

## BASIS AND PURPOSE FOR RULE 2

The purpose of Rule 2 is to delegate certain authority to the Director or other Division agent; provide for the review of any action taken pursuant to such authority; provide for the reference by the Director of matters delegated to the Director back to the Commission; and to establish procedures for Commission actions and hearings. Rule 2 also empowers the Commission to contract for legal counsel, and directs the Licensee to obtain moneys owed to a deceased patron and properly distribute such moneys. The statutory basis for Rule 2 is found in sections 44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-301, C.R.S., 44-30-302, C.R.S., 44-30-501, C.R.S., 44-30-502, C.R.S., 44-30-507, C.R.S., 44-30-1103, C.R.S., and 24-4-105, C.R.S. *Amended 1/14/15*

## RULE 2 POWERS AND DUTIES OF COMMISSION AND DIRECTOR *Amended 1/14/15*

### 30-215 Responsible gaming grant program. *Effective 2/14/23*

#### (1) Responsible gaming grant program creation.

The Commission shall operate a program to administer grants from the responsible gaming grant program cash fund. The Commission in collaboration with the behavioral health administration, shall administer the grant program, and shall award grants. The program shall provide grants for supporting efforts that impact, improve and support responsible gaming and problem gambling programs and the issues that come with increased gaming and gaming options. The responsible gaming grant program is meant to provide meaningful funding and encourage prevention, education on gambling addiction, additional gambling addiction counselors, public awareness, treatment, recovery, data and research. Additionally, the Commission shall ensure that the grantees use the money for which the money was awarded and report to the Commission the results of whether the objectives of the grant were achieved. ~~The~~ terms of gaming and Gambling are synonymous for the purposes of this Rule.

(d) To be eligible for the ~~initial~~ grant process, the applicant must ~~have~~ ~~SUBMIT~~ their application in ~~on or before December 1, 2022 BY THE DIVISION'S STATED DEADLINE~~. Application deadlines for subsequent grant distributions, provided that grant money is available, shall be received by ~~December 1st~~ ~~THE DEADLINE~~ of that grant year.

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(e) Grant applications shall be reviewed by the Division and presented to the Commission for its consideration no later than March 1<sup>st</sup> of the upcoming calendar year. If for any reason, after releasing ~~THE~~ initial grant funding, the Commission has funds available in the fund, the Commission may, at their sole discretion, decide to take applications for additional grant funding. If the Commission elects to take additional applications, it shall also set the time frame for applications and distribution.

#### (2) Responsible gaming grant application.

~~Eligible applicants for responsible gaming grants must file an approved application by the date set by the Commission.~~ All applications must be received by the Division of ~~gaming~~ ~~GAMING~~ on or before the date set by the Commission. Applications will be reviewed by the Division for completeness, content and eligibility. Applications must include the following information:

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#### (4) Duties and responsibilities of the grantee.

The following are the duties and responsibilities of the grantee during the calendar year grant money was awarded:

- (b) On or before September 1 ~~ST, 2023, and on or before September 1 each year thereafter,~~ each grantee shall submit a report ~~FOR EACH APPROVED GRANT~~ to the Commission ~~FOR THE PREVIOUS GRANT PERIOD YEAR.~~ At a minimum, the report must include the following information:

- (5) Reporting responsibilities of the Commission and Division.

~~The following are the reporting responsibilities of the Commission and Division:~~

- (a) On ~~or before December 1, 2023 and on~~ or before December 1 each ~~GRANT PERIOD~~ year, ~~thereafter~~ the Commission shall create and submit a summarized report in accordance with C.R.S. 44-30-1702(7)(b). ~~AT~~ a minimum ~~THE~~ report must include the following information:

## **BASIS AND PURPOSE FOR RULE 29**

The purpose of Rule 29 is to specify the requirements of licensees and responsible gaming, to designate certain duties of licensees and patrons related to self-restriction, to specify requirements concerning responsible advertising and promotions and to outline the process for involuntary exclusion from retail gaming establishments. The statutory basis for Rule 29 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. ~~18-20-112, C.R.S., and~~ 44-30-1701, C.R.S., ~~and~~ 44-30-1702, C.R.S., and 44-30-1703, C.R.S.

