

205 CMR 233: SPORTS WAGERING VOLUNTARY SELF-EXCLUSION

Section

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233.01: Scope and purpose

- (1) In accordance with M.G.L. c. 23N, § 13(e)(2), the Commission shall establish a list of self-excluded Persons from Sports Wagering. 205 CMR 233.00 shall govern the procedures and protocols relative to the list of Persons self-excluded from entering a Sports Wagering Area or a Sports Wagering Facility, or holding a Sports Wagering Account. The voluntary-self exclusion list shall consist of names and information relative to those individuals who have complied with the requirements of 205 CMR 233.00 and have been placed on the list by the Commission. Placement of one’s name on the self-exclusion list is intended to offer individuals one means to help address problem gambling behavior or deter an individual with family, religious, or other personal concerns from entering the Sports Wagering Area or Sports Wagering Facility, or holding a Sports Wagering Account.
- (2) For purposes of 205 CMR 233.00, the term ‘problem gambler’ shall have the same meaning as that term is defined in 205 CMR 133.01.

233.02: 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 Sports Wagering Area or a Sports Wagering Facility, or holding a Sports Wagering Account, for the duration of the exclusion period and until the completion of the reinstatement session required by 205 CMR 233.04(2), and shall not collect any winnings or recover any losses resulting from any Sports Wagering. Provided, however, that an employee of a Sports Wagering Operator or vendor who is on the voluntary-self exclusion list may be in a Sports Wagering Area or a Sports Wagering Facility, or hold a Sports Wagering Account, solely for the purposes of performing the employee’s job functions.
- (2) An individual may request to have the individual’s name placed on the voluntary self-exclusion list in accordance with the procedures outlined in 205 CMR 133.02(2)-(7) and (9)-(10). Applications for placement on the voluntary self-exclusion list shall also be available at designated locations on and off the premises of the gaming establishment in which there is a Sports Wagering Area, at a Sports Wagering Facility, and on a public web page directly accessible from a link prominently placed on a Sports Wagering Operator’s mobile application or other digital platform as determined by the Commission.

- (3) The course of training required to become a designated agent who can accept and perform intakes related to an application for placement on the voluntary self-exclusion list pursuant to 205 CMR 133.02 shall also include an understanding of 205 CMR 233.00.
- (4) If the Sports Wagering Operator utilizes an internal management system to track individuals on the self-exclusion list, the Sports Wagering Operator shall update that system at least every 24 hours with names of individuals being added or removed from the self-exclusion list.

233.03: Contents of the Application

The application for voluntary self-exclusion shall require provision of, at a minimum, the same content required by 205 CMR 133.03(2)-(4), (7), (10)-(11) and (13). The application for voluntary self-exclusion shall also require provision of, at a minimum, the following content:

- (1) Name, home address, email address, telephone number, date of birth, last four digits of social security number of the applicant, and any other information required by the Commission;
- (2) An acknowledgment by the applicant that the applicant will not enter the Sports Wagering Area or Sports Wagering Facility, or engage in Sports Wagering, for the duration of the exclusion period and until the completion of the reinstatement session required by 205 CMR 233.04(2) (except as provided by 205 CMR 233.02(1)), and that it is the applicant's responsibility to refrain from doing so;
- (3) An acknowledgment by the applicant that the applicant shall not collect any winnings or recover any losses resulting from Sports Wagering for the duration of the exclusion period and until completion of the reinstatement session required by 205 CMR 233.04(2);
- (4) An acknowledgment by the applicant that by placing the applicant's name on the voluntary self-exclusion list, the prohibitions identified in 205 CMR 233.02(1) may apply to all forms of gaming offered by any entities licensed by the Commission, as well as by any affiliates of such entities, whether within Massachusetts or another jurisdiction, and that the Commission may share the list with other domestic or international gaming or Sports Wagering jurisdictions resulting in placement on the lists of such other jurisdictions, and may share such portion of the list with designated agents as may be necessary for the purpose of administering the voluntary self-exclusion program;
- (5) An acknowledgment by the applicant that if the applicant violates the agreement to refrain from entering the Sports Wagering Area or Sports Wagering Facility, or engage in Sports Wagering, the applicant shall notify the Commission of such violation within 24 hours of the violation; and
- (6) An acknowledgment by the applicant that once the applicant's name is placed on the self-exclusion list, the applicant may be refused entry or ejected from the gaming establishment, Sports Wagering Area or Sports Wagering Facility, or be prohibited from having the applicant's Sports Wager be accepted.

