



Legal Division

Notice of Public Hearing

Notice is hereby provided that in accordance with G.L. c. 30A § 2, the Massachusetts Gaming Commission (“Commission”) will convene a public hearing for purposes of gathering comments, ideas, and information relative to a proposed new regulation and two regulation amendments in 205 CMR. The proposals were developed pursuant to G.L. c. 23K § 5, as part of the Commission’s regulation promulgation process, and concern the following regulations:

205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections.

This amendment would clarify that the Blackjack table layout should include an inscription identifying either 3-to-2 or 6-to-5 payout odds.

205 CMR 153.00: Community Mitigation Fund. The proposed regulation would govern the manner in which the Commission exercises its authority established pursuant to G.L. 23K, § 61 to administer the Community Mitigation Fund and expend funds to assist the host and surrounding communities, or any other communities identified in G.L. 23K, § 61, in offsetting costs related to the construction and operation of the gaming establishments.

205 CMR 133.00: Voluntary Self-Exclusion. The proposed amendment contains administrative changes that ensure uniformity in the process of managing and maintaining the Voluntary Self-Exclusion list, specify who is deemed a “designated agent” and has access to such list, clarify the application’s contents, and refine the qualification requirements for providers of services offered by the Voluntary Self-Exclusion program.

Scheduled hearing date and time: Thursday, December 17, 2020 at 9:30 a.m.

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission will conduct this hearing utilizing remote collaboration technology.

CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 111 561 1328

A complete copy of the draft regulation referenced above may be downloaded by visiting www.massgaming.com, clicking on ‘Regulations and Compliance’ and selecting the ‘[Proposed Rulemaking](#)’ section. Anyone wishing to offer comments on this regulation can email shara.bedard@massgaming.gov and request the virtual hearing link to appear and speak. Alternatively, written comments may also be submitted to that same email address with ‘Regulation Comment’ in the subject line. Comments must be received by **4:00 p.m. on Monday, December 14, 2020.**



Massachusetts Gaming Commission

146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections

- (1) Blackjack shall be played at a table having on one side places for the players and on the opposite side a place for the dealer. A true-to-scale rendering and a color photograph of the layout(s) shall be submitted to the Bureau prior to utilizing the layout design.
- (2) The layout for a blackjack table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee offering the game; and
 - (b) Specific areas designated for the placement of wagers, which betting areas shall not exceed seven in number, with the exception of the 6 to 5 blackjack variation, which shall contain no more than six betting areas.
- (3) The following inscriptions shall appear on the blackjack layout:
 - (a) Blackjack pays 3 to 2 or 6 to 5;
 - (b) The draw rules of one of the following options:
 1. Dealer must draw to 16 and stand on all 17s; ~~or~~
 2. Dealer must hit on soft 17s; ~~and~~ or
 - (c) Insurance pays 2 to 1.
- (4) If a gaming licensee offers blackjack rule variations, the blackjack layout shall have imprinted on it the appropriate rules or payout odds observed for the particular version of blackjack being offered, which may include, at a minimum, the following inscriptions instead of the inscriptions set forth in 205 CMR 146.13(3):
 - (a) Blackjack pays 1 to 1;
 - (b) Dealer must draw to 16 and stand on all 17s or Dealer must hit on soft 17s; ~~and~~
 - (c) Dealer's hole card dealt face up; ~~or-~~
 - (d) Other similar language approved by the Assistant Director of the IEB.
- (5) Each blackjack table shall have a drop box and a tip box attached to it with the location of said boxes on the same side of the gaming table, but on opposite sides of the dealer, ~~as previously approved by the Bureau~~ or an area approved by the Assistant Director of the IEB.
- (6) If a gaming licensee offers one of the permissible additional wagers pursuant to the authorized Rules of the Game of ~~B~~blackjack, the blackjack layout shall have designated areas for the placement of the additional wager and shall have the payout odds for the additional wager imprinted on the layout or a separate sign located at the table containing the payout odds for the additional wager.
- (7) A blackjack table may have attached to it an approved card reader device which permits the dealer to read ~~his or her~~ their hole card in order to determine if the dealer has a blackjack in accordance with the authorized Rules of the Game of ~~B~~blackjack. If a blackjack table has an approved card reader device attached to it, the floorperson assigned to the table shall inspect the card reader device at the beginning of each gaming

