TITLE 68 INDIANA GAMING COMMISSION

Final Rule
LSA Document #11-780(F)

DIGEST

Amends 68 IAC 6-3-1 concerning definitions. Amends 68 IAC 6-3-2 to clarify the process and application for a request for voluntary exclusion. Amends 68 IAC 6-3-3 to update the voluntary exclusion program terminology. Amends 68 IAC 6-3-4 concerning rights and duties of casino licensees. Amends 68 IAC 6-3-5 to clarify the process for requests for removal. Makes numerous technical changes. Effective 30 days after filing with the Publisher.

68 IAC 6-3-1; 68 IAC 6-3-2; 68 IAC 6-3-3; 68 IAC 6-3-4; 68 IAC 6-3-5

SECTION 1. 68 IAC 6-3-1 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-3-1 General provisions

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35

Sec. 1. (a) This rule applies to: ~~riverboat~~
(1) casino licensees; ~~riverboat~~
(2) casino license applicants; ~~operating agents, operating agent applicants,~~
(3) casino owners; ~~of facilities under the jurisdiction of the commission,~~ and ~~all~~
(4) persons ~~on riverboats~~ **in casinos** where gambling operations are conducted.

(b) The following definitions apply throughout this rule:
(1) "Request for removal" means a request submitted by a voluntarily excluded ~~individual~~ **person** stating that the ~~individual~~ **voluntarily excluded person** wishes to be removed from the ~~voluntary exclusion list.~~ **VEP.**
(2) "Request for voluntary exclusion" means a request, **on a form that the commission prescribes,** completed by an individual ~~for placement on~~ **to enroll in** the ~~voluntary exclusion list.~~ **VEP.**
(3) "Voluntarily excluded person" means a person who has ~~successfully completed the procedures outlined in this rule to effectuate his or her own exclusion from the gaming areas of facilities under the jurisdiction of the commission.~~ **enrolled in the VEP.**
(4) "Voluntary exclusion ~~list"~~ **program" or "VEP"** means ~~a list of names of~~ **the system outlined in this rule whereby** persons ~~and necessary identifying information of individuals who have elected~~ **commit** to ~~voluntarily exclude themselves~~ **refrain** from **entering** the gaming areas of ~~facilities under the jurisdiction of the commission.~~ **all casinos.**

(c) Nothing in this rule shall prohibit ~~anyone on the voluntary exclusion list~~ **a voluntarily excluded person** from accessing the gaming ~~areas~~ **area** of a ~~facility under the jurisdiction of the commission~~ **casino** for the purpose of carrying out ~~the~~ **employment** duties. ~~of their employment. An individual who is on the voluntary exclusion list~~ **A voluntarily excluded person** who is hired by a ~~facility under the jurisdiction of the commission~~ **casino** must notify the commission office in Indianapolis prior to starting the job. The ~~individual~~ **voluntarily excluded person** must provide the following information:
(1) Name.
(2) Date of birth.
(3) Name of the ~~facility with which~~ **casino that will employ** the voluntarily excluded ~~individual will be employed.~~ **person.**

(d) Nothing in this rule shall prohibit a ~~riverboat~~ **casino** licensee ~~or operating agent~~ from following the procedures outlined in 68 IAC 6-2 to evict a voluntarily excluded person.

(Indiana Gaming Commission; 68 IAC 6-3-1; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2440; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA)

SECTION 2. 68 IAC 6-3-2 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-3-2 Request for voluntary exclusion

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35

Sec. 2. (a) Except as provided in section 1(c) of this rule, a **voluntarily excluded** person ~~who participates in the voluntary exclusion program~~ agrees to refrain from entering ~~a~~ **the** gaming area ~~under the jurisdiction of the commission.~~ **of all casinos.**

(b) Any person **requesting voluntary exclusion** may make a request ~~to have his or her name placed on the~~ **for** voluntary exclusion ~~list~~ by following the procedures set forth in this section. The request **for voluntary exclusion** may be made only by the ~~individual~~ **person requesting voluntary exclusion** and not by any other person. ~~An individual~~ **A person requesting voluntary exclusion** must not be under the influence of ~~alcohol~~ **alcoholic beverages, controlled substances,** or **prescription** drugs at the time he or she makes a request ~~for placement on the voluntary exclusion list.~~ **for voluntary exclusion.**

