

PROPOSED RULEMAKING

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 503a, 815a AND 1119a]

Casino Self-Exclusion; Interactive Gaming Self-Excluded Persons; and Self-Exclusion

The Pennsylvania Gaming Control Board (board), under the authority of 4 Pa.C.S. §§ 1202(b)(30), 1516, 13B02(a)(12) and 3903, proposes to amend the self-exclusion provisions under Chapters 503a, 815a and 1119a, as outlined in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking standardizes the process for removals from self-exclusion lists and makes editorial corrections.

Explanation

The present self-exclusion under Chapter 503a (relating to casino self-exclusion) represents a framework which requires that after the selected self-exclusion period (1 or 5 years), an individual will remain on the self-exclusion list until they undertake affirmative steps to request removal. This is referred to in the field of compulsive and problem gambling as “active removal.” The regulatory framework governing the self-exclusion programs for the other lists (interactive gaming, fantasy contests and Video Gaming Terminals (VGT)) provide that when the time period selected has passed (1 or 5 years for interactive gaming or VGTs, or whatever number of years the individual selects for fantasy contests, the individual will automatically be removed from the respective self-exclusion list. This is referred to as “automatic removal.” The proposed regulatory revision will make consistent the removal process across all self-exclusion lists to a single, standardized process, wherein when the self-exclusion period has elapsed the individual will be automatically removed from the self-exclusion list.

Requiring individuals to take affirmative removal action after their selected period has elapsed results in individuals experiencing negative effects. Many individuals erroneously believe that once the time period selected for casino self-exclusion has passed, they are once again allowed to engage in gaming activities in this Commonwealth’s retail casinos. This comes from either not reading the self-exclusion paperwork that they sign clearly enough, or simply forgetting after several years that they must request removal. However, with these individuals remaining on the self-exclusion list, they are subject to trespass charges if caught in a licensed facility, and the confiscation of funds if they win while gaming.

This often results in individuals who incorrectly believed they were no longer on the self-exclusion list petitioning the board for the return of confiscated funds and winnings. Movement to a unified automatic removal process will eliminate confusion, reduce potential trespass actions and eliminate many administrative proceedings within the board relating to requests for the return of confiscated funds.

Finally, the proposed amendments incorporate editorial corrections of typographical errors discovered in the final published and codified regulatory language.

Fiscal Impact

Commonwealth. The board does not expect that this proposed rulemaking will have a fiscal impact on the board or other Commonwealth agencies. Alterations in workload created because of this proposed rulemaking will be handled by existing board staff.

Political subdivisions. This proposed rulemaking will not have a fiscal impact on political subdivisions of this Commonwealth.

Private sector. This proposed rulemaking is not anticipated to have a fiscal impact on the private sector.

General public. This proposed rulemaking will not have any fiscal impact on the general public.

Paperwork Requirements

The proposed amendments of this rulemaking do not alter paperwork requirements for licensees in their compliance with the board’s self-exclusion program. The proposed amendment offers some paperwork relief for individuals. Specifically, those individuals who have completed the time period they selected for self-exclusion from retail casinos will be removed from the self-exclusion list without needing to file paperwork requesting removal.

Effective Date

This proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The proposed amendments will not be applied retroactively. An individual who requests casino self-exclusion prior to the effective date of the final-form rulemaking will be required to comply with the current regulatory scheme and must request removal from the self-exclusion list. This is to ensure that any individual who previously signed up for the self-exclusion list will get the benefit of the bargain he or she agreed to when requesting self-exclusion.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to Robert Wood, Assistant Chief Counsel, Attention: Regulation # 125-250 Public Comment, Pennsylvania Gaming Control Board, 303 Walnut Street, 5th Floor, Harrisburg, PA 17101, or submitted by way of electronic mail, subject: Regulation # 125-250 to PGCBregs@pa.gov.

Contact Person

The contact person for questions about this proposed rulemaking is Robert Wood, Assistant Chief Counsel, (717) 346-8300.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 1, 2024, the board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairperson of the Community, Economic and Recreational Development Committee of the Senate and the chairperson of the Gaming Oversight Committee of the House of Representatives. A copy of this material is available to

the public upon request and is available on the board's web site at www.gamingcontrolboard.pa.gov.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the board, the General Assembly and the Governor of comments, recommendations or objections raised.

DENISE J. SMYLER,
Chairperson

Fiscal Note: 125-250. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart I. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 503a. CASINO SELF-EXCLUSION

§ 503a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

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OCPG—Office of Compulsive and [Program] Problem Gambling.

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§ 503a.2. Request for casino self-exclusion.