## **RULE 29 RESPONSIBLE GAMING AND SELF-RESTRICTION**

### **30-2901 Display of responsible gaming logo.**

- (3) Retail gaming licensees with brick-and-mortar sports betting locations within the casino must make information available promoting responsible gaming and where to find assistance, including a toll-free help line number. This information shall be available and visible in sports betting areas affixed to all sports betting kiosks and at cash access devices.

### **30-2903 Direct marketing to prohibited gaming participants.**

- (4) A Retail gaming licensee and/or their marketing affiliates shall use the current exclusion list provided by the Division. ~~If~~ 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.

### **30-2904 Responsible advertising and promotions.**

- (3) Retail gaming licensees ~~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 1<sup>st</sup> through June 30<sup>th</sup>) 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) Retail gaming licensees 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.

(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."

**30-2905 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 their gambling problem. Licensees 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) Retail gaming licensees shall, as part of their self-exclusion and responsible gaming program, make available a self-exclusion formAPPLICATION to a patron requesting to self-exclude. THIS SELF-EXCLUSION APPLICATION MUST INCLUDE AN EASILY IDENTIFIABLE LINK TO THE DIVISION'S SECURE PORTAL, AND THE LINK MUST TAKE THE PLAYER DIRECTLY TO THE PORTAL FROM THE APPLICATION. The retail gaming licensee 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 orOR, if the portal is not available, direct the patron to the Division's website for self-exclusion-at a later time.

- (Ab) Retail gaming licensees that receive updates daily from the Division shall update all new excluded persons within their database whether directly or through a Division-approved third-

party vendor. The Director shall provide one or more excluded or prohibited patron/player lists to retail gaming licensees. Data records will be in a format detailed by the Director or the Director's designee. The retail gaming licensee shall use best efforts to determine whether or not new and existing players club members or patrons are on an exclusion list either through the licensee's own database or by checking the secure Division portal prior to issuing a player's card. THE DIVISION SHALL PROVIDE LISTS OF EXCLUDED PERSONS OR PROHIBITED PLAYERS TO RETAIL LICENSEES. THESE LISTS WILL BE IN A FORMAT DETERMINED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, AND THEY WILL BE UPDATED DAILY AND SENT ELECTRONICALLY. LICENSEES SHALL UPDATE ALL NEW EXCLUDED PERSONS WITHIN THEIR OWN DATABASE OR THROUGH A DIVISION APPROVED THIRD PARTY VENDOR, PRIOR TO ISSUING A PLAYER'S PATRON'S CLUB CARD.

(e) Retail gaming licensees shall only update the Division database with self-excluded persons that have opted in after January 1, 2023, as determined by the Director. The retail gaming licensees shall make information for players that have self-excluded prior to January 1, 2023 upon request.

(bd) 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:

- (i) The third-party vendor has entered into a contract or written agreement with a licensee outlining the third-party vendor's access and use of the confidential information contained in the Division's exclusion list and database.
- (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 list may not participate or collect winnings from the gaming in Colorado on which they are prohibited. Patrons 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 JACKPOT. 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.

(i) RETAIL LICENSEE AND/OR OPERATORS MUST CHECK WHETHER A PATRON IS ON THE EXCLUSION LIST DURING ANY TRANSACTION THAT REQUIRES A PATRON TO PROVIDE IDENTIFICATION.

(A) EXAMPLES INCLUDE: 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) RETAIL LICENSEE AND/OR 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) 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.

(4)(2) PERSONS ON THE EXCLUSION LIST ARE PROHIBITED FROM BEING IN THE LICENSED PREMISES WHERE LIMITED GAMING IS CONDUCTED AT A RETAIL GAMING ESTABLISHMENT. PERSONS ON THE EXCLUSION LIST AND PROHIBITED LIST WHO CONTINUE TO ENTER LICENSED PREMISES WHERE LIMITED GAMING IS CONDUCTED AND PARTICIPATE IN GAMBLING WILL BE ESCORTED OUT OF THE RETAIL GAMING ESTABLISHMENT AND MAY BE SUBJECT TO PROSECUTION. RETAIL GAMING ESTABLISHMENTS- LICENSEES ARE REQUIRED TO REPORT EACH INCIDENT TO THE DIVISION.

