

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, 44-30-1702~~ 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 ~~G~~ 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, WHICH WILL BE ANNOUNCED BY THE DIVISION THIRTY DAYS IN ADVANCE.~~ Application deadlines for subsequent grant distributions, provided that grant money is available, shall be received by ~~December 4th THE DEADLINE~~ of that grant year.

(e) Grant applications shall be reviewed by the Division and presented to the Commission for its consideration no later than March 1st 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~~ **IT'S** 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 eGaming on or before the date set by the DIVISION Commission. Applications will be reviewed by the Division for completeness, content and eligibility. Applications must include the following information:~~

(g) Acknowledge that the grant applicant or if the applicant is a nonprofit, that the applicant and/or a majority of board members are not affiliated with a person licensed under article 44-30; **OF TITLE 44, C.R.S.**

~~(h) Grant applications shall be reviewed by the Division and presented to the Commission no later than March 1st of the upcoming calendar year. If for any reason, after releasing 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.~~

(3) Reviewing responsible gaming grant applications and criteria for awarding grants.

When awarding grants, the Commission shall employ a process for collaboration with the behavioral health administration. In consideration of awarding grants, the Commission shall consider the following criteria:

(d) Whether the eligible applicant intends to use grant money for any of the following purposes:

- (viii) Research for problem gambling or gambling addiction; and
- ~~(viii)~~ Costs associated with research for problem gaming or gambling addiction.

(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.~~ 44-30-1701, C.R.S., 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.

30-2902 Retail gaming licensee's self-exclusion.

Each retail gaming licensee shall establish and maintain a self-exclusion program for patrons **CONSISTENT WITH REGULATION 30-2905**. ~~Each retail gaming licensee shall participate by sharing self-exclusion data with the Division in accordance with Regulation 30-2905. Each retail gaming licensee shall participate by accessing the Division's database through a secure portal or electronically importing self-excluded patron information. If a retail gaming licensee is unable to access either of these methods for registering a self-excluded patron information another method may be approved by the Director.~~

30-2903 Direct marketing to **INDIVIDUALS ON THE EXCLUSION LIST prohibited gaming participants.**

- ~~(1) For the purpose of this Rule, "prohibited participant" shall mean individuals who have voluntarily requested to be excluded from gaming activities and individuals who are required by the Commission to be excluded or ejected from licensed gaming establishments, and sports betting individuals who are prohibited from placing wagers on certain sporting events to the extent that those individuals reside in the Division's exclusion list database.~~
- (12)** A retail gaming licensee shall make all reasonable efforts to ensure **that individuals on the Exclusion List** ~~prohibited participants~~ do not receive direct marketing from the retail gaming licensee or marketing affiliates.
- (23)** A retail gaming licensee will satisfy this requirement if the retail gaming licensee and/or marketing affiliates remove the ~~prohibited participant's~~ **OF INDIVIDUALS ON THE EXCLUSION LIST** ~~and email address~~ from the list of patrons to whom direct marketing materials are sent.
- (34)** A Retail gaming licensee **directly or through** ~~and/or~~ their marketing affiliates shall use the current ~~Exclusion List~~ **provided by the Division. The Exclusion List** or in person changes shall be used expeditiously to update all direct marketing lists to ensure that **INDIVIDUALS ON THE EXCLUSION LIST** ~~excluded and prohibited players~~ are not directly targeted, including but not exclusive of direct mail and email.
- ~~(5) Rule 30-2903(4) shall not apply to persons identified in 44-30-1502 C.R.S. that are only prohibited from betting on a sporting event that is overseen by that person's sports governing body.~~

30-2904 Responsible advertising and promotions.