(c) Any person requesting ~~placement on the~~ voluntary exclusion ~~list~~ must submit a completed request for voluntary exclusion as outlined in subsection (d). The ~~individual~~ **person requesting voluntary exclusion** must appear in person at a commission office or another location designated by the executive director to complete the request for voluntary exclusion. Commission offices are located on the property of each ~~facility under the jurisdiction of the commission~~ **casino** in addition to an office located in Indianapolis. ~~that is not located on the property of a facility under the jurisdiction of the commission.~~

(d) A request for voluntary exclusion must be on a form prescribed by the commission. ~~and shall include the following information:~~

~~(1) Identifying information, including, but not limited to, the following:~~
~~(A) Name, including any aliases or nicknames.~~
~~(B) Date of birth.~~
~~(C) Current residential address.~~
~~(D) Current telephone number.~~
~~(E) Social Security number.~~
~~(F) A physical description, including the following:~~
~~(i) Height.~~
~~(ii) Weight.~~
~~(iii) Gender.~~
~~(iv) Hair color.~~
~~(v) Eye color.~~
~~(vi) Any other physical characteristic that may assist in the identification of the person.~~
~~(G) A photograph of the individual that will be taken by enforcement agents at the time the request for voluntary exclusion is submitted.~~
~~(H) Driver's license number.~~
~~(I) Any other information deemed necessary by the commission.~~
~~(2) As part of the request for voluntary exclusion, a person must elect the time period for which he or she wishes to be voluntarily excluded. An individual may select any of the following time periods as a minimum length of exclusion:~~
~~(A) One (1) year.~~
~~(B) Five (5) years.~~
~~(C) Lifetime.~~
~~After an individual's request for voluntary exclusion has been processed by the commission staff and the individual's name is added to the voluntary exclusion list, that individual may not apply to decrease the length of exclusion. A voluntarily excluded individual who elected to participate in the program for a period of one (1) year or five (5) years may resubmit a request for voluntary exclusion at any time to increase the minimum length of exclusion. An individual who has been voluntarily excluded for a period of one (1) year or five (5) years will continue to appear on the list after the expiration of that time period until such time as he or she completes a request for removal under section 5 of this rule.~~
~~(3) The form shall also include a waiver and release, which shall release and forever discharge the state, the commission, and its employees and agents from any liability to the person requesting placement on the~~

~~voluntary exclusion list and his or her heirs, administrators, executors, and assigns for any harm, monetary or otherwise, that may arise out of or by reason of any act or omission relating to the request for placement on the voluntary exclusion list or request for removal from the voluntary exclusion list including the following:~~

~~(A) The list's processing or enforcement.~~

~~(B) The failure of a riverboat licensee or operating agent to withhold:~~

~~(i) direct marketing;~~

~~(ii) check cashing; or~~

~~(iii) extension of credit;~~

~~to a voluntarily excluded individual.~~

~~(C) Disclosure of information contained in the voluntary exclusion request or list, except for willfully unlawful disclosure of such information to persons other than entities under the jurisdiction of the commission.~~

~~(D) The dissemination of confidential information contained on the exclusion list by facilities under the jurisdiction of the commission to any party not authorized to receive the information.~~

~~(4) The form must also contain the signature of the person submitting the request for voluntary exclusion indicating acknowledgement of the following statement: "I am voluntarily requesting exclusion from the gaming areas at all facilities under the jurisdiction of the Indiana Gaming Commission. I certify that the information that I have provided above is true and accurate, and that I have read and understand and agree to the waiver and release included in this request for placement on the voluntary exclusion list. I am aware that my signature below authorizes the commission to direct all Indiana riverboat licensees and operating agents to restrict my gaming activities in accordance with this request. If I have requested to be excluded for life, I am aware that I will be unable to cause my name to be removed from the voluntary exclusion list. If I have elected to be placed on the list for a period of one (1) or five (5) years, I am aware that I will remain on the list until such time as the commission removes my name from the voluntary exclusion list in response to my written request certifying that I do not suffer from a gambling problem. I am aware and agree that during any period of exclusion, I shall not collect any winnings or recover any losses resulting from any gaming activity at all gaming facilities under the jurisdiction of the commission. I understand that any money or thing of value obtained by me from, or owed to me by, a riverboat licensee or operating agent as a result of wagers made by me while on the voluntary exclusion list shall be subject to forfeiture.".~~