(CB) A RETAIL GAMING ESTABLISHMENT THAT ALLOWS PERSONS ON THE EXCLUSION AND PROHIBITED LIST TO GAMBLE MAY BE SUBJECT TO DISCIPLINARY ACTION.

(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, ~~including limited gaming and sports betting.~~ 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 directed to the Division's 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.~~

(iii) Self-exclusion from a retail gaming licensee (casino). An individual requesting self-exclusion from a casino shall fill out a self-exclusion form provided by the casino. ~~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.

**30-2906 Establishment of responsible gaming best practices.**

- (1) Retail gaming licensees 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 licensee's 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. Retail gaming licensees that begin operating after April 1, 2023 shall have a responsible gaming strategy in place prior to live operations. Beginning October 1, 2023 and On or before October 1 each year thereafter,~~ retail gaming licensees 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 SHALL WILL 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 provide detail on what triggers are being identified and how the retail gaming licensee has identified those as critical matrix ~~CES~~ to follow. Additionally, what plans the retail gaming licensee is engaged in to continually update and learn the best way to identify problem gamblers in their casino.
  - (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 LICENSEE SHALL WILL ENSURE COMPLIANCE WITH ITS OWN RESPONSIBLE GAMING POLICIES AND PROCEDURES AS WELL AS THE PLAN PROVIDED TO THE DIVISION. A LICENSEE'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 LICENSEE WILL AUDIT THE PATRON MANAGEMENT SYSTEM FOR DUPLICATE ACCOUNTS TO ENSURE THAT SELF-EXCLUDED PATRONS ARE FLAGGED APPROPRIATELY.~~
    - (iii) ~~THE OPERATOR LICENSEE WILL ENSURE THE PATRON MANAGEMENT SYSTEM, OR ANY SYSTEM OR DATABASE THAT HOUSES EXCLUDED PATRON INFORMATION IS ACCESSED DURING ANY PATRON INTERACTION THAT REQUIRES IDENTIFICATION.~~

**30-2907 Exclusion or ejection of persons from any gaming establishment.**

(2) Inclusion on the Involuntary Exclusion List.

- (f) Unless a request for a hearing is submitted under subsection (3) below, the individual's exclusion has an effective date of thirty-five (35) calendar days after the Commission's placement of the individual on the Involuntary Exclusion List. Licensees must exclude or eject from the licensed premises any individual on the Involuntary Exclusion List upon the effective date of the individual's exclusion.

(5) PERSONS ON THE INVOLUNTARY EXCLUSION LIST ARE PROHIBITED AND EXCLUDED FROM ENTERING A LICENSED GAMING ESTABLISHMENT. If an individual on the Involuntary Exclusion List is found gambling, wagering or sports betting at any licensed gaming establishment, that individual shall be ejected from the licensed premises AND MAY BE SUBJECT TO PROSECUTION. RETAIL GAMING ESTABLISHMENTS ARE REQUIRED TO REPORT EACH INCIDENT TO THE DIVISION. The individual is not entitled to recover any y jackpots or money wagered. Any money not-yet wagered will be returned to the individual.

(6) Removal from the Involuntary Exclusion List.

- (a) An individual or through a legal representative on the Involuntary Exclusion List may petition the Commission for removal from THE Involuntary Exclusion List after five (5) years of the effective date of the individual's placement on the list.
- (b) The petition must include the following:
- (ai) The petitioner's name;
  - (bii) Date or approximate date of the effective date of the petitioner's placement on the Involuntary Exclusion List;
  - (ciii) The facts and circumstances which give rise to the request for removal from the Involuntary Exclusion List, including but not limited to an explanation why the reasons for placement on the Involuntary Exclusion List are no longer applicable;
  - (dvi) Signature of petitioner; and
  - (ev) Address of petitioner.

(7) A RETAIL GAMING ESTABLISHMENT THAT ALLOWS PERSONS ON THE INVOLUNTARY EXCLUSION LIST TO GAMBLE MAY BE SUBJECT TO DISCIPLINARY ACTION.