- (1)** All offers and bonuses must:
- ~~(f) Players that self-exclude shall not, while on the exclusion list, be able to redeem points, bonuses, comps or freeplay.~~
- (2) NO PERSON MAY, WHILE ON THE EXCLUSION LIST, REDEEM POINTS, BONUSES, COMPS OR FREE PLAY.**
- (32)** Prohibition on advertising that targets underage participants:

- (a) A retail gaming licensee and/or their marketing affiliates shall not target underage persons or create advertising content that **MAY BE REASONABLY DETERMINED TO BE TARGETED FOR AN AUDIENCE UNDER THE LEGAL AGE TO ENGAGE IN GAMBLING BASED ON THE** ~~is clearly meant, because of~~ message and graphics, **OF THE ADVERTISING CONTENT.** ~~for an underage audience.~~
- (43) Retail gaming licensees ~~on or before October 1, 2023, and~~ on or before October 1ST 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)*
- (54) Retail gaming licensees **DIRECTLY OR THROUGH** ~~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. **ANY GAMING-RELATED 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."**
- (A) **ENTICE MEANS TO ATTRACT, INVITE, AND/OR PROMOTE FOR PURPOSES OF THE PROVISION.**

30-2905 Exclusion list – Duties and responsibilities.

(1) ~~Database creation~~ **DIVISION EXCLUSION LIST.**

The Division shall operate a program to consolidate excluded, **AND** self-excluded ~~and prohibited~~ individuals in one ~~interactive database repository~~ **EXCLUSION LIST** ~~in order~~ to keep those individuals from participating in Colorado gaming. The program shall provide an **EXCLUSION LIST** ~~interactive protected database~~ for retail gaming licensees, ~~Sports Betting Operations, sports leagues and individuals that participate in gaming in Colorado,~~ **Sports Betting Operations**, 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 **AND SPORTS BETTING** ~~for all gaming operations~~ in Colorado. The **Exclusion List** shall only be used for the purpose of identifying those individuals who **HAVE BEEN** ~~are EXCLUDED~~ **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~~ **EXCLUSION LIST** and updates provided to the licensees are confidential and shall only be used for **THE** ~~its~~ intended purpose. Limited information may be shared with affiliates and Division-approved third-party vendors for the purpose of ensuring ~~self-excluded~~ individuals **ON THE EXCLUSION LIST** 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 PERSON 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. The retail gaming licensee shall input the self-exclusion information provided through the secure Division portal 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 if the portal is not available, direct the patron to the Division's website for self-exclusion at a later time.
- (b) 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 RETAIL GAMING LICENSEE SHALL PROVIDE EITHER A HARD COPY OF THE DIVISION'S SELF-EXCLUSION APPLICATION, PROVIDE A DEDICATED COMPUTER ON THE LICENSEE'S PROPERTY WHERE A PATRON CAN ACCESS THE DIVISION'S SELF-EXCLUSION WEBSITE DIRECTLY TO REQUEST SELF-EXCLUSION, OR DIRECT THE PATRON TO THE DIVISION'S SELF-EXCLUSION WEBSITE.
- (c) 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. THE DIVISION SHALL PROVIDE A LIST OF EXCLUDED PERSONS (THE EXCLUSION LIST) TO RETAIL LICENSEES. THE EXCLUSION LIST WILL BE IN A FORMAT DETERMINED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, UPDATED AS NEEDED, AND SENT ELECTRONICALLY. ALL NEW AND EXISTING LICENSEES SHALL UPDATE ALL NEW EXCLUDED PERSONS WITHIN THEIR OWN DATABASE OR THROUGH A DIVISION APPROVED THIRD-PARTY VENDOR WITHIN THREE BUSINESS DAYS FROM RECEIVING AN UPDATED EXCLUSION LIST FROM THE DIVISION. LICENSEES MUST REVIEW THE EXCLUSION LIST PRIOR TO ISSUING A NEW OR REPLACEMENT PLAYERS' CLUB CARD TO ANY INDIVIDUAL.
- (d) A licensed third-party vendor may view and use the confidential information contained in the Division's Eexclusion Llist 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 Eexclusion Llist 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 Eexclusion Llist 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 Eexclusion Llist and

database, and also agree to only use such confidential information for its intended purpose.

