

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 133.00: VOLUNTARY SELF-EXCLUSION

Section

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133.01: Scope and purpose

In accordance with M.G.L. c.23K, §45(f), 205 CMR 133.00 shall govern the procedures and protocols relative to the list of self-excluded persons from a gaming establishment. The voluntary self-exclusion list shall consist of the names and information relative to those individuals who have complied with the requirement of 205 CMR 133.00 and have been placed on the list by the commission.

For purposes of 205 CMR 133.00, the term ‘problem gambler’ shall mean an individual whose gambling behavior has resulted in, or may create in the future, a negative impact on the their life or on the lives of the their family, friends, and/or co-workers.

133.02: Placement on the self-exclusion list

(1) An individual whose name is placed on the voluntary self-exclusion list shall be prohibited from entering a gaming establishment for the duration of the exclusion period, and shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. Provided, however, that an employee of a gaming establishment or vendor who is licensed or registered as a key gaming employee, gaming employee, or gaming service employee in accordance with 205 CMR 134.00 and who is on the voluntary self-exclusion list may be on the premises of a gaming establishment solely for purposes of performing their job functions.

(2) An individual may request to have their name placed on the voluntary self-exclusion list by completing the application and procedure outlined in 205 CMR 133.02. Applications shall be submitted on a form approved by the commission and shall be available on the commission’s website and at designated locations.

(3) Designated agents An application for placement on the voluntary self-exclusion list may only be accepted, and an intake performed, by a designated agent. An individual may only

become a designated agent by successfully completing a course of training approved by the commission. The course of training shall include, at a minimum, instruction on completion of the application, information relative to problem gambling and available resources, and an understanding of 205 CMR 133.00.

(4) Upon submission of an application, a designated agent shall review the contents and statements contained in the application, as provided by 205 CMR 133.03, with the applicant. If the application is complete the designated agent shall sign the application indicating that the review has been performed and the application has been accepted. A designated agent may not sign an application if any required information is not provided or they are of the belief that the applicant is under the influence of alcohol and/or an illegal substance.

(5) The designated agent shall forward the signed application for voluntary self-exclusion to the commission within 48 hours of completion.

(6) Upon receipt of an application, the commission, or its designee, shall review it for completeness. If the application meets all requirements of 205 CMR 133.02 the application shall be approved and the individual's name shall be added to the voluntary self-exclusion list. If the application is incomplete, the commission, or its designee, may deny the application and make efforts to contact the applicant advising them of such.

(7) Reciprocity The commission, or its designee, shall add to the list of self-excluded persons the name of any individual provided from a gaming jurisdiction outside of Massachusetts upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.

(7) If the individual has elected the services identified in 205 CMR 133.03(7) the commission, or its designee, shall contact the designated coordinating organization for the provision of requested services.

133.03: Contents of the application

The application for voluntary self-exclusion shall require provision of, at a minimum, the following content:

- (1) Name, home address, date of birth, and social security number of the applicant;
- (2) A passport style photo of the applicant without headwear;
- (3) An acknowledgement by the applicant that the individual is a problem gambler;
- (4) Election of the duration of the exclusion in accordance with 205 CMR 133.04;

- (5) An acknowledgement by the applicant that the individual will not enter a gaming establishment for the duration of the exclusion period (except as provided by 205 CMR 133.02(1));
- (6) An acknowledgement by the applicant that the individual shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment for the duration of the exclusion period;
- (7) An offer by the commission or its designee to assist the applicant to access services with a clinician approved by the Massachusetts Council on Compulsive Gambling at no cost to the individual;
- (8) An acknowledgment of understanding by the applicant that by placing their name on the voluntary self-exclusion list the prohibitions identified in 205 CMR 133.02(1) apply to all gaming establishments in Massachusetts, any affiliates of the gaming establishments whether within Massachusetts or outside, and that the commission may share the list with other domestic or international gaming jurisdictions resulting in placement on those lists.
- (9) An acknowledgment by the applicant that the application is being submitted by the individual freely, knowingly, and voluntarily, and
- (10) A statement that the individual is not under the influence of alcohol or illegal drugs.

133.04: Duration of exclusion and removal from the list

(1) As part of the request for voluntary self-exclusion, the individual must select the duration for which they wish to be voluntarily excluded. An individual may select any of the following time periods as a minimum length of exclusion:

- a. Six months;
- b. One year;
- c. Three years;
- d. Five years; or
- e. Lifetime (An individual may only select the lifetime duration if their name has previously appeared on the voluntary self-exclusion list for at least six months.)

(2) An individual on the voluntary self-exclusion list may not apply to decrease the duration of exclusion. An individual who is on the list may submit a request to increase the minimum length of exclusion.

(3) Expiration of exclusion period Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the list or petition for inclusion for a new duration. Individuals shall remain on the list after the expiration of the selected duration of exclusion until such time as they submit a petition for removal in accordance with 205 CMR 133.04(4) and it is approved by the commission or its designee.

(4) Petition for removal At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the voluntary self-exclusion list by submitting a petition for removal on a form approved by the commission. The petition shall include an attestation from a designated agent that the individual completed an exit interview in accordance with 205 CMR 133.04(5). Any petition for removal received by the commission prior to the expiration of the duration of the selected exclusion period shall be denied.