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(e) A request for casino self-exclusion must include a signed release which:

- (1) Acknowledges that the request for casino self-exclusion has been made voluntarily.
(2) Certifies that the information provided in the request for casino self-exclusion is true and accurate.
(3) Acknowledges that the individual requesting casino self-exclusion is or may be a problem gambler.
(4) Acknowledges that a person requesting a lifetime exclusion may only request removal from the casino self-exclusion list in accordance with the procedures set forth in § [503a.5(f)] 503a.5 (relating to removal from casino self-exclusion list) and that a person requesting a 1-year or 5-year exclusion will remain on the casino self-exclusion list until [a request for removal under § 503a.5 is accepted and the 7 business days required under § 503a.5(e) have elapsed] the period of exclusion expires.
(5) Acknowledges that if the individual is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities at any licensed facility or other location approved by the Board to conduct gaming activity, that the individual will be subject to removal and arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass) and the individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all slot machine licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the casino self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of a slot machine licensee to withhold gaming privileges from or restore gaming privileges to a casino self-excluded person.

(ii) Otherwise permitting or not permitting a casino self-excluded person to engage in gaming activity in a licensed facility or other location approved by the Board to conduct gaming activity while on the list of casino self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) Casino self-exclusions for 1-year or 5 years remain in effect until the period of casino self-exclusion concludes [and] or the person requests early removal from the Board's casino self-exclusion list under § 503a.5(b) and the request for removal is [accepted] granted by the Board[, and the required 7 business days under § 503a.5(e) have elapsed] .

(g) A person submitting a casino self-exclusion request shall present or submit electronically a copy of that person's valid government-issued identification containing the person's signature and photograph when the person submits the request, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person (for example, a utility or other bill in the person's name at the same address provided).

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§ 503a.5. Removal from casino self-exclusion list.

(a) For individuals who are self-excluded from licensed facilities or other locations approved by the Board to conduct gaming activity for 1 year or 5 years, upon the conclusion of the period of casino self-exclusion, [the individual may request removal from the casino self-exclusion list electronically on the Board's web site or by scheduling an appointment with the OCPG at (717) 346-8300 or problemgambling@pa.gov] the individual will be removed from the casino self-exclusion list without further action on his part.

(a.1) For individuals who have elected to be casino self-excluded for less than lifetime, the individual may be removed from the casino self-exclusion list before the period of self-exclusion has run, if all of the following has occurred:

- (1) The individual has filed a petition with the Board's Office of Hearings and Appeals requesting to be removed from the casino self-exclusion list.
(2) The individual has presented facts and circumstances which, in the Board's discretion, demonstrate a compelling reason for the Board to grant early removal from the casino self-exclusion list.
(3) The Board has found by a preponderance of the evidence that the person should be removed from the casino self-exclusion list and issues an order to that effect.

(b) [The individual requesting removal shall complete and submit a Request for Removal from

Voluntary Self-Exclusion Form as required under subsections (c) and (d). With an appointment, removal from the list may be conducted at the Board’s Harrisburg office, one of the Board’s regional offices or other location approved by the OCPG] [Reserved].

(c) [A completed Request for Removal from Voluntary Self-Exclusion Form must include:

(1) The identifying information specified in § 503a.2(b) (relating to request for casino self-exclusion).

(2) The signature of the person requesting removal from the casino self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for casino self-exclusion, and I authorize the Board to permit all slot machine licensees of the Commonwealth of Pennsylvania to reinstate my gaming privileges at licensed facilities or other locations approved by the Board to conduct gaming activity.”] [Reserved].

(d) [A person submitting a Request for Removal from Voluntary Self-Exclusion Form shall be required to present or submit a copy of that person’s valid government-issued identification containing the person’s signature and photograph when the form is submitted electronically or during the person’s scheduled appointment, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person (for example, a utility or other bill in the person’s name at the same address provided)] [Reserved].

(e) [Within 5 business days after the completed Request for Removal from Voluntary Self-Exclusion Form is accepted by Board staff, the OCPG will

delete the name of the individual from the casino self-exclusion list. An individual who was removed from the voluntary casino self-exclusion list may not enter the gaming floor, areas off the gaming floor where contests or tournaments are conducted or engage in gaming related activities for 7 business days from the date Board staff accepts the complete Request for Removal from Voluntary Self-Exclusion Form] [Reserved].

(f) For individuals who selected lifetime casino self-exclusion under § 503a.2(d)(3):

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§ 503a.7. Disclosure of information related to persons on the [casion] casino self-exclusion list.

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**Subpart L. INTERACTIVE GAMING
CHAPTER 815a. INTERACTIVE GAMING
SELF-EXCLUDED PERSONS**

§ 815a.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

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OCPG—Office of Compulsive and [Program] Problem Gambling.

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**Subpart N. VIDEO GAMING
CHAPTER 1119a. SELF-EXCLUSION**

§ 1119a.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

OCPG—Office of Compulsive and [Program] Problem Gambling [of the Board].

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