- (iii) The third-party vendor may not access and/or use the confidential information contained in the Division's ~~E~~exclusion ~~L~~ist and database until approved in writing by the Director or the Director's designee.
- (iv) The third-party ~~V~~ENDOR must immediately inform the Division of any changes to its address, any changes to its contract or written agreement with a retail gaming licensee and/or Sports Betting Operation, or its cessation of services relating to the provision of this regulation within five (5) calendar days of the changes or cessation of services.
- (v) The third-party vendor must immediately disclose to the Division within five (5) calendar days any disclosure of the confidential information contained in the Division's ~~E~~exclusion ~~L~~ist and database or inappropriate use of such confidential information. The license with which the third-party vendor has contracted and/or entered into a written agreement may be subject to discipline in accordance with the provisions of Article 30 of Title 44, C.R.S., and/or the Gaming and Sports Betting rules and regulations under 1 C.C.R. 207-1 and 1 C.C.R. 207-2 respectively.

(E) IN THE EVENT THE THIRD-PARTY VENDOR VIOLATES ANY OR ALL OF THE REQUIREMENTS IN RULE 2905 (D), THE LICENSEE WITH WHICH THE THIRD-PARTY VENDOR HAS CONTRACTED AND/OR ENTERED INTO A WRITTEN AGREEMENT MAY BE SUBJECT TO DISCIPLINE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 30 OF TITLE 44, C.R.S., AND/OR THE GAMING AND SPORTS BETTING RULES AND REGULATIONS UNDER 1 C.C.R. 207-1 AND 1 C.C.R. 207-2 RESPECTIVELY.

(2) ~~EXCLUSION LIST~~ Database inclusion.

- (a) The following persons shall be included and maintained in the ~~Division database~~, ~~EXCLUSION LIST~~ updated and transferred to retail gaming licensees, Sports Betting Operations, and licensed third-party vendors approved by the Director or the Director's designee which contract with a licensee or a Sports Betting Operation:
 - (ii) ~~Sports betting individuals who are prohibited from placing wagers on certain sporting events to the extent that those individuals reside in the Division's exclusion list database.~~
 - (iii) Individuals who are required by the Commission to be excluded or ejected from licensed gaming establishments, to the extent that those individuals ~~ARE LISTED~~ ~~reside~~ in the Division's ~~E~~exclusion ~~L~~ist database.
- (b) ~~INDIVIDUALS~~ ~~Persons~~ on the ~~E~~exclusion and prohibited ~~L~~ist may not participate or collect winnings from ~~the gaming in Colorado on which they are prohibited.~~ ~~FOR PURPOSES OF THIS PROVISION "WINNINGS" ONLY APPLIES TO BETS MADE AFTER THE PERSON SELF-EXCLUDED AND/OR HAS BEEN ADDED TO THE EXCLUSION LIST.~~ ~~INDIVIDUALS~~ ~~Patrons that self-exclude shall not, while~~ on the ~~E~~exclusion ~~L~~ist, ~~SHALL NOT~~ be able to redeem points, bonuses, comps or ~~free play~~. The applicable operator or licensee ~~can~~will retain or keep any winnings of a person on the ~~E~~exclusion and prohibited ~~L~~ist ~~AS AN UNCLAIMED/UNPAID JACKPOT.~~ ~~INDIVIDUALS~~ ~~Persons~~ on the ~~E~~exclusion and prohibited ~~L~~ist 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 ~~EXCLUSION LIST~~ ~~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.

(ii) RETAIL LICENSEE AND/OR OPERATORS MUST RESPOND TO AUDIBLE AND VISUAL ALERTS THAT INDICATE A PATRON IS ON THE SELF-EXCLUSION LIST.

