

**CHAPTER 503a. SELF-EXCLUSION**

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**Authority**

The provisions of this Chapter 503a issued under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1203, 1509 and 1516, unless otherwise noted.

**Source**

The provisions of this Chapter 503a adopted October 26, 2007, effective October 27, 2007, 37 Pa.B. 5744, unless otherwise noted.

**Cross References**

This chapter cited in 58 Pa. Code § 441a.23 (relating to category 3 slot machine licensees); 58 Pa. Code § 465a.11 (relating to slot machine licensee's organization; jobs compendium); 58 Pa. Code § 603a.20 (relating to Match Play Coupons; physical characteristics and issuance); and 58 Pa. Code § 609a.3 (relating to application and verification procedures for granting credit).

**§ 503a.1. Definitions.**

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

*Fully executed gaming transaction*—An activity involving a slot machine, table game or associated equipment which occurs on the gaming floor of a licensed facility or in areas off the gaming floor where contests or tournaments are conducted which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee or slot system operator.

*Gaming activity*—The play of slot machines or table games including play during contests, tournaments or promotional events.

*Gaming related activity*—An activity related to the play of slot machines or table games including applying for player club memberships or credit, cashing checks, or accepting a complimentary gift, service, promotional item or other thing of value at a licensed facility.

*OCPG*—Office of Compulsive and Program Gambling.

*Self-excluded person*—A person whose name and identifying information is included, at the person's own request, on the self-exclusion list maintained by the Board.

*Self-exclusion list*—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be:

- (i) Excluded from the gaming floor and areas off the gaming floor where gaming activity is conducted.

(ii) Excluded from engaging in all gaming related activities at a licensed facility.

(iii) Prohibited from collecting any winnings or recovering any losses resulting from gaming activity.

*Winnings*—Any money or thing of value received from, or owed by, a slot machine licensee or slot system operator as a result of a fully executed gaming transaction.

**Authority**

The provisions of this § 503a.1 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1202(b)(15) and (30), 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602.

**Source**

The provisions of this § 503a.1 amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 2057. Immediately preceding text appears at serial page (370377).

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

(a) A person requesting placement on the self-exclusion list shall submit, in person, a completed Request for Voluntary Self-exclusion from Gaming Activities Form to the Board. The submission may be made by scheduling an appointment at the Board's Harrisburg office, one of the Board's other offices or at a licensed facility. To make an appointment, a person may contact the OCPG at (717) 346-8300.

(b) A request for self-exclusion must include the following identifying information:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.
- (5) Social Security number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).
- (6) Physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.

(c) The information provided in subsection (b) shall be updated by the self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address. A copy of the form can be obtained by calling the OCPG at (717) 346-8300 or by writing to:

PENNSYLVANIA GAMING CONTROL BOARD  
OFFICE OF COMPULSIVE AND PROBLEM GAMBLING  
P. O. BOX 69060  
HARRISBURG, PA 17106-9060

(d) The length of self-exclusion requested by a person must be one of the following:

- (1) One year (12 months).
- (2) Five years.
- (3) Lifetime.

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

(1) Acknowledges that the request for self-exclusion has been made voluntarily.

(2) Certifies that the information provided in the request for self-exclusion is true and accurate.

(3) Acknowledges that the individual requesting self-exclusion is a problem gambler.

(4) Acknowledges that a person requesting a lifetime exclusion is prohibited from requesting removal from the self-exclusion list and that a person requesting a 1-year or 5-year exclusion will remain on the self-exclusion list until a request for removal under § 503a.5 (relating to removal from self-exclusion list) is approved.

(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, 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 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 self-excluded person.

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

(iii) Confiscation of the individual's winnings.

(f) Self-exclusions for 1 year or 5 years remain in effect until the period of self-exclusion concludes and the person requests removal from the Board's self-exclusion list under § 503a.5.

(g) A person submitting a self-exclusion request shall present a valid government-issued photo identification containing the person's signature and photograph when the person submits the request.

(h) A person requesting self-exclusion under this chapter shall have a photograph taken by the Board, or agent thereof, upon acceptance of the request to be on the list.