233.04: Duration of Exclusion and Reinstatement from the List

- (1) As part of the request for voluntary self-exclusion, the individual must select the duration for which the individual wishes to be voluntarily excluded in accordance with 205 CMR 133.04(1). The processes and procedures concerning removal from the voluntary self-exclusion list shall be the same as those processes and procedures provided in 205 CMR 133.04(2)-(4) and (6)-(9).
- (2) In addition, to be eligible for removal from the voluntary self-exclusion list, the petitioner shall participate in a reinstatement session with a designated agent. The reinstatement session shall include a review of the risks and responsibilities of Sports Wagering, budget setting and a review of problem gambling resources unless the petitioner declines such a review. Upon completion of the reinstatement session, the designated agent shall sign the individual's petition for removal from the list attesting to the fact that the reinstatement session was conducted. The designated agent shall submit an electronic verification to the Commission that the petitioner has completed a reinstatement session. The designated agent shall provide a copy of the electronic verification that the petitioner has completed a reinstatement session to Sports Wagering Operators and the petitioner.

233.05: Maintenance and Custody of the List

- (1) The Commission shall be subject to the same obligations relative to the maintenance and custody of the voluntary self-exclusion list as set forth in 205 CMR 133.05(1) and (3).
- (2) Sports Wagering Operators shall have the same access to and obligations regarding the voluntary self-exclusion list as gaming licensees pursuant to 205 CMR 133.05(1)-(2).

233.06: Responsibilities of the Sports Wagering Operator

A Sports Wagering Operator shall have the same responsibilities relative to the administration of the voluntary self-exclusion list as gaming licensees have pursuant to 205 CMR 133.06(3)-(6) and (7)(b). An individual on the self-exclusion list shall have the same rights as those provided under 205 CMR 133.06(7)(b). A Sports Wagering Operator shall also have the following responsibilities relative to the administration of the voluntary self-exclusion list:

- (1) A Sports Wagering Operator shall eject from or refuse entry into the Sports Wagering Area or Sports Wagering Facility any individual on the voluntary self-exclusion list;
- (2) A Sports Wagering Operator shall not accept any Sports Wager from an individual on the voluntary self-exclusion list attempts to place;
- (3) A Sports Wagering Operator shall promptly notify the Commission, or its designee, if an individual on the voluntary self-exclusion list is found in the Sports Wagering Area or Sports Wagering Facility, or attempting to place a Sports Wager;
- (4) A Sports Wagering Operator shall not pay any winning derived from Sports Wagering to an individual who is prohibited from Sports Wagering by virtue of having their name on the voluntary self-exclusion list in accordance with 205 CMR 233.00. Winnings derived from Sports Wagering shall include, but not be limited to, such things as proceeds derived

from wagering on a Sports Wagering Kiosk. When reasonably possible, the Sports Wagering Operator shall confiscate in a lawful manner or shall refuse to pay, or shall notify a Commission agent who shall confiscate in a lawful manner, any such winnings derived from Sports Wagering or any money or thing of value that the individual has converted or attempted to convert into a wagering instrument whether actually wagered or not. A wagering instrument shall have the same meaning as that term is defined in 205 CMR 133.06(7)(a) and shall also include electronic credits on a Sports Wagering Kiosk. The monetary value of the confiscated winnings or wagering instrument shall be paid to the Commission for deposit into the Sports Wagering Fund within 45 days;