day to insure that there has been no tampering with the device and that it is in proper working order. A card reader device may not be used on a blackjack table offering a progressive blackjack wager pursuant to the authorized Rules of the Game of [Bb](#)blackjack.

(8) Notwithstanding the requirements of 205 CMR 146.13(2), if a gaming licensee offers multiple action blackjack in accordance with the authorized Rules of the Game of [Bb](#)blackjack, the blackjack layout shall contain, at a minimum:

- (a) Three separate designated betting areas for each player position at the table with each separate betting area being numbered one through three, provided, however, that the number of player positions at each table shall not exceed six;
- (b) A separate designated area on the layout for each player position for the placement of insurance wagers;
- (c) A separate designated area on the layout for each player position for the placement of double down wagers;
- (d) A separate designated area on the layout for each player position for the placement of split pair wagers; and
- (e) Three separate areas designated for the placement of the dealer's original face up card with each separate area being numbered one through three.

(9) In order to collect the cards at the conclusion of a round of play as required by the authorized Rules of the Game of [Bb](#)blackjack and at such other times as provided in 205 CMR 146.49, each blackjack table shall have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack shall equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used to play the game at that table; provided, however, that a taller discard rack may be used if such rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used to play the game at that table. Whenever a double shoe is used at a blackjack table, the same number of decks shall be used in each side of the double shoe, and the height and marking requirements for that table's discard rack shall be determined from the number of decks used in one side of the shoe.

(10) If a gaming licensee offers a progressive blackjack wager pursuant to the authorized Rules of the Game of [Bb](#)blackjack, the blackjack layout shall have designated areas for the placement of the progressive blackjack wager and shall contain the following equipment:

- (a) A separate acceptor device for the placement of a progressive wager. Each acceptor device shall have a light which shall illuminate upon placement and acceptance of a gaming chip;
- (b) A method to ensure that only one progressive blackjack wager is made per [personspot](#), per round of play;
- (c) A device or method to indicate that a progressive blackjack wager has been won;
- (d) A sign describing the winning wagers and the payouts to be awarded on winning progressive blackjack wagers at a location near [or on](#) the table;

- (e) A table controller panel which shall be equipped with a "lock-out" button which, once activated by the dealer, will prevent any player's gaming chip from being recognized in the acceptor device; and
- (f) A mechanical, electrical or electronic table inventory return device which shall permit all gaming chips deposited into the acceptor devices to be collected and immediately returned to a designated area within the table inventory container prior to the dealing of a hand. The table inventory return device shall be designed and constructed to contain any feature the Bureau may require to maintain the security and integrity of the game. The procedures for the operation of all functions of the table inventory return device shall be submitted to the Bureau.

(11) If a gaming licensee offers a blackjack bonus wager pursuant to the authorized Rules of the Game of **B**blackjack, the blackjack layout shall have designated areas for the placement of the blackjack bonus wager, and shall contain the following equipment:

- (a) A table controller located in an area of the table or the pit which area shall be secured by dual locking mechanisms, which are unique from one another. One locking mechanism shall be maintained and controlled by a gaming establishment security supervisor, and the second locking mechanism shall be maintained and controlled by a [gaming establishment table games](#) supervisor;
 - 1. One table controller shall control no more than four blackjack tables. Procedures for the operation, security and control of the table controller shall be submitted to the Bureau prior to implementation;
 - 2. Whenever it is required that a table controller or any device connected thereto which may affect the operation of the blackjack bonus system be accessed or opened, certain information shall be recorded on a form entitled "Controller Access Authorization Log," which shall include, at a minimum, the date, time, purpose of accessing or opening the controller or device, and the signature of the authorized employee accessing or opening the machine or device. The Controller Access Authorization Log shall be maintained in the same secured location as the table controller, and shall have recorded thereon a sequential number and the manufacturer's serial number or the asset number of the controller;
- (b) A blackjack bonus button, which shall be located at the table by the dealer, and used by each player with a winning blackjack bonus wager to generate a bonus amount to be won by that player. The blackjack bonus button shall be attached to the table in a manner that will enable the dealer to place the blackjack bonus button directly in front of each winning player;
- (c) A blackjack bonus display, which shall be located at the table and shall display the amount of the winning blackjack bonus on both sides of the device, so that the amount is visible to all players, the dealer and supervisory personnel; and
- (d) A sign containing the amount of the blackjack bonus wager, as well as the minimum and maximum possible blackjack bonus amounts to be awarded, pursuant to 205 CMR 147.03.

(12) If a gaming licensee offers a streak wager pursuant to the authorized Rules of the Game of **B**blackjack, the blackjack table shall also contain:

- (a) A layout which shall include, at a minimum:
 - 1. Four additional separate designated betting areas for each of the player positions at the table, which areas shall be numbered “2” through “5”; and
 - 2. The inscriptions “Two consecutive wins pays 3 to 1,” “Three consecutive wins pays 7 to 1,” “Four consecutive wins pays 17 to 1,” and “Five consecutive wins pays 37 to 1”; and
- (b) The following equipment:
 - 1. Marker buttons (“lammers”) with the gaming licensee’s name or logo, to indicate how many consecutive blackjack hands a patron has won or another device or method approved by the Bureau; and
 - 2. A sign containing the permissible amount of the streak wager, posted pursuant to 205 CMR 147.03.

(13) If a gaming licensee offers a ~~m~~Match-the-~~d~~Dealer wager pursuant to the authorized Rules of the Game of ~~B~~blackjack, the blackjack table shall contain:

- (a) A layout which shall include, at a minimum, an additional designated betting area bearing the inscription “Match-the-Dealer” at each of the player positions at the table; and
- (b) ~~A sign approved by the Bureau setting forth~~A layout inscription or sign posted at the blackjack table indicating the payout odds for the ~~m~~Match-the-~~d~~Dealer wager.

~~(14) If a gaming licensee offers the 6 to 5 blackjack variation:~~

- ~~(a) The layout shall have imprinted on it, at a minimum, the following inscriptions:
 - 1. Blackjack pays 6 to 5;
 - 2. Dealer must draw to 16 and soft 17 or Dealer must hit on soft 17s; and
 - 3. Insurance pays 2 to 1; and~~
- ~~(b) A notice shall be posted in accordance with 205 CMR 147.03 indicating that all wagers shall be made in increments of \$5.00 as required by the authorized Rules of the Game of Blackjack.~~

(14~~5~~) If a gaming licensee offers the twenty point bonus wager pursuant to the authorized Rules of the Game of ~~B~~blackjack, the layout otherwise required by this section shall also include, at a minimum, an additional designated betting area for the twenty point bonus wager at each of the player positions at the table. The blackjack table shall also contain a sign setting forth the payout odds for the twenty point bonus wager.

(15~~6~~) If a gaming licensee offers the option set forth in the authorized Rules of the Game of ~~B~~blackjack that requires the dealer to draw additional cards on a soft 17, the blackjack layout shall have imprinted on it, at a minimum, the following inscription instead of the inscription set forth in 205 CMR 146.13(3)(b):

“Dealer must draw to 16 and soft 17 and stand on hard 17’s and all 18’s.”

(16~~7~~) If a gaming licensee offers the optional bonus wager pursuant to the authorized Rules of the Game of ~~B~~blackjack, the layout otherwise required by this section shall

include, at a minimum, an additional designated betting area for such wager at each of the player positions at the table. In addition, payout odds for the optional bonus wager shall be inscribed on the layout or posted on a sign at each such blackjack table.