~~(5) The form will also contain as an attachment a copy of the identification credentials or driver's license examined by an enforcement agent at the time the request for voluntary exclusion is made, containing the signature of the person requesting placement on the voluntary exclusion list.~~

~~(6) The signature of an enforcement agent, employee, or other person authorized by the executive director to accept the request for voluntary exclusion, indicating that the signature, physical description, and identity of the person on the request for voluntary exclusion agrees with the identification provided by that individual.~~

(e) The personal information of a **voluntarily excluded** person ~~who participates in the voluntary exclusion program~~ is confidential. ~~An individual who elects to participate in the program~~ **A voluntarily excluded person** must agree that in order to enforce the ~~voluntary exclusion program, facilities under the jurisdiction of the commission~~ **VEP, casinos** must have access to the individual's personal information. ~~Before placement on the voluntary exclusion list, an individual~~ **A voluntarily excluded person** shall authorize the commission staff to provide ~~the following necessary~~ **any** identifying information **contained in the person's request for exclusion** to the ~~facilities under the jurisdiction of the commission on his or her behalf and for purposes of enforcement:~~ **casinos to be able to enforce the exclusion.**

~~(1) Name, including any aliases or nicknames.~~

~~(2) Date of birth.~~

~~(3) Current residential address.~~

~~(4) Current telephone number.~~

~~(5) A physical description, including the following:~~

~~(A) Height.~~

~~(B) Weight.~~

~~(C) Gender.~~

~~(D) Hair color.~~

~~(E) Eye color.~~

~~(F) Any other physical characteristic that may assist in the identification of the person.~~

~~(6) A photograph of the individual that will be taken by enforcement agents at the time of voluntary exclusion.~~

~~(7) Driver's license number.~~

(f) A voluntarily excluded ~~individual~~ **person** shall have the following ongoing obligations: ~~regarding the voluntary exclusion list.~~

(1) Refrain from entering the gaming ~~areas~~ **area** of ~~riverboats and other facilities under the jurisdiction of the~~

~~commission~~ **casinos** until ~~such time as~~ **the commission has approved** a request for removal. ~~has been processed by the commission.~~
(2) Each time the personal information of a voluntarily excluded ~~individual~~ **person** changes, he or she must provide the commission with the updated information.
(3) Notify the commission if direct mailing items **from a casino** are received addressed to a voluntarily excluded person at his or her residence.

(g) A voluntarily excluded ~~individual~~ **person** who ~~violates the terms of the voluntary exclusion list and~~ enters the gaming area of a ~~facility under the jurisdiction of the commission~~ **casino** agrees to forfeit any jackpot or thing of value won as a result of a wager made at a ~~facility under the jurisdiction of the commission.~~ **casino.** The forfeited jackpots or items will be withheld by the ~~riverboat~~ **casino** licensee ~~or operating agent~~ and remitted to the commission. The commission shall collect ~~such~~ **the** items and funds. ~~as a fine levied against the voluntarily excluded individual for violating this rule.~~ Voluntarily excluded ~~individuals~~ **persons** may appeal a forfeiture under this rule by following the procedures outlined in 68 IAC 7.

(h) Voluntarily excluded ~~individuals~~ **persons** agree to forfeit all points or complimentaries earned ~~by the individual~~ on or before the ~~individual completes his or her~~ request for ~~placement on the~~ voluntary exclusion. ~~list.~~ Points or complimentaries refer to credits earned by a person under the terms of a ~~riverboat~~ **casino** licensee's ~~or operating agent's~~ marketing program as approved by the commission and shall include, but not be limited to:
(1) food coupons;
(2) coupons or vouchers for chips or tokens;
(3) hotel complimentaries; or
(4) ~~any~~ other ~~such~~ **similar** noncash benefit owing to the individual.
However, if at the time an individual makes a request for ~~placement on the~~ voluntary exclusion ~~list~~ he or she is owed a cash amount from a ~~riverboat~~ **casino** licensee, ~~or operating agent,~~ the individual shall have the right to receive that amount from the ~~riverboat~~ **casino** licensee ~~or operating agent~~ after ~~placement on~~ **enrollment in** the ~~voluntary exclusion list.~~ **VEP.** To the extent that complimentaries or points described above may be redeemed for cash under the ~~riverboat~~ **casino** licensee's ~~or operating agent's~~ marketing program, the individual shall be entitled to receive that amount.