- (5) In cooperation with the Commission, and where reasonably possible, the Sports Wagering Operator shall determine the amount wagered and lost by an individual who is prohibited from Sports Wagering. The monetary value of the losses shall be paid to the Commission for deposit into the Sports Wagering Fund within 45 days;
- (6) A Sports Wagering Operator shall submit a written policy for compliance with the voluntary self-exclusion program for Commission approval at least 30 days before the Sports Wagering Operator begins accepting bets from individuals participating in Sports Wagering from Massachusetts. The Commission shall review the plan, and if approved, the plan shall be implemented and followed by the Sports Wagering Operator. The plan for compliance with the voluntary self-exclusion program shall include at a minimum those procedures provided under 205 CMR 133.06(9)(a)-(f) and 251. If the plan is not approved, the Commission may withhold issuance of an Operations Certificate until the Sports Wagering Operator has submitted a new policy that is approved by the Commission.
- (7) The Commission shall review each Sports Wagering Operator's written policy at least once a year.
- (8) If a Sports Wagering Operator amends its written policy prior to the Commission's annual review, the Sports Wagering Operator shall submit an amended written policy for Commission approval within 30 days of amending the written policy. The Sports Wagering Operator shall not implement the amended written policy until the Commission approves the amended written policy. While the Commission reviews the amended written policy, the Sports Wagering Operator shall continue to implement the written policy most recently approved by the Commission.
- (9) A Sports Wagering Operator shall notify the Commission within ten days if an employee or agent fails to exclude or eject from its premises, or fails to reject or block an attempted Sports Wager, from any individual on the voluntary self-exclusion list, or otherwise fails to perform its obligation set forth in 205 CMR 233.06, including any provision of its approved written policy for compliance with the voluntary self-exclusion program.

233.07: Sanctions Against a Sports Wagering Operator

- (1) Grounds for Action. A Sports Wagering Operator license may be conditioned, suspended, or revoked, or a Sports Wagering Operator assessed a civil administrative penalty if it is determined that a Sports Wagering Operator has:

- (a) knowingly or recklessly failed to exclude or eject from the Sports Wagering Area or the Sports Wagering Facility any individual placed on the voluntary self-exclusion list, or knowingly or recklessly failed to reject or block an attempted Sports Wager by any individual placed on the voluntary self-exclusion list. Provided, it shall not be deemed a knowing or reckless failure if an individual on the voluntary self-exclusion list shielded their identity or otherwise attempted to avoid identification while present at a Sports Wagering Area, Sports Wagering Facility, or on a Sports Wagering Platform; or
  - (b) failed to abide by any provision of 205 CMR 233.00, M.G.L. c. 23N, § 13(e)(2), a Sports Wagering Operator's approved written policy for compliance with the voluntary self-exclusion program pursuant to 205 CMR 233.00, or any law related to the voluntary self-exclusion of patrons from a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform. Provided, a Sports Wagering Operator shall be deemed to have marketed to an individual on the voluntary self-exclusion list only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.
- (2) Finding and Decision. If the bureau finds that a Sports Wagering Operator has violated a provision of 205 CMR 233.07(1), it may issue a decision or notice in accordance with 205 CMR 133.07(2).
  - (3) Civil Administrative Penalties. The Commission may assess a civil administrative penalty on a Sports Wagering Operator in accordance with M.G.L. c. 23N, § 16 for a violation of 205 CMR 233.07(1).
  - (4) Review of Decision. A recommendation that a Sports Wagering Operator license be suspended or revoked shall proceed in accordance with the procedures set out in 205 CMR 133.07(4).

233.08: Collection of Debts

- (1) An individual who is prohibited from Sports Wagering under 205 CMR 233.00 shall not be entitled to recover losses as a result of prohibited Sports Wagering based solely on their inclusion on the list.
- (2) Nothing in 205 CMR 233.00 shall be construed to prohibit a Sports Wagering Operator from seeking payment of a debt from an individual whose name is on the voluntary self-exclusion list.