Title 4. Business Regulations

Division 18. California Gambling Control Commission

Chapter 7. Conditions of Operation for Gambling Establishments

Article 1. General Provisions

Section 12360. Chapter Definitions

The definitions in Business and Professions Code section 19805 govern the construction of this chapter. As used in this chapter:

(a) "Licensee" means "owner licensee" as defined in Business and Professions Code section 19805, subdivision (y).

(b) "Self-Exclusion" means an irrevocable voluntary agreement to be excluded from gambling establishments and all games or gaming activities or privileges and to be prohibited from collecting any winnings or recovering any losses for a specified term. A Self-Exclusion list shall be maintained by the Division and shall not be open to public inspection.

(c) "Self-Restriction" means an irrevocable voluntary agreement to be either:

(1) Completely excluded from a particular gambling establishment and all games or gaming activities or privileges and to be prohibited from collecting any winnings or recovering any losses for a specified term, or

(2) To have restrictions placed on the amount of credit and/or check cashing that may occur at that particular gambling establishment, and/or

(3) To be excluded from any marketing or promotional activities of the particular gambling establishment.

Authority: Sections 19811, 19823, 19840, 19841(o), and 19920~~Section 19840~~, Business and Professions Code
Reference: Section 19805, Business and Professions Code

Article 3. Minimum Internal Control Standards for Gambling Establishments (MICS)

12381. Extension of Credit, Check Cashing, and Automatic Teller Machines (ATMs)

OPTION 1 for (a-b-c): (a) A licensee may not extend credit.

OPTION 2 for (a-b-c):

(a) A licensee may extend credit to a patron if, prior to extending credit to the patron, the licensee determines that an extension of credit is not prohibited by any statute, law, regulation, or local ordinance. In addition to complying with all laws regarding the issuance of credit, a licensee that extends credit to a patron shall address, in policies and procedures, the following requirements for the extending and collecting of credit:

(1) Establish a method for determining the maximum amount which will be advanced to a patron.

(2) Prior to extending credit to a patron, ensure that the person requesting the credit is positively identified by examining the patron's valid driver's license or another acceptable method of identification. In addition, ensure that one of the following has been met:

(A) Receipt of information from a bona fide credit-reporting agency that the patron has an established credit history consistent with approved credit policies.

(B) Examination of records of previous credit transactions with the patron showing that the patron has paid substantially all credit instruments and otherwise document that it has a reasonable basis for extending the amount to the patron.

(3) An owner or designated key employee other than a dealer must approve any credit application.

(b) For each patron that is issued credit, the following information shall be collected and maintained:

(A) Patron's name, current address, and signature;

(B) A photocopy of picture identification, such as a driver's license or passport;

(C) Basis upon which credit verified, as listed in subsection (a)(2);

(D) Documentation of authorization by a person designated by management to approve credit;

(E) Authorized credit limit; and

(F) Credit balance outstanding and payments.

(c) If an extension of credit is delinquent for more than 90 days, the person to whom credit was extended shall be prohibited from obtaining additional credit until the amount owed is paid in full.

(d) No gambling enterprise employee may cash any check which is prohibited by any statute, regulation, or ordinance, or any non-payroll checks drawn against any federal, state, county, or other government fund, including, but not limited to, social security, unemployment insurance, disability payments, or public assistance payments, as outlined in Business and Professions Code section 19841, subdivision (q).

(e) A licensee that cashes checks for a patron shall not charge or collect a fee exceeding $2 for cashing a check for a patron.

OPTION: A licensee who does not deposit a patron's check within 15 days of receipt shall be considered to have extended credit to that patron.

(f) A licensee that cashes checks for a patron shall address, in policies and procedures, the following requirements for the cashing of checks:

(1) Prior to cashing a check for a patron, the cage cashier shall determine that cashing such check is not prohibited;

(2) If personal checks, cashier's checks, or payroll checks are cashed, the cage cashier shall examine and record at least one item of personal identification, such as a valid driver's license number.

(3) Records of all returned checks shall be maintained by the accounting department or owner and shall be available to the cashier. The records shall include, at a minimum, the following:

(A) Date of the check.

(B) Name of the drawer of the check.

(C) Amount of the check.

(D) Date(s) the check was dishonored.

(E) Date(s) and amount(s) of any collection received on the check after being returned by a bank.