#### **Authority**

The provisions of this § 503a.2 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1202(b)(15) and (30), 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602.

#### **Source**

The provisions of this § 503a.2 amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7057. Immediately preceding text appears at serial pages (370378) and (331291).

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**Cross References**

This section cited in 58 Pa. Code § 503a.3 (relating to self-exclusion list); 58 Pa. Code § 503a.4 (relating to duties of slot machine licensees); and 58 Pa. Code § 503a.5 (relating to removal from self-exclusion list).

**§ 503a.3. Self-exclusion list.**

(a) The Board will maintain the official self-exclusion list and notify each slot machine licensee of additions to or deletions from the list within 5 business days of the verification of the information received under § 503a.2 (relating to request for self-exclusion) by first class mail or by transmitting the self-exclusion list electronically directly to each slot machine licensee.

(b) The notice provided to slot machine licensees by the Board will include the following information concerning a person who has been added to the self-exclusion list:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.
- (5) Social Security number, when voluntarily provided by the person requesting self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C. § 552a).
- (6) Physical description of the person, including height, weight, gender, hair color, eye color and other physical characteristic, that may assist in the identification of the person.

(7) A copy of the photograph taken by the Board under § 503a.2(i).

(c) The notice provided to slot machine licensees by the Board concerning a person whose name has been removed from the self-exclusion list will include the name and date of birth of the person.

(d) A slot machine licensee shall maintain a copy of the self-exclusion list and establish procedures to ensure that the copy of the self-exclusion list is updated and that all appropriate employees and agents of the slot machine licensee are notified of any addition to or deletion from the list within 5 business days after the day notice is mailed to each slot machine licensee or transmitted electronically under subsection (a).

(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.

(f) Slot machine licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion to anyone other than employees and agents of the slot machine licensee whose duties and functions require access to the information. Notwithstanding the foregoing, a slot machine licensee may disclose the identity of a self-excluded person to appropriate employees of other slot machine licensees in this Commonwealth or affiliated gaming entities in other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.

(g) A 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 Board's self-exclusion list.

(h) Winnings incurred by a 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, found on or about, or redeemed by a self-excluded person shall be presumed to constitute winnings subject to remittance to the Board.

#### Cross References

This section cited in 58 Pa. Code § 501a.3 (relating to employee training program); and 58 Pa. Code § 503a.4 (relating to duties of slot machine licensees).

### § 503a.4. Duties of slot machine licensees.

(a) A slot machine licensee shall train its employees and establish procedures to:

(1) Identify a self-excluded person when present on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities and, upon identification, immediately notify the following persons:

(i) Employees of the slot machine licensee whose duties include the removal of self-excluded persons.

(ii) Casino compliance representatives at the licensed facility.

(iii) The Pennsylvania State Police.

(2) Refuse wagers from and deny gaming privileges to a self-excluded person.

(3) Deny gaming related activities, gaming junket participation and other similar privileges and benefits to a self-excluded person.

(4) Ensure that self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility as required under § 501a.3(a)(10) (relating to employee training program).

(5) Comply with § 503a.3(d) (relating to self-exclusion list).

(6) Make available to patrons written materials explaining the self-exclusion program.

(b) A slot machine licensee shall submit a copy of its procedures and training materials established under subsection (a) to the Director of OCPG for review and approval at least 30 days prior to initiation of gaming activities at the licensed facility. The slot machine licensee will be notified in writing of any deficiencies in the procedures and training materials and may submit revisions to the procedures and training materials to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the procedures and training.

(c) A slot machine licensee shall submit amendments to the procedures and training materials required under subsection (b) to the Director of OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The slot machine licensee may implement the amendments on

the 30th calendar day following the filing of the amendments unless the slot machine licensee receives a notice under subsection (d) objecting to the amendments.

(d) If during the 30-day review period the Director of OCPG determines that the amendments to the procedures and training materials may not promote the prevention of gaming by self-excluded individuals or assist in the proper administration of the self-exclusion program, the Director of OCPG may, by written notice to the slot machine licensee, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of OCPG.