(i) Nothing in this rule shall prohibit a ~~riverboat~~ **casino** licensee ~~or operating agent~~ from alerting local law enforcement authorities of a voluntarily excluded person's presence in a ~~facility under the jurisdiction of the commission~~ **casino** to effect an arrest for trespassing.

(Indiana Gaming Commission; 68 IAC 6-3-2; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2440; errata filed Jul 9, 2004, 2:21 p.m.: 27 IR 3580; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA)

SECTION 3. 68 IAC 6-3-3 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-3-3 Voluntary exclusion program or VEP

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35

Sec. 3. (a) The executive director or his or her designee shall ~~maintain~~ **administer** the ~~voluntary exclusion list,~~ **VEP,** which shall contain the names and personal information of ~~the~~ **all voluntarily excluded** persons. ~~participating in the program. Such~~ **Voluntarily excluded** persons shall be excluded from gaming areas at ~~all facilities under the jurisdiction of the commission.~~ **casinos.** The executive director or his or her designee shall notify each ~~riverboat~~ **casino** licensee ~~or operating agent of each facility under the jurisdiction of the commission~~ of each addition to the ~~list~~ **VEP** or ~~deletion~~ **removal** from the ~~list~~ **VEP** in a timely manner.

(b) The ~~voluntary exclusion list~~ **VEP** is confidential, and **the names of voluntarily excluded persons** may be disseminated only to a ~~riverboat~~ **casino** licensee ~~or operating agent~~ for purposes of enforcement or to ~~any other~~ **another** entity designated by statute.

(Indiana Gaming Commission; 68 IAC 6-3-3; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2442; errata filed Jul 9, 2004, 2:21 p.m.: 27 IR 3580; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA)

SECTION 4. 68 IAC 6-3-4 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-3-4 Rights and duties of casino licensees

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35

Sec. 4. (a) Each ~~riverboat~~ **casino** licensee ~~riverboat~~ **and casino** license applicant ~~operating agent, and operating agent applicant~~ shall establish internal control procedures for compliance with this rule, which shall be submitted and approved ~~by the commission~~ under ~~68 IAC 11-1-3.~~ **68 IAC 11.**

(b) The internal controls must, at a minimum, address the following:
(1) ~~Procedures must~~ Provide a plan for distributing the ~~list of persons who have voluntarily excluded and their personal information~~ **names and personal information of voluntarily excluded persons** to appropriate personnel of the ~~facility for purposes of enforcing the program.~~ **casino.** The plan must allow, to a reasonable extent, appropriate employees of a ~~riverboat~~ **casino** licensee ~~or operating agent~~ to identify a voluntarily excluded person when that person is present in a casino. ~~or other facility under the jurisdiction of the commission. Such~~ **This** information shall not be released to casinos in other jurisdictions. However, nothing in this rule shall prohibit a ~~riverboat~~ **casino** licensee ~~or operating agent~~ from effectuating the eviction of a voluntarily excluded person from other properties within their corporate structure so that the person will be denied gaming privileges at casinos under the same parent company in other jurisdictions.
(2) ~~Must~~ Provide a process whereby ~~enforcement~~ **gaming** agents and security and surveillance are notified immediately when a voluntarily excluded person is detected in the gaming area of a ~~facility.~~ **casino.**
(3) ~~Must: (A)~~ Refuse wagers from and ~~(B)~~ deny gaming privileges to any ~~individual who the casino knows to be a~~ voluntarily excluded person.
(4) Make all reasonable attempts to ensure that voluntarily excluded persons do not receive direct marketing. A ~~riverboat~~ **casino** licensee ~~or operating agent~~ will satisfy this requirement if the ~~riverboat~~ **casino** licensee ~~or operating agent~~ removes the ~~individual's~~ **voluntarily excluded person's** name from the list of patrons to whom direct marketing materials are sent, and the ~~individual~~ **voluntarily excluded person** does not receive direct marketing materials more than forty-five (45) days after the ~~riverboat~~ **casino** licensee receives notice, under section 3(a) of this rule, that the ~~individual~~ **voluntarily excluded person** has ~~appeared on~~ **entered** the ~~voluntary exclusion list.~~ **VEP.**
(5) Ensure that voluntarily excluded persons do not receive check cashing privileges or extensions of credit, whether directly through the ~~riverboat~~ **casino** licensee or operating agent, or through a supplier contracting with a ~~riverboat~~ **casino** licensee ~~or operating agent~~ on property hired for the purpose of check cashing or extension of credit, or both.