(4) If a check is dishonored, the person who proffered the check shall be prohibited from cashing additional checks until the amount owed is paid in full.

(g) A licensed gambling establishment shall not have an ATM (automatic teller machine or cash- or voucher- dispensing machine) accessible by an individual while seated at a gaming table.

(h) ATMs shall be configured to reject Electronic Benefit Transfer cards (EBTs) issued by the State of California or by any city, county, or city and county therein.

Authority cited: Sections 19811, 19823, 19840, 19841(o) and (q), and 19920, Business and Professions Code.
Reference: Sections 19801 and 19920, Business and Professions Code.

Article 4. Accounting and Financial Reporting

12410. Unclaimed or Abandoned Property

A licensee shall address, in policies and procedures, the following requirements for unclaimed or abandoned property:

(a) Procedures shall be in place to record unclaimed chips, cash, and cash equivalents left at a gaming table or in player's banks, uncashed checks issued by the licensee to a patron, and uncashed checks drawn on a licensee's account.

(b) If the identity of the owner of the unclaimed property described in subsection (a) is known, procedures shall be in place to comply with California's Unclaimed Property Law (Code Civ. Proc., section 1500 et seq.).

(c) If the identity of the owner of the unclaimed property described in subsection (a) cannot be determined, unclaimed or abandoned money shall be sent to Office of Problem Gambling (or its successors). Records of the date and amount sent shall be kept by the licensee.

Authority cited: Sections 19811, 19840, 19841(g), (h), and (j), and 19920, Business and Professions Code.
Reference: Sections 19801 and 19841(g), (h), and (j), Business and Professions Code. Section 4369.4, Welfare and Institutions Code.

Article 6. Program for Responsible Gambling

12461. Posting Referral Information

(a) Each licensee, within 120 days of the effective date of this regulation, shall post or provide, at entrances or exits, and in conspicuous places in or near gambling areas and any areas where cash or credit are available to patrons, accessible written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number approved by the Office of Problem Gambling (or its successors) that provides information and referral services for problem gamblers, currently "1-800-GAMBLER".

(b) If the licensee operates a web site for the gambling establishment, that web site shall contain a responsible gambling message and a link to the Office of Problem Gambling (or its successors) that provides information and referral services for problem gamblers, currently "http://www.problemgambling.ca.gov".

(c) If the licensee produces any advertising material, such material shall contain a responsible gambling message and shall refer to the telephone number listed in subsection (a) above and/or the link to the web site listed in subsection (b) above.

Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
Reference: Sections 19801 and 19920, Business and Professions Code.
Sections 4359.2 and 4369.4, Welfare and Institutions Code.

12462. Training Requirements

(a) Each licensee shall implement, within 120 days of the effective date of this regulation, procedures to conduct new employee orientations and annual training for all employees who directly interact with gambling patrons in gambling areas.

(b) New employee orientations and annual training shall be documented, including signatures by the employee and the licensee or key employee who coordinated the training, the date and length of the training, and the name of the trainer, as part of the licensee's application for renewal. Copies of this documentation shall be kept in an employee's personnel file for a minimum of five years.

(c) The training shall, at a minimum, consist of information concerning the nature and symptoms of problem gambling behavior, assisting patrons

in obtaining information about problem gambling programs, and information on the self-restriction and self-exclusion programs.

(d) Each licensee shall designate personnel responsible for maintaining the program and addressing the types and frequency of such training and procedures.

(e) This section shall not be construed to require employees to identify problem gamblers.

Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
Reference: Sections 19801 and 19920, Business and Professions Code.
Sections 4369.2 and 4369.4, Welfare and Institutions Code.

12463. Self-Restriction Program

(a) Licensees shall implement, within 120 days of the effective date of this regulation, a program that allows patrons to self-limit their access to the gambling establishment entirely, or to the issuance of credit, check cashing, or marketing by that licensee. Such program shall contain, at a minimum, the following:

(1) The development of written materials for dissemination to patrons explaining the program;

(2) The development of written forms allowing patrons to participate in the program, which may include use of a form entitled "Self-Restriction Form" CGCC-036 (New 12-05), attached in Appendix A to this Chapter;

(3) Standards and procedures for maintaining and updating a list of self-restricted persons, wherein the confidentiality of the list is protected and only agents or employees have access, unless needed by Division staff or law enforcement pursuant to an investigation or in assisting in a Problem Gambling program by an entity approved by the Commission;

