California Gambling Control Commission
2nd MODIFIED TEXT OF PROPOSED REGULATIONS
Advertising
CGCC-GCA-2025-02-R

CALIFORNIA CODE OF REGULATIONS

TITLE 4. BUSINESS REGULATIONS.

DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.

CHAPTER 1. GENERAL PROVISIONS.

ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES.

§ 12002. General Definitions.

Unless otherwise specified, the definitions in Business and Professions Code section 19805, supplemented by the definitions found in Chapter 10 of Title 9 of Part 1 of the Penal Code (commencing with section 330), govern the construction of this division. As used in this division:

…

(c) "Advertise" or "advertising" means the publication, dissemination, or causing the publication or dissemination of an advertisement.

(d) "Advertisement" means any written or verbal statement, illustration, or depiction that is published or disseminated to the public which is calculated to induce participation in a controlled game or gaming activity at one or more gambling establishments, including, without limitation, any written, printed, graphic, or other material, billboard, sign, or other outdoor display, periodical literature, publication, or in a radio or television broadcast, social media business page, or in any other media.

(1) "Advertisement" does not include:

(A) The solicitation of activities, events, or services that do not relate to the conduct of or participation in a controlled game or gaming activity and may otherwise be provided on the licensed premises including, but not limited to, restaurant dining,

concerts, trade shows, business conferences, and non-gambling related promotions and contests.

(B) Use of the name, nickname, alias, or any other name by which the gambling establishment is commonly known, including its logo or trademark, exclusive of any other content.

(C) Any editorial or other reading material, such as a news release, in any periodical, publication, or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any owner category licensee, and which is not written by or at the direction of the owner category licensee.

(D) The distribution of informational material that is not targeted at persons under 21 years of age for purposes of recognizing a donation, gift, or charitable contribution. The information provided may include the name, logo, and trademark of a gambling establishment and may be provided in informational material including, but not limited to, a program pamphlet or informational handout for an event, a posting on a charitable organization's website, etc.

(E) Any job postings for employment opportunities.

(F) Any notices or postings otherwise required by the Act, this Division, or Title 11, Division 3 of the California Code of Regulations, such as posted game rules.

(2) Any advertising material included with or attached to those items which do not constitute an advertisement pursuant to paragraph (1), must comply with Article 5.

(e)~~(c)~~

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Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19853 and 19854, Business and Professions Code. Reference: Sections 19800, 19805, 19811, 19816, 19853 and 19984, Business and Professions Code.

ARTICLE 5: ADVERTISING

§ 12095. General Requirements.

(a) A~~n owner category~~ *cardroom business licensee or TPPPS business licensee must comply with all the requirements of this article, as applicable.*

(b) In construing and enforcing the advertising provisions of this article, any action, omission, or failure to comply with this article by an advertising agent, representative, contractor, or any other person retained by the ~~owner category~~ *cardroom business*

licensee or TPPPS business licensee, will be deemed the act, omission, or failure to comply with this article by the ~~owner category~~ *cardroom business licensee or TPPPS business licensee.*

(c) Nothing in this article will be construed to create or imply a private cause of action.

Note: Authority cited: Sections 19824, 19826, 19840, 19841 and 19984, Business and Professions Code. Reference: Sections 19841 and 19984, Business and Professions Code.

~~**§ 12096. Specific TPPPS Business Requirements.**~~

~~(a) A TPPPS business licensee:~~

~~(1) Will not create, purchase, place, or disseminate any advertisement for a cardroom business licensee unless it has a TPPPS contract with that cardroom business licensee and the advertisement costs and scope of advertising services to be performed are included in the TPPPS contract.~~

~~(2) Must provide the cardroom business licensee copies or transcripts of all advertisements used to promote a gaming activity that the TPPPS business licensee has, or has caused to be, created, purchased, placed, or disseminated for the cardroom business licensee for purposes of complying with Title 11, CCR, Section 2072, subsection (e).~~

~~Note: Authority cited: Sections 19824, 19826, 19840, 19841 and 19984, Business and Professions Code. Reference: Sections 19841 and 19984, Business and Professions Code.~~

§ 12097. Advertising Content and Dissemination.

(a) Advertisements must present all of the required information pursuant to this section in a clear and conspicuous manner. Clear and conspicuous means the required information is legible and readable or audible and intelligible, as applicable.