The commission shall approve a completed petition for removal. An individual who has selected a lifetime duration in accordance with 205 CMR 133.04(1)e may not submit a petition for removal of their name from the list. An incomplete application, including one that fails to demonstrate completion of an exit interview in accordance with 205 CMR 133.04(5) shall be denied until such time as the application is completed.

(5) Exit interview To be eligible for removal from the voluntary self-exclusion list an individual shall participate in an exit interview with a designated agent. The exit interview shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should the individual wish to seek them.

(6) Upon approval of a petition for removal from the voluntary self-exclusion list, a written notice of removal from the list shall be forwarded by the commission, or its designee, to each gaming licensee and to the petitioner. Notice may be forwarded to the petitioner by email or first class mail to the email address or home address provided by the petitioner in the petition. The petitioner shall be deemed to be removed from the voluntary self-exclusion list when the notice is sent by the commission or its designee.

(7) If a petitioner does not meet the eligibility requirements for removal from the list provided in 205 CMR 133.04(4), the petition shall be denied. The petitioner shall be notified of the denial by email or first class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual shall remain on the voluntary self-exclusion list until such time as the eligibility requirements have been satisfied.

(8) An individual whose name has been removed from the voluntary self-exclusion list may reapply for placement on the list at any time by submitting an application in accordance with 205 CMR 133.02.

133.05: Transmittal of information

(1) The commission shall notify each gaming licensee of the placement of the name of any individual on the voluntary self-exclusion list. Each gaming licensee shall provide the commission with the contact information for an individual who shall be responsible for the receipt and processing of information received in accordance with 205 CMR 133.00. All information contained in approved applications for voluntary exclusion may be disclosed to a gaming licensee.

(2) The list of voluntary self-exclusion is exempt from disclosure under M.G.L. c. 66 and shall not be publicly disclosed by a gaming establishment. Provided, however, that a gaming establishment may share the list with other gaming establishments in Massachusetts or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments.

(3) The commission shall disclose de-identified information from the self-exclusion list to one or more research entities selected by the commission for the purpose of ensuring the proper administration and improvement of the self-exclusion process.

133.06: Responsibilities of gaming establishments

A gaming establishment shall have the following responsibilities relative to the administration of the voluntary self-exclusion list:

- (1) A gaming establishment shall eject from or refuse entry into the gaming establishment any individual whose name appears on the voluntary self-exclusion list;
- (2) A gaming establishment shall promptly notify the commission, or its designee, if an individual on the voluntary self-exclusion list is found in a gaming establishment;
- (3) A gaming establishment shall not market to individuals on the voluntary self-exclusion list and shall deny access to complimentaries, check cashing privileges, club programs and other similar benefits to persons on the list;
- (4) A gaming establishment shall not pay any winnings derived from gaming to an individual who is prohibited from gaming in a gaming establishment under 205 CMR 133.00. Where possible, the gaming establishment shall confiscate from the individual in a lawful manner any such winnings including jackpot winnings, chips, tokens, machine credits, ticket vouchers, or any other form of winnings whether in the individual's possession or control while on the premises of a gaming establishment or presented for payment. The monetary value of the confiscated winnings shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days.
- (5) A gaming establishment shall submit a written policy for compliance with the voluntary exclusion program for commission approval at least 60 days before the gaming establishment opening. The commission shall review the plan for compliance with 205 CMR 133.00. If approved, the plan shall be implemented and followed by the gaming establishment. The plan for compliance with the voluntary self-exclusion program, shall include at a minimum the following:
 - a. Procedures to prevent employees from permitting an individual on the voluntary exclusion list from engaging in gambling activities at the gaming establishment;
 - b. Procedures to identify and remove voluntary excluded individuals from the gaming establishment;

- c. Procedures to prevent an individual on the voluntary self-exclusion list from receiving any advertisement, promotion, or other direct marketing mailing from the gaming establishment more than fifteen days after receiving notice from commission that the individual has been placed on the voluntary self-exclusion list;
 - d. Procedures to prevent an individual on the voluntary self-exclusion list from having access to credit or from receiving complimentary services, check-cashing services, junket participation and other benefits from the gaming establishment;
 - e. Procedures to ensure the confidentiality of the identity and personal information of the voluntarily self-excluded individual.
- (6) A gaming establishment shall notify the commission within ten days if an employee or agent fails to exclude or eject from its premises any individual on the list of self-excluded persons, or otherwise fails to perform a responsibility of the gaming establishment identified in 205 CMR 133.06 including any provision of its approved written policy.

133.07: Sanctions against a gaming establishment

The commission may revoke, limit, condition, suspend or fine a gaming establishment in accordance with 205 CMR if the establishment knowingly or recklessly fails to exclude or eject from its premises any individual placed on the list of self-excluded persons.

133.08: Collection of debts

- (1) An individual who is prohibited from gaming in a gaming establishment under 205 CMR 133.00 shall not be entitled to recover losses as a result of prohibited gaming based solely on their inclusion on the list.
- (2) Nothing in 205 CMR 133.0 shall be construed so as to prohibit a gaming establishment from seeking payment of a debt from an individual whose name is on the voluntary self-exclusion list if the debt was accrued by the individual before their name was placed on the list.