(4) Standards and procedures that allow a patron to be excluded from the gambling establishment, with the exception of access for the sole purpose of carrying out the duties of employment, including:

(A) Removal procedures for patrons who attempt entry after requesting to be excluded,

(B) Notification to the Division of any incidents of removals, and

(C) Forfeiture of any money or prizes won or any losses recovered by an excluded person and the remittance of such to the Office of Problem Gambling (or its successors);

(5) Standards and procedures that allow a patron to be excluded from access to check cashing or the issuance of credit;

(6) Standards and procedures that allow a patron to be excluded from direct mail marketing, telephone marketing, and other direct marketing regarding gaming opportunities or promotions at the gambling establishment;

(7) Standards and procedures for removal of a patron from check-cashing, credit, or marketing opportunities by the gambling establishment.

(b) This section does not mandate that a gambling establishment provide the services of a notary public for persons who wish to complete the Self-Restriction form.

Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
Reference: Sections 19801 and 19920, Business and Professions Code.
Section 4369.4, Welfare and Institutions Code.

12464. Self-Exclusion Program.

(a) Licensees shall implement, within 120 days of the effective date of this regulation, a program that allows patrons to self-exclude themselves from gambling establishments using a form entitled "Self-Exclusion Form" CGCC-037 (New 12-05), attached in Appendix A to this Chapter. Such program shall contain, at a minimum, the following:

(1) Standards and procedures for providing Self-Exclusion forms and for sending any completed Self-Exclusion forms to the Division;

(2) Standards and procedures for maintaining and updating a list of self-excluded persons, wherein the confidentiality of the list is protected and only agents or employees have access, unless needed by Division staff or law enforcement pursuant to an investigation or in assisting in a Problem Gambling program by an entity approved by the Commission;

(3) Standards and procedures to ensure that self-excluded patrons, as noticed by the Commission or Division, are not allowed on the premises during the term of exclusion, with the exception of

access for the sole purpose of carrying out the duties of employment, including removal procedures for patrons who attempt entry after requesting to be excluded and notification to the Division of any incidents of removals;

(4) Standards and procedures for the forfeiture of any money or prizes won or any losses recovered by an excluded person and the remittance of such to the Office of Problem Gambling (or its successors);

(5) Standards and procedures for removal of a patron from direct mail marketing, telephone marketing, and other direct marketing regarding gaming opportunities or promotions at the gambling establishment;

(6) Standards and procedures for removal of a patron from check-cashing, credit, or marketing opportunities by the gambling establishment.

(b) This section does not mandate that a gambling establishment provide the services of a notary public for persons who wish to complete the Self-Exclusion form.

Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
Reference: Sections 19801 and 19920, Business and Professions Code.
Section 4369.4, Welfare and Institutions Code.

12466. Responsible Gambling Program Review

(a) The Executive Director or Division staff may require that any licensee make available for review or submit any of the elements of its program described in this Article, to the Executive Director or Division staff for review. If the Commission makes an administrative determination that the licensee's program does not adequately address the standards as set forth in this Article, then the Executive Director may issue such a determination identifying the deficiencies and specifying a time certain within which those deficiencies shall be cured. Judicial review of the Executive Director's decision is subject to the limitation of Business and Professions Code Section 19804.

(b) Failure by a licensee to establish the programs set forth in this Article, or to cure a deficiency identified pursuant to subsection (a), constitutes an unsuitable method of operation and is in violation of this section.

(c) In addition to any other remedy under the Gambling Control Act, the Commission may assess a monetary penalty not exceeding $1,000 for violation of this section.

(d) This section does not create any right or cause of action on behalf of an individual who participates in self-restriction or self-exclusion under this Article against the state of California, the California Gambling Control Commission, the Division of Gambling Control, or a gambling establishment.

Authority cited: Sections 19811, 19823, 19840, 19841(o), and 19920, Business and Professions Code.
Reference: Sections 19801 and 19920, Business and Professions Code.
Section 4369.4, Welfare and Institutions Code.

Appendix A

State of California
California Gambling Control Commission
CGCC – 036 (New 12-05)

SELF-RESTRICTION FORM

Type or print (in ink) all information requested on this form.
If additional space is needed, please note response on a separate sheet of paper and attach to the form.

