

1 **California Gambling Control Commission**
2 **SPECIFIC LANGUAGE OF PROPOSED REGULATIONS**
3 **Advertising**
4 **CGCC-GCA-2025-02-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 section
15 19805, supplemented by the definitions found in Chapter 10 of Title 9 of Part 1 of the
16 Penal Code (commencing with section 330), govern the construction of this division. As
17 used in this division:

18 ...

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

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

27 *(1) “Advertisement” does not include:*

28 *(A) The solicitation of activities, events, or services that do not relate to the conduct*
29 *of or participation in a controlled game or gaming activity and may otherwise be*
30 *provided on the licensed premises including, but not limited to, restaurant dining.*

 Additions shown in blue, italic, and underline; deletions shown in ~~red-strikeout~~.

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1 concerts, trade shows, business conferences, and non-gambling related promotions and
2 contests.

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

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

10 (D) The distribution of informational material that is not targeted at persons under
11 21 years of age for purposes of recognizing a donation, gift, or charitable contribution.
12 The information provided may include the name, logo, and trademark of a gambling
13 establishment and may be provided in informational material including, but not limited
14 to, a program pamphlet or informational handout for an event, a posting on a charitable
15 organization's website, etc.

16 (E) Any job postings for employment opportunities.

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

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

21 ~~(d)(b)~~

22 ~~(e)(e)~~

23 ~~(f)(e)~~

24 ~~(g)(e)~~

25 ~~(h)(f)~~

26 ~~(i)(g)~~

27 ~~(j)(h)~~

28 ~~(k)(i)~~

29 ~~(l)(j)~~

30 ~~(m)(k)~~

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- 1 *(n)*~~(t)~~
- 2 *(o)*~~(m)~~
- 3 *(p)*~~(n)~~
- 4 *(q)*~~(o)~~
- 5 *(r)*~~(p)~~
- 6 *(s)*~~(q)~~
- 7 *(t)*~~(r)~~
- 8 *(u)*~~(s)~~
- 9 *(v)*~~(t)~~
- 10 *(w)*~~(u)~~
- 11 *(x)*~~(v)~~
- 12 *(y)*~~(w)~~
- 13 *(z)*~~(x)~~
- 14 *(aa)*~~(y)~~
- 15 *(ab)*~~(z)~~
- 16 *(ac)*~~(aa)~~
- 17 *(ad)*~~(ab)~~
- 18 *(ae)*~~(ac)~~
- 19 *(af)*~~(ad)~~
- 20 *(ag)*~~(ae)~~
- 21 *(ah)*~~(af)~~
- 22 *(ai)*~~(ag)~~
- 23 *(aj)*~~(ah)~~
- 24 *(ak)*~~(ai)~~
- 25 *(al)*~~(aj)~~
- 26 *(am)*~~(ak)~~
- 27 *(an)*~~(al)~~
- 28 *(ao)*~~(am)~~
- 29 *(ap)*~~(an)~~
- 30 *(aq)*~~(ao)~~

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1 licensee and the advertisement costs and scope of advertising services to be performed
2 are included in the TPPPS contract.

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

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

10
11 **§ 12097. Advertising Content and Dissemination.**

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

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

18 (c) All advertisements must include:

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

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

22 (3) Information required by paragraphs (1) and (3) of subsection (b) of Section
23 12461;

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

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

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

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

30 1. "California game" or "California games";

31 2. "This cardroom does not offer banked games"; or,

1 3. Any other safe harbor statement(s) published by the Bureau at its discretion.

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

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

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

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

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

13 (e) An advertisement must not be deceptive to the public. The Bureau must consider
14 the following criteria in determining whether an advertisement is deceptive:

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

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

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

22 (B) The advertisement uses objects such as toys, inflatables, movie characters,
23 cartoon 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 of
25 age.

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

1 (3) The advertisement uses either of the following terms when describing any of the
2 games, groups of games, or gaming activities offered at the gambling establishment,
3 unless the use of the term draws a distinction between the term and the games or gaming
4 activities offered at the gambling establishment:

5 (A) “Nevada”; or,

6 (B) “Vegas”.

7 (4) The advertisement makes any false or misleading claims.