~~(b) Advertisements must present the information required by paragraph (2) of subsection (c) of this section and paragraph (1) of subsection (b) of Section 12461 in all of the languages used in the advertisement.~~

~~(c)~~*(b) All advertisements must include:*

(1) The name, nickname, alias, or any other name by which the gambling establishment is commonly known; ~~and,~~

(2) A statement that participants must be 21 or older to gamble;

(3) Information required by paragraphs (1) and (3) of subsection (b) of Section 12461;

(4) In any reference to a specific Bureau-approved game, the Bureau-issued identification number; and, ~~either:~~

~~(A) The name of the Bureau-approved game or group of games;~~

~~(B) The Bureau-approved alternative name for the Bureau-approved game or group of games; or,~~

~~(C) If the game or group of games is identified by a name other than that which is in accordance with items (A) and/or (B), the advertisement must state one of the following:~~

~~1. "California game" or "California games";~~

~~2. "This cardroom does not offer banked games"; or,~~

~~3. Any other safe harbor statement(s) published by the Bureau at its discretion.~~

(5) In any reference to a specific Bureau-approved gaming activity, the Bureau-issued identification number. ~~either:~~

~~(A) The name of the Bureau-approved gaming activity; or,~~

~~(B) Any gaming activity name with the Bureau-approved identification number.~~

~~(d)~~*(c)(1) The requirements of paragraphs (2) through (5) of subsection* ~~(c)~~ *(b) do not apply to any small tangible items upon which the information required would be impracticable to print, display, or present, including, but not limited to: apparel, hats, pens, key chains, dishware, drinking glasses, coffee mugs, etc.*

(2) The requirements of paragraphs (2) ~~and (3)~~ *through (5) of subsection* ~~(c)~~ *(b) do not apply to any digital material where the inclusion would be impracticable due to limited characters or spaces if* ~~a link~~ *the advertisement links to a website that complies with subsection (b)* ~~of Section 12461 is included in the advertisement~~.

~~(c)~~*(d) An advertisement must not be deceptive to the public. The Bureau must consider the following criteria in determining whether an advertisement is deceptive:*

(1) The advertisement depicts gambling as a means to become wealthy or resolve a financial burden.

(2) The advertisement targets or appeals to children or adolescents or encourages persons under 21 years of age to engage in controlled gambling. Examples of this include, but are not limited to:

(A) The advertisement uses depictions, images, appearances, or voice-over services of anyone under 21 years of age.

(B) The advertisement uses objects such as toys, inflatables, movie characters, cartoon characters, or any other display, depiction, or image designed in a manner likely to be substantially or predominately appealing to minors or anyone under 21 years of age.

(C) The advertisement is used on the premises of any day care center, youth center, preschool, or school providing instruction in any grades kindergarten to 12, or at any function for a school providing instruction to any grades kindergarten to 12, or at any function that is held primarily for persons under the age of 21.

~~(3) The advertisement uses either of the following terms when describing any of the games, groups of games, or gaming activities offered at the gambling establishment, unless the use of the term draws a distinction between the term and the games or gaming activities offered at the gambling establishment:~~

~~(A) "Nevada"; or,~~

~~(B) "Vegas".~~

~~(4)~~*(3) The advertisement* ~~makes any~~ *is false or materially misleading* ~~claims~~.

~~(5)~~*(4) The advertisement clearly and conspicuously depicts, illustrates, portrays, or refers to a game*~~, group of games,~~ *or gaming activity that is not currently approved by the Bureau for the cardroom advertised* ~~and is prohibited by Penal Code section 330~~.

Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code. Reference: Sections 17500, 17508, 19801, 19826, 19841, 19920, 19941, and 19943.5, Business and Professions Code; Section 330, Penal Code; and Sections 4369.2 and 4369.4, Welfare and Institutions Code.

§ 12098. Age Confirmation in Advertising.

(a) Prior to any advertising from the ~~owner category~~ *cardroom business licensee or TPPPS business licensee involving direct communication or dialogue directed to a*

particular individual, the ~~owner category~~ cardroom business licensee or TPPPS business licensee must use age affirmation, self-attestation, or other reasonable means to verify or substantiate a good-faith belief that the intended recipient is 21 years of age or older. For the purposes of this section, direct communication or dialogue may occur through any form of communication initiated by or for the ~~owner category~~ cardroom business licensee or TPPPS business licensee, including in-person, telephone, physical mail, or electronic. This ~~S~~section does not apply to digital advertising that uses an age filter to target advertising to persons 21 years of age or older.