SECTION 1: PERSONAL INFORMATION

Full Legal Name:

First	Middle (if applicable)	Last

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

Home Address:

Street	City	State	Zip Code

Mailing Address (*if different than Home Address*):

Street	City	State	Zip Code

Home Telephone Number: ( )

Business Number: ( )

Games most often played:

SECTION 2: RESTRICTION FOR_____ (Name of Cardroom **or participating gambling facility**)

TOTAL EXCLUSION: Initial Appropriate Term: One Year _____ Five Years _____ Lifetime _____

Please delete me from any MARKETING or PROMOTIONAL information: ☐

Please restrict me from any CHECK-CASHING privileges: ☐ Or Limit as follows:_____

Please restrict me from any CREDIT : ☐ Or Limit as follows:_____

SECTION 3: PHOTO AND VISUAL DESCRIPTION

Gender: Male ☐ Female ☐ Date of Birth: / / Race/Ethnicity:

Height:	Weight:	Hair Color/Type:	Eye Color:

AFFIX A RECENT PASSPORT QUALITY PHOTOGRAPH HERE SHOWING HEAD AND SHOULDERS OF PERSON TO BE EXCLUDED

Date of Photograph: / / CA Drivers License:

Distinguishing marks (such as visible scars or tattoos – describe mark & location):

Type of vehicle normally driven: License Plate:

SECTION 4: DECLARATION

I understand English or have had an interpreter read and explain this form to me from _____.
(*Language*)

I understand that the ultimate responsibility to limit my access to the Gambling Establishment or participating gambling facility or gaming services in the State of California remains mine alone.

I voluntarily seek to exclude or restrict myself as indicated in Section 2.

If I choose Total Exclusion:

_____ (Initial Here) I agree that I will not attempt to enter and/or use any of the services or privileges of a California Gambling Establishment or participating gambling facility during the period checked in Section 2.

_____ (Initial Here) I acknowledge and understand that should I attempt to enter a California Gambling Establishment or participating gambling facility or use the services of a Gambling Establishment or participating gambling facility during the Term of Exclusion, once identified, I shall be escorted from the Gambling Establishment or participating gambling facility and any winnings or prizes I may have accrued or losses recovered will be confiscated and donated by the Gambling Establishment or participating gambling facility to the Office of Problem Gambling.

_____ (Initial Here) This self-exclusion request is **irrevocable** during the time period checked in Section 2.

I understand that disclosure of certain information is necessary to effect my request for self-exclusion or restriction. Disclosure may also occur if needed for the conduct of an official investigation or if ordered by a court of competent jurisdiction.

I will not seek to hold the Gambling Establishment or participating gambling facility liable in any way should I enter a Gambling Establishment or participating gambling facility and/or use any of the services or privileges therein despite this exclusion/restriction request, and I agree to indemnify the State of California, the California Gambling Control Commission, and the Division of Gambling Control for any liability relating to this request. Specifically, I for myself, my heirs, executors, administrators, successors, and assigns, hereby release and forever discharge the California Gambling Control Commission, the Division of Gambling Control, the Gambling Establishment, participating gambling facility, their agents, employees, officers, and Directors and those with whom they may lawfully share information regarding this exclusion or restriction (collectively, the "Released Parties") from any and all claims in law or equity that I now have, or may have in the future, against all or any of all of the Released Parties arising out of, or by reason of, the performance or non-performance of this self-exclusion/restriction request, or any matter relating thereto. I further agree, in consideration for the Released Parties' efforts to implement my exclusion or restriction, to indemnify and hold harmless the Released Parties to fullest extent permitted by law for any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or non-performance of the self-exclusion/restriction requested herein.

I declare that all information submitted on or with this self-restriction form is true, correct, and complete.

Signature:_____

Print Name: _____ Date: ☐☐/☐☐/☐☐☐☐

SECTION 5: NOTARIZATION

Subscribed and sworn to (or affirmed) before me this _____day of _____, 20_____,

By _____,
☐ personally known to me *OR* ☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.
Notary Public Seal:

Signature_____
My Commission expires on: ☐☐/☐☐/☐☐☐☐

OR

WITNESS BY KEY EMPLOYEE

As a Key Employee of this Gambling Establishment or participating gambling facility, I affirm that on _____day of _____, 20_____,

I witnessed_____,
(individual's name)

complete this form and that this person is:
☐ personally known to me *OR*
☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Key Employee_____

State of California
California Gambling Control Commission
CGCC – 037 (New 12-05)

