CHAPTER 1209. SELF-EXCLUSION—TEMPORARY REGULATIONS

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Cross References
The provisions of this chapter cited in 58 Pa. Code § 1205.6 (relating to licensed gaming entities).

§ 1209.1. Self-exclusion definitions.
The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Fantasy contest activity—The play of fantasy contests at any location in this Commonwealth.

Fantasy contest related activity—An activity related to the play of fantasy contests including creating a player account, funding a player account or withdrawing funds on account.

Fantasy contest self-excluded person—A person whose name and identifying information is included, at the person’s request, on the fantasy contest self-exclusion list maintained by the Board.

Fantasy contest self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be excluded from the conduct of fantasy contests for a period of time as selected by the person.

Winnings—Any money or thing of value received from, or owed by, a fantasy contest licensee as a result of a fully executed fantasy contest transaction.

§ 1209.2. Self-exclusion procedure.
(a) A person may request to be self-excluded from fantasy contest activities in this Commonwealth.
(b) A person requesting self-exclusion shall complete a form approved by the Board for the purpose of self-excluding from fantasy contests and fantasy contest-related activity, and which is available on the fantasy contest licensee’s web site. The person shall do all of the following:

(1) Provide the individual’s complete name, including any aliases or nicknames, current address, telephone number, e-mail address, age, date of birth, state of issue of driver’s license and driver’s license number.

(2) Identify the period of time in years for which the individual seeks to self-exclude. The period of time for fantasy contest self-exclusion may not be less than 1 year.

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(3) Agree that, during any period of voluntary self-exclusion, the person may not collect any winnings or recover any losses resulting from any fantasy contest activity.

(4) Agree to release, indemnify, hold harmless and forever discharge the Commonwealth, the Board and all fantasy contest licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the fantasy contest 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 fantasy contest licensee to withhold fantasy contest privileges from or restore fantasy contest privileges to a fantasy contest self-excluded person.

(ii) Otherwise permitting or not permitting a fantasy contest self-excluded person to engage in fantasy contest activity while on the list of fantasy contest self-excluded persons.

(iii) Confiscation of the individual’s winnings.

(5) Agree to other conditions established by the Board.

(c) Forms to be used to request placement on the fantasy contest self-exclusion list must be available on the responsible gaming webpage of each fantasy contest licensed operator’s web site. The forms will also be available on the Board’s web site.

§ 1209.3. Fantasy contest self-exclusion list.

(a) The Board will maintain the official fantasy contest self-exclusion list and provide access to an updated fantasy contest self-exclusion list on a weekly basis to each licensed operator by transmitting the fantasy contest self-exclusion list electronically to each licensed operator.

(b) The notice provided to licensed operators by the Board will include all of the following information concerning a person who has been added to the fantasy contest self-exclusion list:

(1) The individual’s complete name, including any aliases or nicknames.

(2) Current address.

(3) Telephone number.

(4) E-mail address.

(5) Age.

(6) Date of birth.

(7) State of issue of driver’s license and driver’s license number.

(c) A licensed operator shall establish procedures to ensure that its data base of self-excluded persons is updated to correspond with the Board’s current fantasy contest self-exclusion list.

(d) A licensed operator shall maintain a copy of the fantasy contest self-exclusion list and establish procedures to ensure that all appropriate employees
and agents of the licensed operator are notified of the updated self-exclusion list within 5 business days after the day notice is transmitted electronically to each fantasy contest license.

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter and 4 Pa.C.S. § 325(6)(ii) (relating to conditions of licensure).

(f) Except as provided in 4 Pa.C.S. § 325(6)(ii), licensed operators and employees or agents thereof may not disclose the name of, or any information about, a person who has requested fantasy contest self-exclusion to anyone other than employees and agents of the licensed operator whose duties and functions require access to the information.

(g) A fantasy contest self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the fantasy contest self-exclusion list.

(h) Winnings incurred by a fantasy contest self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(i) For the purposes of this section, winnings issued to or redeemed by a fantasy contest self-excluded person will be presumed to constitute winnings subject to remittance to the Board.

§ 1209.4. Duties of fantasy contest licensees.

(a) A fantasy contest licensee shall do all of the following:

(1) Deny fantasy contest related activities to a fantasy contest self-excluded person.

(2) Ensure that a fantasy contest self-excluded persons may not establish an account or deposit money in an established account while the person is on the fantasy contest self-exclusion list.

(3) Retain a record of any attempts of a fantasy contest self-excluded person to engage in fantasy contest related activity and to provide the record to the Board’s Office of Compulsive and Problem Gaming (Office) in a form and manner as approved by the Office. The record must include the name of the self-excluded person, the date of the occurrence and a description of the attempted fantasy contest related activity.

(4) Notify the Office within 24 hours of identifying that an individual on the self-exclusion list has gained access to the individual’s account or has entered a fantasy contest.

(5) Make available to patrons materials explaining the fantasy contest self-exclusion program.

(b) The list of video gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of 4 Pa.C.S. Chapter 3 (relating to fantasy contests).
§ 1209.5. Removal from fantasy contest self-exclusion list.
An individual who has elected to self-exclude from fantasy contest related activity will remain on the self-exclusion list for the duration of the period selected and will be removed from the fantasy contest self-exclusion list only upon the conclusion of the period of self-exclusion.