(178) If a gaming licensee requires a hand fee, the approved layout otherwise required by this section shall include, at a minimum, an additional designated area at each player position for the placement of the hand fee.

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 153.00: COMMUNITY MITIGATION FUND

153.01: Scope and Purpose

- (1) 205 CMR 153.00 shall govern the manner in which the Commission exercises its authority established pursuant to G.L. 23K, § 61 to administer the Community Mitigation Fund and expend funds to assist the host and surrounding communities, or any other communities or entities identified in G.L. 23K, § 61, in offsetting costs related to the construction and operation of the gaming establishments.

153.02: Guidelines for Distribution of Funds

- (1) For purposes of administration of the Fund in accordance with G.L. c. 23K, § 61, the Commission, with recommendation from the Gaming Policy Advisory Committee and its subcommittees established pursuant to G.L. c. 23K, § 68, shall review and approve guidelines annually for the administration and distribution of monies in the Fund. Such guidelines shall include, at a minimum:
 - (a) The types of grants that will be available;
 - (b) Who may apply;
 - (c) What types of projects may be funded, including any limitations;
 - (d) The form, process, and timeline for application and review, including the application deadline;
 - (e) The availability and allocation of funding;
 - (f) The process and criteria for Commission review;
 - (g) A timeframe within which funds must be expended before reverting back to the Fund;
 - (h) The use of surplus funds; and
 - (i) A procedure providing for waiver or variance from a provision of the guidelines.

153.03: Emergency Procedure

- (1) In accordance with G.L. c. 23K, § 61, parties seeking appropriations from the Fund must submit written requests before February 1st of each year. For purposes of this requirement, each year shall run from February 1st through January 31st.
- (2) The Commission may accept a request for an emergency appropriation from the Fund at any time. An emergency shall be defined as a serious and unexpected situation requiring immediate action to avoid significant harm to the community or to prevent threats to the health, welfare or safety of individuals or serious damage to property. For purposes of 205 CMR 153.03, an emergency shall include but not be limited to situations related to

infrastructure, technology, and/or public safety, that were not known or could not have been known at the time requests for allocations from the Fund were due.

- (3) The Commission shall establish a procedure for the request and allocation of funds on an emergency basis, which shall be outlined in the guidelines. Emergency appropriations from the Fund for applications received on or after February 1st shall be funded from the next Community Mitigation Fund fiscal year allocation.

153.04: Commission Review and Execution of Grant

- (1) The Commission shall review all requests for appropriations from the Fund and shall make a determination as to whether to award funds and the amount of that award.
- (2) Following an award from the Commission, the successful requestor shall execute a grant instrument with the Commission outlining the scope and terms of the award. The grant instrument shall include, at a minimum:
 - (a) A detailed scope of the grant;
 - (b) The person responsible for managing the grant on the applicant's behalf;
 - (c) A timeline, breakdown, and requirements to be met for disbursement of the funds;
 - (d) Reporting requirements;
 - (e) A requirement that the funds be returned to the Commission in the event of noncompliance with the terms of the grant;
 - (f) Indemnification provisions for the Commission and its staff; and
 - (g) Any other provisions deemed appropriate by the Commission and its staff.

153.05: Expenses Related to Administration of the Community Mitigation Fund

- (1) The Commission is the trustee of the Community Mitigation Fund in accordance with G.L. c. 23K, § 4(38).
- (2) The Commission finds that administration of the Fund by its staff, including but not limited to development of guidelines for approval by the Commission pursuant to 205 CMR 153.02 and oversight of the grant program, is directly related to and essential to assisting the host and surrounding communities and any other communities or entities identified in G.L. 23K, § 61 in receiving funds and offsetting costs related to the construction and operation of the gaming establishments. Accordingly, reasonable administrative costs incurred by the Commission on behalf of and in furtherance of the administration of the Fund may be assessed to the Fund.