State of California Use Only
Date Received:_____
Data Input Date:_____
Date to CGCC:_____

SELF-EXCLUSION FORM

Type or print (in ink) all information requested on this form.
If additional space is needed, please note response on a separate sheet of paper and attach to the form.
You may hand this completed form in to any Cardroom or participating gambling facility, to the Division of Gambling Control, or the California Gambling Control Commission. Or you may mail this completed form to: **Division of Gambling Control, P.O. Box 168024, Sacramento, CA 95816.**

SECTION 1: PERSONAL INFORMATION

Full Legal Name:

First	Middle (if applicable)	Last

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

Home Address:

Street	City	State	Zip Code

Mailing Address (*if different than Home Address*):

Street	City	State	Zip Code

Home Telephone Number: ( )

Business Number: ( )

Games most often played:

SECTION 2: TERM OF EXCLUSION

Please Initial Appropriate Term: One Year _____ Five Years _____ Lifetime _____

SECTION 3: PHOTO AND VISUAL DESCRIPTION

Gender: Male ☐ Female ☐ Date of Birth: / / Race/Ethnicity:

Height: Weight: Hair Color/Type: Eye Color:

AFFIX A RECENT PASSPORT QUALITY PHOTOGRAPH HERE SHOWING HEAD AND SHOULDERS OF PERSON TO BE EXCLUDED

Date of Photograph: / / CA Drivers License:

Distinguishing marks (such as visible scars or tattoos – describe mark & location):

Type of vehicle normally driven: License Plate:

SECTION 4: DECLARATION

I understand English or have had an interpreter read and explain this form to me from _____.
(*Language*)

I voluntarily seek to exclude myself as described checked in Section 2.

_____ (Initial Here) I agree that I will not attempt to enter and/or use any of the services or privileges of a California Gambling Establishment or participating gambling facility during the period checked in Section 2.

_____ (Initial Here) I acknowledge and understand that should I attempt to enter a California Gambling Establishment or participating gambling facility or use the services of a Gambling Establishment or participating gambling facility during the Term of Exclusion, once identified, I shall be escorted from the Gambling Establishment or participating gambling facility and any winnings or prizes I may have accrued or losses recovered will be confiscated and donated by the Gambling Establishment or participating gambling facility to the Office of Problem Gambling.

I understand that the ultimate responsibility to limit my access to the Gambling Establishment or participating gambling facility or gaming services in the State of California remains mine alone.

_____ (Initial Here) This self-exclusion request is **irrevocable** during the time period checked in Section 2.

I understand that disclosure of certain information is necessary to effect my request for self-exclusion. Disclosure may also occur if needed for the conduct of an official investigation or if ordered by a court of competent jurisdiction.

I will not seek to hold the Gambling Establishment or participating gambling facility liable in any way should I enter a Gambling Establishment or participating gambling facility and/or use any of the services or privileges therein despite this exclusion request, and I agree to indemnify the State of California, the California Gambling Control Commission, and the Division of Gambling Control for any liability relating to this request. Specifically, I for myself, my heirs, executors, administrators, successors, and assigns, hereby release and forever discharge the California Gambling Control Commission, the Division of Gambling Control, the Gambling Establishment or participating gambling facility, their agents, employees, officers, and Directors and those with whom they may lawfully share information regarding this exclusion (collectively, the "Released Parties") from any and all claims in law or equity that I now have, or may have in the future, against all or any of all of the Released Parties arising out of, or by reason of, the performance or non-performance of this self-exclusion request, or any matter relating thereto. I further agree, in consideration for the Released Parties' efforts to implement my exclusion, to indemnify and hold harmless the Released Parties to fullest extent permitted by law for any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or non-performance of the self-exclusion requested herein.

I declare that all information submitted on or with this self-exclusion form is true, correct, and complete.

Signature:_____

Print Name: _____ Date: / /

SECTION 5: NOTARIZATION

Subscribed and sworn to (or affirmed) before me this _____day of _____, 20_____,

By _____,
☐ personally known to me *OR* ☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.
Notary Public Seal:

Signature of Notary Public_____
My Commission expires on: / /

OR

WITNESS BY KEY EMPLOYEE

As a Key Employee of this Gambling Establishment or participating gambling facility, I affirm that on _____day of _____, 20_____,

I witnessed_____,
(individual's name)

complete this form and that this person is:
☐ personally known to me *OR*
☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Key Employee_____