(e) When the amendments to the procedures and training materials have been objected to under subsection (d), the slot machine licensee may submit revised amendments in accordance with subsections (c) and (d).

(f) A slot machine licensee shall post signs at all entrances to a licensed facility indicating that a person who is on the self-exclusion list will be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass) if the person is on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities in the licensed facility. The text and font size of the signs shall be submitted for approval to the Director of OCPG under the procedures specified in subsection (b).

(g) The list of self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.

(h) Under section 1516 of the act (relating to list of persons self excluded from gaming activities), slot machine licensees and employees thereof may not be liable for damages in any civil action, which is based on the following:

(1) Failure to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

(2) Permitting or not permitting a self-excluded person to gamble.

(3) Good faith disclosure of the identity of a self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.

(i) A slot machine licensee shall report the discovery of a self-excluded person on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities to the Director of OCPG within 24 hours.

#### **Authority**

The provisions of this § 503a.4 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1202(b)(15) and (30), 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and Chapter 16.

#### **Source**

The provisions of this § 503a.4 amended October 10, 2008, effective October 11, 2008, 38 Pa.B. 5652; amended May 13, 2011, effective May 14, 2011, 41 Pa.B. 2439; amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7057. Immediately preceding text appears at serial pages (331292) and (357105) to (357106).

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**Cross References**

This section cited in 58 Pa. Code § 465a.20 (relating to personal check cashing).

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

(a) For individuals who are self-excluded for 1 year or 5 years, upon the conclusion of the period of self-exclusion, the individual may request removal from the self-exclusion list by scheduling an appointment with the OCPG at (717) 346-8300. At the scheduled appointment time, the individual requesting removal shall submit, in person, a completed Request for Removal from Voluntary Self-Exclusion Form as required under subsections (b) and (c). 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.

(b) A Request for Removal from Voluntary Self-Exclusion Form must include:

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

(2) The signature of the person requesting removal from the 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 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."

(c) A person submitting a Request for Removal from Voluntary Self-Exclusion Form shall be required to present a valid government-issued photo identification containing the person's signature when the form is submitted during the person's scheduled appointment.

(d) Within 15 business days after the Request for Removal from Voluntary Self-Exclusion Form is accepted by Board staff, the OCPG will delete the name of the individual from the self-exclusion list and notify each slot machine licensee of the removal. An individual who was removed from the voluntary 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 15 business days from the date Board staff accepts the request to be removed from the voluntary self-exclusion list or may be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass).

**Authority**

The provisions of this § 503a.5 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1202(b)(15) and (30), 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602.

**Source**

The provisions of this § 503a.5 amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7057. Immediately preceding text appears at serial pages (357106) and (338719).

**Cross References**

This section cited in 58 Pa. Code § 503a.2 (relating to request for self-exclusion).

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**§ 503a.6. Exceptions for individuals on the self-exclusion list.**

The prohibition against allowing self-excluded persons to be on the gaming floor or in areas off the gaming floor where gaming activity is conducted does not apply to an individual who is on the self-exclusion list if all of the following apply:

- (1) The individual is carrying out the duties of employment or incidental activities related to employment.
- (2) The slot machine licensee's security department and the Board's office located at the licensed facility have received prior notice.
- (3) Access to the gaming floor or areas off the gaming floor where gaming activity is conducted is limited to the time necessary to complete the individual's assigned duties.
- (4) The individual does not otherwise engage in any gaming activities.

**Authority**

The provisions of this § 503a.6 amended under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1202(b)(15) and (30), 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602.

**Source**

The provisions of this § 503a.6 amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7057. Immediately preceding text appears at serial page (338719).

**§ 503a.7. Disclosure of information related to persons on the self-exclusion list.**

(a) The Board may periodically release to the public demographics and general information regarding the self-exclusion list such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's voluntary self-exclusion list.

**Authority**

The provisions of this § 503a.7 issued under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1202(b)(15) and (30), 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602.

**Source**

The provisions of this § 503a.7 adopted November 7, 2014, effective November 8, 2014, 44 Pa.B. 7057.

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