(b) A method of age verification is not necessary for a communication if the ~~owner category~~ cardroom business licensee or TPPPS business licensee can verify that the ~~owner category~~ cardroom business licensee or TPPPS business licensee has previously had the intended recipient verify the recipient is 21 years of age or older by a method of age affirmation or self-attestation and the ~~owner category~~ cardroom business licensee or TPPPS business licensee sends the communication to the intended recipient.

(c) ~~An owner category~~ The cardroom business licensee or TPPPS business licensee must use a method of recipient age affirmation or self-attestation, or provide notice to a person that they must be 21 years of age or older, before a potential customer joins a mailing list, subscribes, or otherwise consents to receiving direct communication or dialogue controlled by ~~an owner category~~ the cardroom business licensee or TPPPS business licensee.

Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code. Reference: Sections 19801, 19841, 19920 and 19941, Business and Professions Code; and Section 4369.4, Welfare and Institutions Code.

§ 12099. Disapproval of Advertising.

(a) If the Bureau determines an advertisement is deceptive in accordance with this article, the Bureau may issue a notice of ~~disapproval~~ deceptive advertising to the ~~owner category~~ cardroom business licensee or TPPPS business licensee pursuant to Section 12006. The notice of ~~disapproval~~ deceptive advertising must include, at a minimum, the following:

(1) A ~~legal~~ citation of ~~the violation~~ each specific legal provision that has been violated;

(2) A description of each part of the advertisement that is not compliant with this article; and,

~~*(3) A specified deadline that provides at least 30 calendar days to comply with the notice of disapproval; and,*~~

(3)~~(4)~~ An explanation of the ~~owner category~~ cardroom business licensee's or TPPPS business licensee's right to submit written support to rebut the notice of ~~disapproval~~ deceptive advertising, consistent with subsection (b).

(b)~~(1) An owner category~~ The cardroom business licensee or TPPPS business licensee may submit written support to the Bureau to rebut the notice of ~~disapproval~~ deceptive advertising within 14 calendar days following the Bureau's service of the notice of ~~disapproval~~ deceptive advertising in subsection (a).

~~*(2) If written support is timely received by the Bureau in accordance with paragraph (1), the notice of disapproval will be stayed.*~~

~~*(c) Within 30 calendar days following the timely receipt of the owner category cardroom business licensee's or TPPPS business licensee's written support submitted in accordance with subsection (b), the Bureau must consider the information provided and respond to the owner category cardroom business licensee or TPPPS business licensee with its final determination, pursuant to Section 12006. The Bureau's final determination will include a response consistent with one of the following:*~~

~~*(1) The Bureau's final determination to uphold or amend the notice of disapproval in subsection (a), including an updated deadline that provides at least 30 calendar days to comply with the Bureau's final determination; or,*~~

~~*(2) The Bureau's final determination to vacate the notice of disapproval in subsection (a).*~~

(c)(1) If the cardroom business licensee or TPPPS business licensee does not submit timely support to the Bureau pursuant to subsection (b), the Bureau will issue a notice of disapproval of the deceptive advertisement within 30 calendar days.

(2) If the cardroom business licensee or TPPPS business licensee submits timely written support to the Bureau pursuant to subsection (b), the Bureau must consider the written support provided. The Bureau must respond to the cardroom business licensee or TPPPS business licensee within 30 calendar days following the timely receipt of the written support, pursuant to Section 12006, of its determination to uphold, amend, or vacate the notice of deceptive advertising.

(A) If the Bureau upholds or amends its determination, it will issue a notice of disapproval of the deceptive advertisement.

(B) If the Bureau vacates its determination, it will not issue a notice of disapproval.

