

SPORTS BETTING REGULATIONS

1 CCR 207-2

BASIS AND PURPOSE FOR RULE 9

The purpose of Rule 9 is to specify the requirements of Sports Betting Operations and responsible gaming, patron responsible gaming, and to specify certain duties of licensees and patrons related to self-restriction. The statutory basis for Rule 9 is found in sections 44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-502, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., 44-30-531, C.R.S., 44-30-827, C.R.S., 44-30-833, C.R.S. and 44-30-1701, C.R.S., and 44-30-1702, C.R.S., 44-30-1703, C.R.S., and part 15 of article 30 of title 44, C.R.S. (Amended temp. 10/27/22, Amended perm. 2/14/23)

RULE 9 RESPONSIBLE GAMING AND SELF-RESTRICTION Effective 4/14/20

9.3 Direct marketing to prohibited sports betting participants. (Amended temp. 10/27/22)

- (4) **Aa** Sports Betting Operation and/or its marketing affiliates shall use the current exclusion list provided by the Division. **I**the exclusion list or in person changes shall be used expeditiously to update all direct marketing lists to ensure that excluded and prohibited players are not directly targeted, including but not exclusive of direct mail and email. Effective 2/14/23

9.4 Responsible advertising and promotions. (Amended 0/3/16/24)

- (3) Sports Betting Operators and Internet Sports Betting Operators **on or before October 1, 2023,** and on or before October 1 each year **thereafter** shall submit to the Director a report that describes the efforts of the licensee in the preceding state fiscal year (July 1st through June 30th) to promote responsible gaming in the state via advertising and other promotional methods and the licensee's plans concerning such promotional efforts in the current state fiscal year. (Effective temp. 10/27/22, perm. 2/14/23)
- (4) A Sports Betting Operation and/or their marketing affiliates shall include a prominent message, which states, "Gambling problem? Call or TEXT 1-800- GAMBLER" on all forms of media advertisement to Colorado consumers, including but not limited to: electronic mail (email), video advertisements, digital/online advertising, television advertisements, radio advertisement, letters, pamphlets and newspaper/magazine advertisements. The written message of "Gambling problem? Call or TEXT 1-800- GAMBLER" shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement. Verbal messaging of "Gambling problem? Call or TEXT 1-800- GAMBLER" shall be audible and understandable. Advertisements that only reference restaurants and/or the hotel at a retail gaming licensee's casino(s) and do not market gaming and/or sports betting, including gaming and/or sports betting spaces, are exempt from this provision. The words "or text" may be excluded upon the Director's prior approval. Amended 3/16/24

(A) ANY COMMUNICATION THAT WILL ENTICE A COLORADO CONSUMER TO GAMBLE, AND ANY GAMING-RELATED MATERIALS SHALL HAVE THE PROMINENT MESSAGE OF "GAMBLING PROBLEM? CALL OR TEXT 1-800-GAMBLER."

9.5 Exclusion list – Duties and responsibilities.

- (1) Database creation.

The Division shall operate a program to consolidate excluded, self-excluded and prohibited individuals in one interactive database repository in order to keep those individuals from participating in Colorado gaming. The program shall provide an interactive protected database for retail gaming licensees, Sports Betting Operations, sports leagues and individuals that participate in gaming in Colorado, as well as any licensed third-party vendors pre-approved by the Director or the Director's designee which contract with a licensee or Sports Betting Operation. The sole purpose of the exclusion list and database is to ensure timely updates of individuals that may not participate in gaming for all gaming operations in Colorado. The exclusion list shall only be used for the purpose of identifying those individuals who are prohibited from gaming and those that may have excluded themselves because of a gambling problem. Licensees and Sports Betting Operations that receive data from the Division shall use it solely to update their database whether directly or through a Division-approved third-party vendor. The information contained in the database and updates provided to the licensees are confidential and shall only be used for its intended purpose. Limited information may be shared with affiliates and Division-approved third-party vendors for the purpose of ensuring self-excluded individuals do not receive direct marketing. It is a violation for any licensee to use the confidential data in any other way. The Director shall determine how each licensee, league or individual interacts with the database.