- (3) The administrative costs shall not exceed 10% of the funds available in the Community Mitigation Fund for the fiscal year. The precise assessment to the Fund shall be set annually by the Commission at a public meeting as part of its budgetary process.
- (4) Reasonable administrative costs which may be assessed to the Fund may include, but not be limited to, Commission staff salaries (in full or on a pro-rata basis), technology, software, and office supplies, provided that any such costs shall be directly related to administration of the Fund.

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205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 133.00: VOLUNTARY SELF-EXCLUSION

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 entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed. 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. Placement of one's name on the voluntary 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 gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed.

For purposes of 205 CMR 133.00, the term 'problem gambler' shall mean an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in 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 the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed 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 licensee 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: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations and who is on the voluntary self-exclusion list may be in the gaming area of a gaming establishment or an area in which pari-mutuel or simulcasting wagers are placed 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~~ **in a format** approved by the commission and shall be available on the commission's website and at designated locations on and off the premises of the gaming establishments as determined by the commission.

(3) An application for placement on the voluntary self-exclusion list may only be accepted, and an intake performed, by an available designated agent. An individual may only become a designated agent by successfully completing a course of training approved and administered by the commission or its designee. The course of training shall include, at a minimum, instruction on completion of the application, **instruction on maintaining confidentiality of personal protected**

information, information relative to problem gambling and resources, and an understanding of 205 CMR 133.00. A designated agent is any individual authorized by the commission for the purpose of administering the voluntary self-exclusion program including but not limited to a GameSense advisor; ~~must be a licensed, certified, or registered~~ a health or mental health professional ~~or employee thereof~~; or an employee of a gaming licensee, the commission, a gaming licensee, or other government entity. The commission may refuse to offer training to any individual whose service as a designated agent it determines would be contrary to the aims of 205 CMR 133.00.

(4) Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application, as provided by 205 CMR 133.03. 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.

(5) A designated agent may not sign an application if (a) any required information is not provided or (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the self-exclusion list.

(6) The designated agent shall forward the signed application for voluntary self-exclusion to the commission within 48 hours of completion in a manner directed by the commission.

(7) 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.

(8) If the gaming licensee utilizes an internal management system to track individuals on the self-exclusion list, they shall update that system at least every 72 hours with names of individuals being added or removed from the self-exclusion list.

(9) The commission, or its designee, shall add to the list of voluntarily self-excluded persons the name of any individual provided from a gaming jurisdiction outside of Massachusetts, with which the commission has entered into an interstate compact, 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.

(10) If the applicant has elected the services identified in 205 CMR 133.03(8) 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, email address; or telephone number, date of birth, and last four digits of social security number of the applicant;
- (2) A passport style photo of the applicant without headwear, unless worn daily for religious purposes and provided that the applicant's facial features are not obscured;
- (3) A statement from the applicant that one or more of the following apply:
 - (a) they identify as a problem gambler as defined in 205 CMR 133.01;
 - (b) they feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or
 - (c) there is some other reason why they wish to add their name to the list.
- (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 the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed for the duration of the exclusion period (except as provided by 205 CMR 133.02(1)) and that it is their sole responsibility to refrain from doing so;
- (6) An acknowledgment 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 acknowledgment by the applicant that he or she will forfeit all rewards or points earned through a player reward card program;
- (8) An offer by the commission or the designated agent completing the self-exclusion application to assist the applicant to access information about gambling disorders, self-guided help, peer-support, or counseling services with a clinician approved by the Massachusetts Department of Public Health or otherwise licensed or certified through a process or program approved by the Commission;
- (9) 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 licensed by the commission in Massachusetts, any affiliates of the gaming licensee, whether within Massachusetts or another jurisdiction, and that the commission may share the list with other domestic or international gaming jurisdictions resulting in placement on those lists 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;
- (10) An acknowledgment by the applicant that he or she is submitting the application freely, knowingly, and voluntarily;
- (11) A statement that the individual is not under the influence of a substance or suffering from a health or mental health condition that would impair their ability to make an informed decision;