(d) ~~If either a notice of disapproval is issued in accordance with subsection (a) or a final determination is issued in accordance with subsection (c), and the~~ ~~owner category~~ *~~cardroom business licensee or TPPPS business licensee does not comply by the applicable deadline specified by the Bureau, the Bureau may~~* ~~take additional disciplinary action as it deems appropriate~~ *~~file an action with the court to obtain a final judicial decision regarding the Bureau's final determination. The Bureau's final determination will be stayed until the court issues its final judicial decision.~~ Following the issuance of a notice of disapproval, the Bureau may proceed with taking action under Business and Professions Code sections 19930 and/or 19931, as it deems appropriate.*

~~(e) Any failure to comply with the notice of disapproval pursuant to subsection (a), any failure to comply with the final determination pursuant to subsection (c), instances of repeated violations of this article, and any subsequent action by the owner category licensee and/or Bureau, must be included in the next Bureau report for the owner category licensee's initial or renewal license application and may be considered a factor in determining suitability for licensure.~~

~~(e)(1) If the court's final judicial decision upholds the Bureau's final determination, the Bureau may take additional disciplinary action as it deems appropriate.~~

~~(2) If the court's final judicial decision dismisses the Bureau's final determination, the final determination will be deemed withdrawn and no disciplinary action will be pursued by the Bureau.~~

(e) Violation of this section occurs at the time a deceptive advertisement is published or disseminated. Once a violation occurs, subsequent remedial actions cannot eliminate it but may be considered a mitigating factor regarding any imposition of discipline.

~~(f) Nothing in this article will be construed to limit the Bureau from filing a disciplinary action under Chapter 10 of this division and/or under Business and Professions Code sections 19930 and 19931.~~

(f) ~~All records issued or filed under this section, and any subsequent actions taken by the cardroom business licensee, the TPPPS business licensee, or the Bureau, must be included in the next Bureau report for that licensee's initial or renewal license application.~~ Pursuant to this section, all of the following must be included in the next Bureau report for the cardroom business licensee's or TPPPS business licensee's initial or renewal license application, as applicable:

(1) Bureau notice of deceptive advertising;

(2) Written support in rebuttal to the notice of deceptive advertising submitted by the cardroom business licensee or TPPPS business licensee;

(3) Bureau notice of disapproval; and,

(4) A summary of any subsequent actions taken by the cardroom business licensee, TPPPS business licensee, or the Bureau regarding the Bureau's issued notice of disapproval.

Note: Authority cited: Sections 19811, 19824, 19826, 19841, 19856, 19857, 19859, 19920, 19930 and 19931, Business and Professions Code. Reference: Sections 19801, 19826, 19841 and 19920, Business and Professions Code; and Section 4369.4, Welfare and Institutions Code.

CHAPTER 7. CONDITIONS OF OPERATION FOR GAMBLING ESTABLISHMENTS.

ARTICLE 9. PROGRAM FOR RESPONSIBLE GAMBLING.

§ 12461. Posting Referral Information.

…

(b) Any website *or social media* ~~landing~~ *page* operated by or ~~on behalf of~~ *under the control of* any cardroom business licensee or TPPPS business licensee must*, in accordance with subsection (a)* ~~and (b)~~ *of Section 12097,* contain *the following information in writing:*

(1) ~~a~~ *A* responsible gambling message*;*

(2) ~~and a link~~ *A* ~~hyper~~*link* to the Office of Problem Gambling ~~at http://www.problemgambling.ca.gov~~ (or its successors) that provides information and referral services for problem gamblers~~, currently "http://www.problemgambling.ca.gov."~~*, currently "www.problemgambling.ca.gov"; and,*

(3) At least one of the ~~following~~ *information and referral services for problem gamblers approved by the Office of Problem Gambling (or its successors), currently:*

(A) "1-800-GAMBLER";

(B) "www.800gambler.chat"; or,

(C) "Text ~~"~~*SUPPORT*~~"~~ *to 53342".*

(c) The requirements of subsection (b) do not apply to any social media page where the inclusion would be impracticable due to limited characters or spaces if the social media page includes a link to a website that complies with subsection (b).

~~(c) Advertising material produced by or on behalf of any cardroom business licensee or TPPPS business licensee must contain a responsible gambling message and shall refer to the telephone number listed in subsection (a) above or the website listed in subsection (b) above, or both. This provision applies to any advertisement that will be distributed by~~

~~television, radio, outdoor display, flyer, mail or digitally. This provision does not apply to:~~

~~(1) Any digital material with limited characters or space that provides a link to a website that complies with subsection (b).~~

~~(2) Any promotional item in which size or space limitations do not allow the responsible gambling message to be legibly displayed, such as: pens, key chains, hats, drinking glasses, coffee mugs, etc.~~

Note: Authority cited: Sections 19811, 19840, 19841~~(c)~~ and 19920, Business and Professions Code. Reference: Sections 19801 and 19920, Business and Professions Code; and Sections 4369.2 and 4369.4, Welfare and Institutions Code.

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