree, in consideration for the Released Parties' efforts to implement my exclusion, to indemnify and hold harmless the Released Parties to fullest extent permitted by law for any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or non-performance of the self-exclusion requested herein.

I declare that all information submitted on or with this self-exclusion form is true, correct, and complete.

Signature: _____

Print Name: _____

Date: _____ / _____ / _____

SECTION 5: NOTARIZATION

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20_____,

By _____,
 personally known to me OR proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public Seal:

Signature of Notary Public _____
My Commission expires on: _____ / _____ / _____

OR

WITNESS BY KEY EMPLOYEE

As a Key Employee of _____, I affirm that on _____ day of _____, 20_____,

I witnessed _____,
(individual's name)

complete this form and that this person is:

personally known to me OR
 proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Key Employee _____