(12) An acknowledgment by the applicant that if they violate their agreement to refrain from entering a gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed during the exclusion period, the applicant shall notify the commission of such violation within 24 hours of their presence within the gaming area of the gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed; and releasing the Commonwealth of Massachusetts, the commission, the licensee, and all affiliated employees from any claims associated with their breach of the agreement; and

(13) An acknowledgment by the applicant that once their name is placed on the self-exclusion list they may be refused entry and/or ejected from the gaming area of a gaming establishment by the gaming licensee, an agent of the commission, or law enforcement personnel

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) One year;

(b) Three years;

(c) Five years; or

(d) 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) Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the list or petition for exclusion 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) 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 to a designated agent. The petition shall include confirmation from a designated agent that the individual completed a reinstatement session in accordance with 205 CMR 133.04

(5). Any petition for removal received by a designated agent 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 a reinstatement

session in accordance with 205 CMR 133.04(5), shall be denied until such time as the application is completed. (5) 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 gambling, budget setting and a review of problem gambling resources should the petitioner wish to seek them. 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.

(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. The petitioner shall be deemed to be removed from the Voluntary Self-exclusion list immediately upon completion of the reinstatement session, at which point the petitioner shall be given a receipt verifying said completion and confirming their removal from the Voluntary Self-exclusion list. A petitioner may be asked to present said confirmation of Voluntary Self-exclusion list removal receipt while gaming for seven days following their reinstatement. Failure to do so may result in administrative difficulties in confirming Voluntary Self-exclusion status during that time-period.

(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.

(9) An individual whose name was added to the Voluntary Self-exclusion list in Massachusetts in accordance with 205 CMR 133.02(9) shall be removed from the list notwithstanding 205 CMR 133.04(4) through (6) upon receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.

133.05 Maintenance and Custody of the List

(1) The commission shall maintain an up-to-date database of the Voluntary Self-exclusion list. Gaming licensees shall be afforded access to the Voluntary Self-exclusion list. The Voluntary Self-exclusion list may only be accessed by individuals authorized by the commission for the purpose of administering the voluntary self-exclusion program. This shall include positions identified in accordance with the gaming licensee's approved system of internal controls 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 licensee. However, a gaming licensee may share the list with ~~other gaming licensees 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. Additionally, a gaming licensee shall include the names and contact information of individuals on the Voluntary Self-exclusion list in its aggregated no marketing list to be shared with junket enterprises and junket representatives in accordance with 205 CMR 134.06(5)(b) for the purpose of effectuating the intent of the Voluntary Self-exclusion program. Such disclosure shall not be a violation of M.G.L. c. 23K, § 45. (3) The commission may disclose de-identified information from the Self-exclusion list to one or more research entities selected by the commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the Self-exclusion process.

133.06: Responsibilities of the Gaming Licensees

A gaming licensee shall have the following responsibilities relative to the administration of the Voluntary Self-exclusion list:

- (1) A gaming licensee shall eject from or refuse entry into the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed any individual whose name appears on the Voluntary Self-exclusion list;
- (2) A gaming licensee shall promptly notify the commission, or its designee, if an individual on the Voluntary Self-exclusion list is found in the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed;
- (3) A gaming licensee shall not market to individuals on the Voluntary Self-exclusion list;
- (4) A gaming licensee shall deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the list;
- (5) Individuals on the Voluntary Self-exclusion list shall not be permitted to participate in a cashless wagering system. A gaming licensee shall take steps to ensure that it denies entry into and terminates all access and privileges associated with its cashless wagering program to individuals on the voluntary list of self-excluded persons;
- (6) A gaming licensee shall not extend credit to an individual on the Voluntary Self-exclusion list;
- (7) (a) A gaming licensee shall not pay any winnings derived from gaming to an individual who is prohibited from gaming in a gaming establishment by virtue of having placed their name on the Voluntary Self-exclusion list in accordance with 205 CMR 133.00. Winnings derived from gaming shall include, but not be limited to, such things as proceeds derived from play on a slot machine/electronic gaming device and a wager, or series of wagers, placed at a table game. Where reasonably possible, the gaming licensee shall confiscate from the individual in a lawful manner, or shall notify a commission agent who shall confiscate, or shall refuse to pay any such winnings derived from gaming