- (a) Sports Betting Operations shall, as part of their self-exclusion and responsible gaming program, make available A SELF-EXCLUSION APPLICATION TO A PATRON REQUESTING TO SELF-EXCLUDE to the player easily identifiable within the operators application, the link to the Division's website for self-exclusion. THIS SELF-EXCLUSION APPLICATION MUST INCLUDE AN EASILY IDENTIFIABLE LINK TO THE DIVISION'S SECURE PORTAL, AND ~~THE link should~~ MUST take the player directly to ~~that page~~ THE PORTAL from the application. THE SPORTS BETTING OPERATION SHALL INPUT THE SELF-EXCLUSION INFORMATION PROVIDED THROUGH THE SECURE DIVISION PORTAL OR DIRECT THE PATRON TO A DEDICATED COMPUTER ON THE LICENSEE'S PROPERTY WHERE THE PATRON CAN ACCESS THE DIVISION'S WEBSITE DIRECTLY TO REQUEST SELF-EXCLUSION OR, IF THE PORTAL IS NOT AVAILABLE, DIRECT THE PATRON TO THE DIVISION'S WEBSITE FOR SELF-EXCLUSION.
- (b) The Division shall provide ~~database records, sent electronically~~ LISTS OF EXCLUDED OR AND PROHIBITED PLAYERS LISTS to the Sports Betting Operations. The Director shall ~~provide one or more excluded or prohibited player lists to Sports Betting Operations. Data records~~ THESE LISTS will be in a format detailed DETERMINED by the Director or the Director's designee; AND THEY WILL BE UPDATED DAILY AND SENT ELECTRONICALLY. SPORTS BETTING OPERATIONS SHALL UPDATE ALL NEW EXCLUDED AND PROHIBITED PERSONS WITHIN THEIR OWN DATABASE OR THROUGH A DIVISION APPROVED THIRD PARTY VENDOR.
- (c) ~~Sports Betting Operations shall receive updates daily from the Division. Sports Betting Operations shall update all new excluded persons within their database.~~
- (d) Sports Betting Operations shall receive the Division database with self-excluded persons that have opted in on or after January 1, 2023, as determined by the Director. The Sports Betting Operation shall make information for players that have self-excluded prior to January 1, 2023 upon request.
- (e) A licensed third-party vendor may view and use the confidential information contained in the Division's exclusion list and database, so long as the third-party vendor has complied with the following:
 - (ii) The third-party vendor has completed and submitted a form prepared by the Director or the Director's designee. As part of the form, the third-party vendor must disclose all retail gaming licensees and Sports Betting Operations that it is providing services ~~to~~ related to the Division's exclusion list and database. As part of the form, the third-party vendor must affirmatively agree not to disclose the

confidential information contained in the Division's exclusion list and database, and also agree to only use such confidential information for its intended purpose.

(2) Database inclusion.

- (b) Persons on the exclusion and prohibited player lists may not participate or collect winnings from the gaming in Colorado on which they are prohibited. Players that self-exclude shall not, while on the exclusion list, be able to redeem points, bonuses, comps or freeplay. The applicable operator or licensee can will retain or keep any winnings of a person on the exclusion and prohibited list as an unclaimed/unpaid winning of any kind. Persons on the exclusion and prohibited list forfeit any money wagered, but may retain any remaining funds that have not been actively wagered in casino games or sports wagering after being placed on the excluded or prohibited list.

Formatted: Highlight

Formatted: Highlight

(i) SPORTS BETTING OPERATORS MUST CHECK WHETHER A PATRON IS ON THE EXCLUSION OR PROHIBITED PLAYER LISTS DURING ANY TRANSACTION THAT REQUIRES A PATRON TO PROVIDE IDENTIFICATION, WHETHER MONETARY OR NON-MONETARY.