(A) A RESPONSE INCLUDES:

(1) INDIVIDUALS ON THE EXCLUSION LIST WHO CONTINUE TO ENTER A RETAIL GAMING ESTABLISHMENTS AND PARTICIPATE IN GAMBLING WILL BE ESCORTED OUT OF THE RETAIL GAMING ESTABLISHMENTS AND MAY BE SUBJECT TO PROSECUTION.

(2) INDIVIDUALS ON THE EXCLUSION LIST ARE PROHIBITED FROM BEING IN THE LICENSED PREMISES WHERE LIMITED GAMING IS CONDUCTED AT A RETAIL GAMING ESTABLISHMENT. RETAIL GAMING LICENSEES ARE REQUIRED TO REPORT EACH INCIDENT TO THE DIVISION.

(C) A RETAIL GAMING LICENSEE THAT ALLOWS INDIVIDUALS ON THE EXCLUSION LIST TO GAMBLE MAY BE SUBJECT TO DISCIPLINARY ACTION IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 30 IF TITLE 44, C.R.S, AND/OR THE GAMING AND SPORTS BETTING RULES AND REGULATIONS UNDER 1 C.C.R. 207-1 AND 1 C.C.R. 207-2.

(3) Inclusion on the ~~E~~exclusion ~~L~~ist THROUGH SELF-EXCLUSION.

(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:

(i) Self-exclusion by an individual through the Division. An individual self-excluding either in person or through a web-based application. All self-exclusions by individuals through the Division, either in person or web-based, will have their identity verified prior to being included on the ~~E~~exclusion ~~L~~ist.

~~(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 sportsBbetting 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 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.~~

~~(Iv)~~ 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 Division's website for self-exclusion at a later time, or use their electronic database procedure.

- (b) Individuals wishing to self-exclude in person or through the Division's web-based application shall fill out all required information on the form. Incomplete forms ~~where an individual cannot be identified will~~ MAY not be processed.
- (4) **SELF-Exclusion period.**
 - (a) Individuals ~~WHO that have~~ voluntarily self-excluded from any ~~sports betting operation, retail casino or through the Division~~ shall select the period of exclusion to include:
 - (ii) Three (3) years; ~~OR~~
 - (b) An individual who is on the **EXCLUSION L**ist may submit a request, to the Division, to increase the minimum length of exclusion.
- (5) Removal from the ~~E~~exclusion **L**ist **AFTER SELF-EXCLUSION.**
 - (a) ~~NO PERSON IS AUTOMATICALLY REMOVED FROM THE EXCLUSION LIST WHEN THE SELECTED OR DIRECTED PERIOD ENDS. Individuals that have self-excluded AND ARE ON THE EXCLUSION LIST MUST or are on the excluded list will need to fill out and file THE REQUEST FOR REMOVAL FROM THE EXCLUSION LIST form with the Division Director prior to being removed from the Eexclusion Llist. No person is automatically removed from the exclusion list when the selected or directed time period ends.~~
 - (b) ~~Sports betting individuals who are prohibited from placing wagers on certain sporting events to the extent that those individuals reside in the Division's exclusion list database may be removed from the list by their governing body/league or by filling out and filing the form with the Director.~~
 - (be) Individuals that are on the ~~E~~exclusion **L**ist and have not completed their self-selected period of self-exclusion may petition the Director for removal from the list. The **DIRECTOR OR THE DIRECTOR'S DESIGNEE** ~~Division~~ may require self-evaluation or evaluation by a professional to ensure the problem gambling or financial issues that led to the self-exclusion have corrected themselves. Removal from the ~~E~~exclusion **L**ist prior to the self-selected time period is at the complete discretion of the Director. If an individual's petition to be removed from the ~~E~~exclusion **L**ist prior to the self-selected ~~ED~~ exclusion period is not approved by the Director, the individual may not re-petition the Director again for the period of one year **FROM THE DATE OF THE DIRECTOR'S DECISION, REGARDLESS OF ANY SUBSEQUENT PETITION(S) OR PROCEEDING(S) UNDER REGULATION 30-208.**

30-2906 Establishment of responsible gaming best practices.