8 (5) The advertisement depicts, illustrates, portrays, or refers to a game, group of
9 games, or gaming activity that is not currently approved by the Bureau for the cardroom
10 advertised and is prohibited by Penal Code section 330.

11 Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code.
12 Reference: Sections 17500, 17508, 19801, 19826, 19841, 19920, 19941, and 19943.5, Business
13 and Professions Code; Section 330, Penal Code; and Sections 4369.2 and 4369.4, Welfare and
14 Institutions Code.

15
16 **§ 12098. Age Confirmation in Advertising.**

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

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

31 (c) An owner category licensee must use a method of recipient age affirmation or
32 self-attestation, or provide notice to a person that they must be 21 years of age or older.

1 before a potential customer joins a mailing list, subscribes, or otherwise consents to
2 receiving direct communication or dialogue controlled by an owner category licensee.

3 Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code.
4 Reference: Sections 19801, 19841, 19920 and 19941, Business and Professions Code; and Section
5 4369.4, Welfare and Institutions Code.

6
7 **§ 12099. Disapproval of Advertising.**

8 (a) If the Bureau determines an advertisement is deceptive in accordance with this
9 article, the Bureau may issue a notice of disapproval to the owner category licensee
10 pursuant to Section 12006. The notice of disapproval must include, at minimum, the
11 following:

12 (1) A legal citation of the violation;

13 (2) A description of each part of the advertisement that is not compliant with this
14 article;

15 (3) A specified deadline that provides at least 30 calendar days to comply with the
16 notice of disapproval; and.

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

19 (b)(1) An owner category licensee may submit written support to the Bureau to rebut
20 the notice of disapproval within 14 calendar days following the Bureau's service of the
21 notice of disapproval in subsection (a).

22 (2) If written support is timely received by the Bureau in accordance with paragraph
23 (1), the notice of disapproval will be stayed.

24 (c) Within 30 calendar days following the timely receipt of the owner category
25 licensee's written support submitted in accordance with subsection (b), the Bureau must
26 consider the information provided and respond to the owner category licensee with its
27 final determination, pursuant to Section 12006. The Bureau's final determination will
28 include a response consistent with one of the following:

29 (1) The Bureau's final determination to uphold or amend the notice of disapproval in
30 subsection (a), including an updated deadline that provides at least 30 calendar days to
31 comply with the Bureau's final determination; or.

1 (2) The Bureau's final determination to vacate the notice of disapproval in
2 subsection (a).

3 (d) If either a notice of disapproval is issued in accordance with subsection (a) or a
4 final determination is issued in accordance with subsection (c), and the owner category
5 licensee does not comply by the applicable deadline specified by the Bureau, the Bureau
6 may take additional disciplinary action as it deems appropriate.

7 (e) Any failure to comply with the notice of disapproval pursuant to subsection (a),
8 any failure to comply with the final determination pursuant to subsection (c), instances of
9 repeated violations of this article, and any subsequent action by the owner category
10 licensee and/or Bureau, must be included in the next Bureau report for the owner
11 category licensee's initial or renewal license application and may be considered a factor
12 in determining suitability for licensure.

13 (f) Nothing in this article will be construed to limit the Bureau from filing a
14 disciplinary action under Chapter 10 of this division and/or under Business and
15 Professions Code sections 19930 and 19931.

16 Note: Authority cited: Sections 19811, 19824, 19826, 19841, 19856, 19857, 19859, 19920, 19930
17 and 19931, Business and Professions Code. Reference: Sections 19801, 19826, 19841 and 19920,
18 Business and Professions Code; and Section 4369.4, Welfare and Institutions Code.

19
20 **CHAPTER 7. CONDITIONS OF OPERATION FOR GAMBLING**
21 **ESTABLISHMENTS.**

22 **ARTICLE 9. PROGRAM FOR RESPONSIBLE GAMBLING.**

23
24 **§ 12461. Posting Referral Information.**

25 ...

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

30 (1) ~~A~~ responsible gambling message;

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

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

7 (A) 1-800-GAMBLER;

8 (B) 800gambler.chat; or.

9 (C) Text “SUPPORT” to 53342.

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

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

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

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

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