(A) EXAMPLES INCLUDE: FACILITATING CASH ADVANCES, CHECK CASHING, PIN NUMBER CHANGES, TAXABLE ACCUMULATED CREDITS OR FREEPLAY, FRONT MONEY, CASH CLUB TRANSACTIONS, AUDIBLE AND VISUAL ALERTS, AND ANY TRANSACTIONS REQUIRING AN ID. TO INCLUDE AGE VERIFICATION, HOTEL ROOMS, CASINO RESTAURANTS, ETC.

(ii) SPORTS BETTING OPERATORS MUST RESPOND TO ANY ALERTS, INCLUDING BUT NOT LIMITED TO, AUDIBLE AND VISUAL ALERTS THAT INDICATE A PATRON IS ON THE SELF-EXCLUSION LIST.

(A) A RESPONSE INCLUDES:

(1) (1) — PERSONS ON THE EXCLUSION AND PROHIBITED LIST WHO CONTINUE TO ENTER RETAIL GAMING ESTABLISHMENTS AND PARTICIPATE IN GAMBLING WILL BE ESCORTED OUT OF THE RETAIL GAMING ESTABLISHMENT AND MAY BE SUBJECT TO PROSECUTION. SPORTS BETTING OPERATORS ARE REQUIRED TO REPORT EACH INCIDENT TO THE DIVISION.

PERSONS ON THE PROHIBITED PLAYER LIST WHO CONTINUE TO ENTER RETAIL GAMING ESTABLISHMENTS AND PARTICIPATE IN WAGERING ON THE PROHIBITED SPORTS EVENTS WILL BE ESCORTED OUT OF THE RETAIL GAMING ESTABLISHMENT AND MAY BE SUBJECT TO PROSECUTION. SPORTS BETTING OPERATORS ARE REQUIRED TO REPORT EACH INCIDENT TO THE DIVISION.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Indent at: 2.5"

(iii) INTERNET SPORTS BETTING OPERATORS MUST VERIFY WHETHER PATRONS ARE ON THE EXCLUSION OR PROHIBITED PLAYER LISTS UPON RECEIVING THE LISTS FROM THE DIVISION.

Formatted: Font: (Default) Arial, 10 pt, Underline, Small caps

Formatted: Normal, No bullets or numbering

Formatted: Indent: Left: 2.5", No bullets or

Formatted: Indent: First line: 0"

(C) A SPORTS BETTING OPERATOR OR INTERNET SPORTS BETTING OPERATOR THAT ALLOWS PERSONS ON THE EXCLUSION AND PROHIBITED LIST TO GAMBLE PLACE WAGERS MAY BE SUBJECT TO DISCIPLINARY ACTION.

Formatted: Highlight

(D) A SPORTS BETTING OPERATOR OR INTERNET SPORTS BETTING OPERATOR THAT ALLOWS PERSONS ON THE PROHIBITED PLAYER LIST TO WAGER ON PROHIBITED SPORTS EVENTS MAY BE SUBJECT TO DISCIPLINARY ACTION.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

- (3) Inclusion on the exclusion list.
- (a) Individual self-exclusion means that an individual has made a conscious voluntary effort to exclude themselves from not only that form of gaming but from all forms of gaming under the regulatory purview of the Commission and the Division. Self-exclusion may only be accomplished by an individual acting in their own interest, in the following ways:
- (ii) Self-exclusion from an Internet Sports Betting Operator. An individual who on an Internet sports betting mobile app chooses an option to electronically self-exclude, and has been SHALL BE directed to the Division's SELF-EXCLUSION website.
- (iii) Self-exclusion from a Sports Betting Operator (retail sports book). An individual requesting self-exclusion from a retail sports book shall fill out a self-exclusion form provided by the sports book. The sports book shall enter the self-exclusion into the secure Division portal, BE directed TO the player to a dedicated computer on the licensee's property where the player can access the Division's website directly for self-exclusion or if the portal is not available direct the player to the Divisions website for self-exclusion at a later time or use their electronic database procedure.
- (iv) Self-exclusion from a retail gaming licensee (casino)SPORTS BETTING OPERATOR. An individual requesting self-exclusion from a casino SPORTS BETTING OPERATOR shall fill out a self-exclusion form provided by the casino SPORTS BETTING OPERATOR. The casino shall enter the self-exclusion into the secure Division portal direct the player to a dedicated computer on the licensee's property where the player can access the Division's website directly for self-exclusion or if the portal is not available direct the player to the Divisions website for self-exclusion at a later time or use their electronic database procedure.
- (5) Removal from the exclusion list.
- (a) Individuals that have self-excluded or are on the excluded list will need to fill out and file the form with the Director prior to being removed from THE exclusion list. No person is automatically removed from the exclusion list when the selected or directed time period ends.