- (1) **PRIOR TO BEGINNING A RETAIL GAMING ACTIVITY, A R**etail gaming licensee ~~shall~~ **MUST** submit **FOR APPROVAL** to the Division ~~their~~ **ITS** 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 1ST each year thereafter, retail gaming licensees shall submit to the Division any updates to its strategy ~~for the implementation of a responsible gaming program.~~ The strategic implementation plan shall include but is not limited to the following:

- (a) ~~A detailed explanation of the options available for player card customers and with any cashless systems and account wagering the ability to set self-directed limits on all aspects of their play including deposits, withdrawals, limits on betting and time frames those limits take place. Additionally, an explanation of all responsible gaming tools that are at the players disposal.~~
- (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.~~
- (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 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.~~
- (d) ~~A detail of the levels of intervention and education provided to identified at risk players. Provide examples of materials and/or media used for intervention and education.~~
- (e) ~~Detail 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.~~
- (f) ~~Additionally, provide any information relevant to the company as a whole on strategic direction for responsible gaming.~~

(2) THE STRATEGY FOR THE IMPLEMENTATION OF A RESPONSIBLE GAMING PROGRAM SHALL INCLUDE BUT IS NOT LIMITED TO DETAILED EXPLANATIONS OF THE FOLLOWING:

- (A) A DETAILED EXPLANATION OF THE OPTIONS AVAILABLE FOR PLAYER CARD CUSTOMERS AND WITH ANY CASHLESS SYSTEMS AND ACCOUNT WAGERING THE ABILITY TO SET SELF-DIRECTED LIMITS ON ALL ASPECTS OF THEIR PLAY INCLUDING DEPOSITS, WITHDRAWALS, LIMITS ON BETTING AND TIME FRAMES THOSE LIMITS TAKE PLACE. ADDITIONALLY, AN EXPLANATION OF ALL RESPONSIBLE GAMING TOOLS THAT ARE AT THE PLAYERS DISPOSAL.
- (B) ALL RESPONSIBLE GAMING TOOLS THAT ARE AT THE PLAYERS DISPOSAL.
- (C) 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 OR THEIR DESIGNEE SHALL BE REQUIRED TO PROVIDE RESPONSIBLE GAMING TRAINING FOR TEAM MEMBERS WHO DIRECTLY ENGAGE WITH GAMING PATRONS CONTINUALLY AND/OR AS NEEDED WITH THE TURNOVER OF TEAM MEMBERS.