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 include, but not be limited to, chips, tokens, prizes, non-complimentary pay vouchers, electronic credits on a slot machine/electronic gaming device, and vouchers representing electronic credits/TITO slips. The monetary value of the confiscated winnings and/or wagering instrument shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days;

(b) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. A hearing shall be conducted in accordance with 205 CMR 101.00: M.G.L. c. 23K Adjudicatory Proceedings to determine whether the subject funds were properly forfeited in accordance with 205 CMR 133.06(7)(a); and

(8) In cooperation with the commission, and where reasonably possible, the gaming licensee shall determine the amount wagered and lost by an individual who is prohibited from gaming. The monetary value of the losses shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days.

(9) A gaming licensee shall submit a written policy for compliance with the Voluntary Self 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 licensee. The plan for compliance with the Voluntary Self-exclusion program shall include, at a minimum, procedures to:

- (a) Prevent employees from permitting an individual on the voluntary exclusion list from engaging in gambling activities at the gaming establishment;
- (b) Identify and remove self-excluded individuals from the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed;
- (c) Remove individuals on the Self-exclusion list from marketing lists and refrain from sending or transmitting to them any advertisement, promotion, or other direct marketing mailing from the gaming establishment more than 30 days after receiving notice from commission that the individual has been placed on the Voluntary Self-exclusion list;
- (d) Prevent an individual on the voluntary self-exclusion list from having access to credit, cashless wagering program access, or from receiving complimentary services, check-cashing services, junket participation and other benefits from the gaming establishment;
- (e) Ensure the confidentiality of the identity and personal information of the voluntarily self-excluded individual; and
- (f) Training of employees relative to the Voluntary Self-exclusion program to be provided in conjunction with its problem gambling training program.

(10) A gaming licensee 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 for compliance with the voluntary self-exclusion program.

133.07: Sanctions against a Gaming Licensee

(1) Grounds for Action. A gaming license may be conditioned, suspended, or revoked, and/or the gaming licensee assessed a civil administrative penalty if it is determined that a gaming licensee has:

(a) knowingly or recklessly failed to exclude or eject from its premises any individual placed on the list of Self-excluded persons. 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 gaming establishment; or

(b) failed to abide by any provision of 205 CMR 133.00, M.G.L. c. 23K, § 45, the gaming licensee's approved written policy for compliance with the Voluntary self-exclusion program pursuant to 205 CMR 133.06(9), or any law related to the Voluntary Self-exclusion of patrons in a gaming establishment. Provided, a gaming licensee shall be deemed to have marketed to an individual on the 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 gaming licensee has violated a provision of 205 CMR 133.07(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said gaming licensee. Either in conjunction with or in lieu of such a recommendation, the bureau may issue a written notice assessing a civil administrative penalty upon said licensee. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision, including citation to the applicable statute(s) or regulation(s) that supports the decision.

(3) Civil Administrative Penalties. The bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c. 23K, § 36 for a violation of 205 CMR 133.07(1).

(4) Review of Decision. A recommendation made by the bureau to the commission that a gaming license be suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01: Hearings before the Commission. If the gaming licensee is aggrieved by a decision made by the bureau to assess a civil administrative penalty in accordance with 205 CMR 133.07(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00: M.G.L. c. 23K Adjudicatory Proceedings.

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 133.00 shall be construed so as to prohibit a gaming licensee 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.

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