9.6 Establishment of responsible gaming best practices.

- (1) Sports Betting Operations shall submit to the Division their strategy for the implementation of a responsible gaming program. The responsible gaming strategy shall not only include self-directed limits by players, it shall also include the licensees' commitment as a company to a robust responsible gaming platform. The plan for implementation shall be submitted to the Division no later than April 1, 2023. Sports Betting Operations that begin operating after April 1, 2023 shall have a responsible gaming strategy in place prior to commencing live operations. Beginning October 1, 2023 and On or before October 1 each year thereafter, Sports Betting Operations shall submit to the Division any updates to its strategic implementation plan. The strategic implementation plan shall include but is not limited to the following:
- (b) A detail of the staffing level, including the lead staff position for the responsible gaming program, staffing positions dedicated to responsible gaming, employee education and

outreach to players identified as problem gamblers or players that are at risk or show signs of problems gaming.

(i) ~~THE LEAD STAFF POSITION WILL SHALL BE REQUIRED TO PROVIDE RESPONSIBLE GAMING TRAINING FOR TEAM MEMBERS WHO DIRECTLY ENGAGE WITH GAMING PATRONS.~~

- (c) A detail of the use of player data and technology to aid in identifying potential problem gamblers. Detail should be provided on how the operators or a contracted third party's technology will provide automated triggers on potential problem gamblers. The ~~list~~ should ~~be~~ provided detail on what triggers are being identified and how the operator has identified those as critical matrix ~~ces~~ to follow. Additionally, what plans the operator has to continually update and learn the best way to identify problem gamblers on their site.

- (e) Detail ~~ed~~ internal controls to identify those persons who engage in gaming and sports betting activity, controlled by the licensee, who are included on the exclusion list. Internal controls should include prohibiting or stopping persons on the exclusion list and controls in place to prevent collection of winnings by an excluded person.

(i) ~~THE SPORTS BETTING OPERATOR OR INTERNET SPORTS BETTING OPERATOR SHALL WILL ENSURE COMPLIANCE WITH ITS OWN RESPONSIBLE GAMING POLICIES AND PROCEDURES AS WELL AS THE PLAN PROVIDED TO THE DIVISION. AN OPERATOR'S FAILURE TO ADHERE TO ITS OWN RESPONSIBLE GAMING POLICIES AND PROCEDURES AND ITS PLAN PROVIDED TO THE DIVISION MAY SUBJECT THE LICENSEE TO REGULATORY DISCIPLINE.~~

(ii) ~~THE SPORTS BETTING OPERATOR OR INTERNET SPORTS BETTING OPERATOR OPERATOR SHALL WILL AUDIT THE PLAYER ACCOUNT MANAGEMENT SYSTEM FOR DUPLICATE ACCOUNTS TO ENSURE THAT SELF-EXCLUDED PATRONS ARE FLAGGED APPROPRIATELY.~~

(iii) ~~THE SPORTS BETTING OPERATOR OR INTERNET SPORTS BETTING OPERATOR OPERATOR SHALL WILL ENSURE THE PLAYER ACCOUNT MANAGEMENT SYSTEM IS ACCESSED DURING ANY PATRON INTERACTION THAT REQUIRES IDENTIFICATION.~~