- (D) THE USE OF PLAYER DATA AND TECHNOLOGY TO AID IN IDENTIFYING POTENTIAL PROBLEM GAMBLERS. DETAIL SHOULD BE PROVIDED ON HOW THE LICENSEES OR A CONTRACTED THIRD PARTY'S TECHNOLOGY WILL PROVIDE AUTOMATED TRIGGERS ON POTENTIAL PROBLEM GAMBLERS, INCLUDING WHAT TRIGGERS ARE BEING IDENTIFIED AND HOW THE RETAIL GAMING LICENSEE HAS IDENTIFIED THOSE AS CRITICAL MATRICES TO FOLLOW. DETAILS WILL BE PROVIDED ON AN ANNUAL REVIEW OF THE EFFECTIVENESS OF THE DATA AND TECHNOLOGY USED BY REPORTING THE NUMBER OF PATRONS IDENTIFIED AND WHAT ACTION WERE TAKEN AND ON THE PLANS TO CONTINUALLY UPDATE AND LEARN THE BEST WAY TO IDENTIFY PROBLEM GAMBLERS IN THEIR CASINO.
 - (E) THE LEVELS OF INTERVENTION AND EDUCATION PROVIDED TO IDENTIFIED AT RISK PLAYERS. PROVIDE EXAMPLES OF MATERIALS AND/OR MEDIA USED FOR INTERVENTION AND EDUCATION.
 - (F) INTERNAL CONTROLS TO IDENTIFY ANY INDIVIDUALS ON THE EXCLUSION LIST WHO ENGAGE IN GAMING AND SPORTS BETTING ACTIVITY, CONTROLLED BY THE LICENSEE. INTERNAL CONTROLS SHOULD INCLUDE PROHIBITING INDIVIDUALS ON THE EXCLUSION LIST FROM ENGAGING IN GAMBLING AND CONTROLS IN PLACE TO PREVENT COLLECTION OF WINNINGS BY INDIVIDUALS ON THE EXCLUSION LIST AND.
 - (G) ANY INFORMATION RELEVANT TO THE COMPANY AS A WHOLE ON A STRATEGIC DIRECTION FOR RESPONSIBLE GAMING.
- (3) THE LICENSEE 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.
- (4) THE LICENSEE SHALL AUDIT THE PATRON MANAGEMENT SYSTEM OR ANY SYSTEM OR DATABASE THAT HOUSES EXCLUDED PATRON INFORMATION ON A QUARTERLY BASIS EACH CALENDAR YEAR FOR DUPLICATE ACCOUNTS TO ENSURE THAT INDIVIDUALS ON THE EXCLUSION LIST EXCLUDED PATRONS ARE FLAGGED APPROPRIATELY.
- (A) THE LICENSEE WILL AUDIT THE PATRON MANAGEMENT SYSTEM OR ANY SYSTEM OR DATABASE THAT HOUSES EXCLUDED PATRON INFORMATION IS ACCESSED DURING ANY GAMING INTERACTION THAT REQUIRED IDENTIFICATION.
 - (I) EXAMPLES INCLUDE: CASH ADVANCES, CHECK CASHING, PIN NUMBER CHANGES, TAXABLE ACCUMULATED CREDITS OR FREE PLAY, FRONT MONEY, CASH CLUB TRANSACTIONS, AUDIBLE AND VISUAL ALERTS, AND ANY GAMING TRANSACTION REQUIRING AN ID.

30-2907

Exclusion or ejection of persons from any gaming establishment.

- (1) The Division shall maintain an exclusion & ejection list ("Involuntary Exclusion List") of individuals who are INVOLUNTARILY excluded and may be ejected from licensed gaming establishments ON THE EXCLUSION LIST. The Involuntary Exclusion List shall be integrated into the database and/or list created under Regulation 30-2905(1) or as a separate list. Since involuntary excluded individuals are excluded from gaming activities under section 44-30-1703 (1)(a)(I)(B), C.R.S., The Division WILL may share the Involuntary EXCLUDED INDIVIDUALS Exclusion List ON THE EXCLUSION LIST with retail gaming licensees and sports betting operators and WILL may post the list on the Division's and/or the Commission's website.

(2) Inclusion ~~OF~~ ~~on the~~ Involuntary Exclusion ~~DECISION~~ ~~PERSONS~~ List.