(c) Nothing in this rule shall prohibit a ~~riverboat~~ **casino** licensee ~~or operating agent~~ from seeking payment of a debt from a voluntarily excluded person if the debt was accrued by a person before ~~his~~ **he** or ~~her name was placed on~~ **she entered** the ~~voluntary exclusion list.~~ **VEP.**

(d) A ~~riverboat~~ **casino** licensee ~~or operating agent~~ shall post signs at the turnstiles marking the entrance to the gaming area that ~~will~~ **shall** inform and educate patrons about the ~~voluntary exclusion program.~~ **VEP.** The text that ~~will appear~~ **the casino licensee proposes to have** on the signs must be submitted to the commission staff for approval before posting.

(e) A ~~riverboat~~ **casino** licensee ~~or operating agent~~ shall be subject to disciplinary action under 68 IAC 13 for failure to comply with the requirements of this section and the internal control procedures outlined ~~pursuant to~~ **under** this section, including, but not limited to, the following:
(1) Release of confidential information for a purpose other than enforcement.
(2) Knowingly refusing to withhold direct marketing, check cashing, and credit privileges.
(3) Failure to follow internal control procedures adopted under this rule.

(Indiana Gaming Commission; 68 IAC 6-3-4; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2442; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA)

SECTION 5. 68 IAC 6-3-5 IS AMENDED TO READ AS FOLLOWS:

68 IAC 6-3-5 Removal

Authority: IC 4-33-4; IC 4-35-4
Affected: IC 4-33; IC 4-35

Sec. 5. (a) This section does not apply to ~~those~~ voluntarily excluded ~~individuals~~ **persons** who ~~elected~~ **elect** lifetime exclusion. ~~under section 2(d) of this rule.~~

(b) A **voluntarily excluded** person may, upon the expiration of the selected term of voluntary exclusion, request removal ~~of his or her name~~ from the ~~voluntary exclusion list.~~ **VEP.** A **voluntarily excluded** person making a request for removal ~~must~~ **shall** do so by

~~(1) presenting to a commission office or other location designated by the executive director; and~~
~~(2) declaring,~~ **submitting,** in writing, on a form provided by the commission, the intent to ~~remove his or her name~~ **be removed** from the ~~voluntary exclusion list.~~ **VEP.**

(c) A request for removal ~~from the voluntary exclusion list~~ shall contain the following information:
(1) Name, including aliases or nicknames.
(2) Date of birth.
(3) Address of current residence.
(4) Telephone number of current residence.
(5) The signature of the person requesting removal from the ~~voluntary exclusion list indicating acknowledgement 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 placement on the voluntary exclusion list, and I authorize the commission to permit all Indiana riverboat licensees or other facilities under the jurisdiction of the commission to reinstate my gaming privileges.".~~ **VEP.**
(6) The signature of the ~~enforcement~~ **gaming** agent or other individual authorized by the executive director to accept a request for removal, verifying that the individual requesting removal is the voluntarily excluded ~~individual.~~ **person.**

(d) Upon receipt of a request for removal, the commission shall effectuate the removal of the name of the individual requesting removal from the ~~voluntary exclusion list.~~ **VEP.** The commission shall act upon a request for removal within ~~thirty (30) days of~~ **a reasonable time period of** receipt of the request **for removal.**

(e) The commission shall notify each ~~riverboat~~ **casino** licensee ~~or operating agent~~ each time an individual is removed from the ~~voluntary exclusion list.~~ **VEP.** Once ~~an individual's name~~ **the individual** has been removed from the ~~voluntary exclusion list,~~ **VEP,** nothing in this rule shall prohibit a ~~riverboat~~ **casino** licensee ~~or operating agent~~ from:
(1) marketing directly to that individual;
(2) cashing checks of such a person; or
(3) extending credit to the individual.

(Indiana Gaming Commission; 68 IAC 6-3-5; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2443; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA; readopted filed Sep 14, 2007, 1:40 p.m.: 20071003-IR-068070354RFA; filed Apr 3, 2012, 4:10 p.m.: 20120502-IR-068110780FRA)

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