- (a) The Division may initiate exclusion proceedings against an individual where it determines there is cause to believe the individual should be excluded and ejected from licensed gaming establishments under Article 30 of Title 44, C.R.S. Exclusion proceedings, as used herein, shall mean those procedures undertaken by the Division and the Commission to place individuals ~~FOR INVOLUNTARY EXCLUSION~~ on the ~~Involuntary~~ Exclusion List. The Division shall initiate exclusion proceedings by filing a petition with the Commission. The petition must include the following information:
- (c) In determining whether to add an individual ~~FOR to the~~ ~~Involuntary~~ ~~EE~~exclusion List, the Commission may consider any of the following:
- (d) Following receipt of the petition and consideration of above, the Commission shall either dismiss the petition or find the individual should be placed on ~~the~~ ~~Involuntary~~ ~~EE~~exclusion List.
- (e) Where the Commission finds the individual should be placed on ~~the~~ ~~Involuntary~~ ~~EE~~exclusion List, the Commission shall:
 - (i) Determine the duration of the individual's inclusion on ~~the~~ ~~Involuntary~~ ~~EE~~exclusion List.
 - (ii) Place ~~AN INDIVIDUAL~~ on ~~the~~ ~~Involuntary~~ ~~EE~~exclusion ~~LIST TO INCLUDE~~ the following:
- (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 PERSONAL SERVICE OF THE COMMISSION'S WRITTEN ORDER/NOTICE, THE DATE OF DELIVERY LISTED ON A CERTIFIED MAIL SENT TO THE LAST-KNOWN ADDRESS OF THE INDIVIDUAL, OR THE DATE OF PUBLICATION IN ONE OR MORE OFFICIAL NEWSPAPERS IN TELLER AND GILPIN COUNTIES, after the Commission's placement of the individual on the Involuntary Exclusion List.~~ Licensees must exclude or eject from the licensed premises any ~~INVOLUNTARILY EXCLUDED~~ individual on the ~~Involuntary~~ Exclusion List upon the effective date ~~OF~~ the individual's exclusion.

(3) Contesting placement ~~FOR~~ ~~on the~~ ~~Involuntary~~ ~~EE~~exclusion List.

- (a) Upon the Commission placing the name and description of an individual ~~FOR on the~~ ~~Involuntary~~ ~~EE~~exclusion List, the Commission shall serve a written notice of that action upon the individual by personal service, by certified mail sent to the last-known address of the individual, or by publication in one or more official newspapers in Teller and Gilpin counties.
- (b) An individual placed ~~FOR on the~~ ~~Involuntary~~ ~~EE~~exclusion List may petition the Commission for a hearing within thirty (30) calendar days of personal service of the ~~COMMISSION'S~~ written ~~ORDER/~~notice, the date of delivery listed on a certified mail sent to the last-known address of the individual, or the date of publication in one or more official newspapers in Teller and Gilpin counties. The petition for hearing must be submitted in writing to 1707 Cole Blvd., Suite 300, Lakewood, CO 80401 and must be received by the Commission within the thirty (30) day period to be considered. The Commission may delegate the evidentiary hearing to one of its members or an administrative law judge or conduct the hearing as a whole at its discretion.
- (c) If an individual requests a hearing within thirty (30) calendar days, the individual's name will not be added ~~FOR INVOLUNTARY EXCLUSION~~ to the ~~Involuntary~~ Exclusion List pending the outcome of the evidentiary hearing.

- (d) If the individual fails to appear for the hearing, the petition for hearing is deemed abandoned and the information from subsection (2)(e)(ii) shall be added to the ~~Involuntary~~ Exclusion List.
 - (e) If an individual fails to request a hearing within thirty (30) calendar days, the placement of the individual ~~FOR VOLUNTARY EXCLUSION~~ on the ~~Involuntary~~ Exclusion List becomes a final agency order.
- (4) Placement ~~FOR on the~~ ~~Involuntary~~ ~~EE~~ ~~Exclusion List~~ on an emergency basis.
- (a) The Division may initiate exclusion proceedings against an individual on an emergency basis. The Division shall supplement the petition with a detailed description of why placing the individual ~~FOR on the~~ ~~Involuntary~~ ~~EE~~ ~~Exclusion~~ ~~ON THE~~ ~~EXCLUSION~~ List on an emergency basis is necessary to avoid danger to the public safety and that public confidence and trust may only be maintained if the individual is listed ~~on the~~ ~~FOR~~ ~~INVOLUNTARY EXCLUSION ON THE~~ ~~Involuntary~~ Exclusion List.
 - (i) With respect to the finding of danger to public safety, the Commission shall consider whether an individual has been listed on the list of persons to be excluded or ejected under the laws and gaming rules of any other State; the United States or its territories or possessions; or an Indian tribe.
 - (b) Petitions for placing individuals ~~FOR INVOLUNTARY EXCLUSION~~ on the ~~Involuntary~~ Exclusion List on an emergency basis may be considered by the Commission at a regularly scheduled meeting or emergency meeting, set at the discretion of the Commission chair or vice-chair.
 - (c) Upon the Commission placing the name and description of an individual ~~FOR~~ ~~INVOLUNTARY EXCLUSION~~ on the ~~Involuntary~~ Exclusion List on an emergency basis, the Commission shall serve a written notice of that action upon the individual by personal service, by certified mail sent to the last-known address of the individual, or by publication in one or more official newspapers in Teller and Gilpin counties.
 - (i) An individual placed ~~FOR INVOLUNTARY EXCLUSION~~ on the ~~Involuntary~~ Exclusion List on an emergency basis may petition the Commission in writing and/or email for a stay. The petition shall include an explanation of why a stay is appropriate and why the individual should not be added to the Involuntary Exclusion List on an emergency basis. The Commission chair or vice-chair shall determine whether or not to grant the stay pending the Commission's consideration of the issue under paragraph (4)(d).
 - (d) Within thirty (30) days after the placement of the name and description of an individual ~~FOR INVOLUNTARY EXCLUSION~~ the ~~Involuntary~~ Exclusion List on an emergency basis, the Commission shall consider whether to make the emergency listing permanent by setting the matter for consideration by the Commission in accordance with the process detailed in paragraphs (2) through (3) above with the exception of paragraph (3)(c).
 - (i) An emergency listing must be vacated if the Commission determines that the individual should not have been placed ~~for involuntary exclusion~~ on the ~~Involuntary~~ Exclusion List.
 - (ii) If the Commission determines the individual should remain on the ~~Involuntary~~ Exclusion List ~~FOR INVOLUNTARY EXCLUSION~~, the individual will remain on the ~~Involuntary~~ Exclusion List without being subject to the thirty-five (35) calendar day delay.

- (5) ~~If an individual~~ PLACED FOR INVOLUNTARY EXCLUSION ON THE EXCLUSION LIST ARE PROHIBITED AND EXCLUDED FROM ENTERING A LICENSED GAMING ESTABLISHMENT. ~~If an individual placed for~~ ~~on the~~ ~~the~~ ~~Inv~~voluntary ~~EE~~xclusion ~~ON THE~~ 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 jackpots or money wagered. Any money not-yet wagered will be returned to the individual.
- (6) Removal from ~~the~~ ~~the~~ ~~Inv~~voluntary ~~EE~~xclusion List.
- (a) An individual PLACED FOR INVOLUNTARY EXCLUSION or through a legal representative on the ~~Inv~~voluntary Exclusion List may petition the Commission for removal from ~~THE~~ ~~the~~ ~~Inv~~voluntary ~~EE~~xclusion List after five (5) years of the effective date of the individual's placement on the list.
- (b) The petition must include the following:
- (a) The petitioner's name;
 - (b) Date or approximate date of the effective date of the petitioner's placement on the Invvoluntary Exclusion List;
 - (c) The facts and circumstances which give rise to the request for removal from the Invvoluntary Exclusion List, including but not limited to an explanation why the reasons for placement on the Invvoluntary Exclusion List are no longer applicable;
 - (d) Signature of petitioner; and
 - (e) Address of petitioner.
- (7) A RETAIL GAMING ESTABLISHMENT THAT ALLOWS INDIVIDUALS WHO HAVE BEEN INVOLUNTARILY EXCLUDED BY THE COMMISSION TO GAMBLE MAY BE SUBJECT TO DISCIPLINARY ACTION.
- (8) FOR PURPOSES OF THIS PROVISION, "GAMING ACTIVITIES" MEANS LIMITED GAMING AND SPORTS BETTING.