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DEPARTMENT OF REVENUE

Division of Gaming

SPORTS BETTING REGULATIONS

1 CCR 207-2

BASIS AND PURPOSE FOR RULE 9

The purpose of Rule 9 is to specify the requirements of Sports Betting Operations and responsible gaming, patron responsible gaming, and to specify certain duties of licensees and patrons related to self-restriction. The statutory basis for Rule 9 is found in sections 44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-502, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., 44-30-531, C.R.S., 44-30-827, C.R.S., 44-30-833, C.R.S. and 44-30-1701, C.R.S., and 44-30-1702, C.R.S., 44-30-1703, C.R.S., and part 15 of article 30 of title 44, C.R.S. *(Amended temp. 10/27/22, Amended perm. 2/14/23)*

RULE 9 RESPONSIBLE GAMING AND SELF-RESTRICTION *Effective 4/14/20*

9.1 Display of responsible gaming logo.

- (1) Each sports betting website, mobile application, and self-service gaming device (kiosk) shall display a responsible gaming logo in a manner approved by the Director or Director's designee to direct a patron to the Sports Betting Operator's responsible gaming webpage. Master, Sports Betting Operator, and Internet Sports Betting Operator licensees shall operate under the same responsible gaming guidelines as detailed in these Rules, where applicable. The responsible gaming webpage shall be accessible to a patron during a sports betting patron session and shall contain, at a minimum, the following:
 - (a) A prominent message that states, "Gambling problem? Call or TEXT1-800-GAMBLER"; *(Amended temp. 10/27/22, perm. 2/14/23)*
 - (b) A direct link to the website and other internet resources dedicated to helping people with potential gambling problems as directed by the Commission;
 - (c) A clear statement of the Sports Betting Operation's policy and commitment to responsible gaming along with a link to the Sports Betting Operator's specific self-exclusion program along with information on self-exclusion through the Division or Division's website. *(Amended temp. 10/27/22, perm. 2/14/23)*
- (2) Sports Betting Operations with brick and mortar locations must have a policy in effect for all of its properties in addition to self-exclusion, providing opportunities for patrons to request in writing the revocation of their privileges for specific services such as: *(Amended temp. 10/27/22, perm. 2/14/23)*
 - (a) Direct sports betting promotions;
 - (b) Player club/card privileges related to sports betting;
 - (c) On-site check-cashing; and,

- (d) Complimentaries.
- (3) Sports Betting Operations with brick and mortar locations must make information available promoting responsible gaming and where to find assistance, including a toll-free help line number. This information shall be available and visible in sports betting areas and at cash access devices.

9.2 Sports Betting Operations self-exclusion.

Each Sports Betting Operation shall establish and maintain a self-exclusion program for patrons. Each Sports Betting Operation shall participate by sharing self-exclusion data with the Division in accordance with rule 9.5. Each Sports Betting Operation shall participate by electronically importing self-excluded patron information. If a Sports Betting Operation is unable to electronically import and export self-excluded patron information, another method may be approved by the Director. This self-exclusion is not part of any self-imposed limits or short-term timeout taken by a patron. It only pertains to the limits specifically set forth in 9.5(4)(a). *Amended 2/14/23*

9.3 Direct marketing to prohibited sports betting participants. *(Amended temp. 10/27/22)*

- (1) For the purpose of this rule, "prohibited participant" shall mean individuals who have voluntarily requested to be excluded from gaming activities and individuals who are required by the Commission to be excluded or ejected from licensed gaming establishments, and sports betting individuals who are prohibited from placing wagers on certain sporting events to the extent that those individuals reside in the Division's exclusion list database. *Effective 2/14/23*
- (2) A Sports Betting Operation shall make all reasonable efforts to ensure that prohibited participants do not receive direct marketing from the Sports Betting Operation or marketing affiliates.
- (3) A Sports Betting Operation will satisfy this requirement if the Sports Betting Operation and/or marketing affiliates remove the prohibited participant's name and resident address from the list of patrons to whom direct marketing materials are sent.
- (4) A Sports Betting Operation and/or its marketing affiliates shall use the current exclusion list provided by the Division. the exclusion list or in person changes shall be used expeditiously to update all direct marketing lists to ensure that excluded and prohibited players are not directly targeted, including but not exclusive of direct mail and email. *Effective 2/14/23*
- (5) Regulation 9.3(4) shall not apply to persons identified in 44-30-1502 C.R.S. that are only prohibited from betting on a sporting event that is overseen by that person's sport's governing body. *Effective 2/14/23*

9.4 Responsible advertising and promotions.

- (1) All offers and bonuses must:
 - (a) Include terms and conditions that are full, accurate, clear, concise, transparent, and do not contain misleading information;
 - (b) Have advertising materials that include any material terms and conditions for that offer or bonus and have those material terms in close proximity to the headline claim of the offer or bonus and in reasonably prominent size;
 - (c) Not be described as free unless they absolutely are free. If the customer has to risk or lose their own money or has conditions attached to their own money, then the offer or bonus must disclose those terms;

- (d) Not be described as risk free if the customer needs to incur any loss or risk their own money to use or withdraw winnings from the risk free bet; and
 - (e) Not restrict the customer from withdrawing their own funds or withdrawing winnings from bets placed using their own funds.
 - (f) Players that self-exclude shall not, while on the exclusion list, be able to redeem points, bonuses, comps or freeplay. *(Amended temp. 10/27/22, perm. 2/14/23)*
- (2) Prohibition on advertising that targets underage participants: *(Effective temp. 10/27/22, perm. 2/14/23)*
- (a) A Sports Betting Operation and/or their marketing affiliates shall not target underage persons or create advertising content that is clearly meant, because of message and graphics, for an underage audience. *(Effective temp. 10/27/22, perm. 2/14/23)*
 - (b) A Sports Betting Operation and/or their marketing affiliates shall not advertise on media where the majority of the demographic audience or players/performers are known to be under the legal age to gamble. This does not apply to public venues where the demographics of a normal crowd in attendance cannot be determined. *(Effective temp. 10/27/22, perm. 2/14/23)*
- (3) Sports Betting Operators and Internet Sports Betting Operators on or before October 1, 2023, and on or before October 1 each year thereafter shall submit to the Director a report that describes the efforts of the licensee in the preceding state fiscal year (July 1st through June 30th) to promote responsible gaming in the state via advertising and other promotional methods and the licensee's plans concerning such promotional efforts in the current state fiscal year. *(Effective temp. 10/27/22, perm. 2/14/23)*

9.5 Exclusion list – Duties and responsibilities. *(Effective temp. 10/27/22, perm. 2/14/23)*

- (1) Database creation.

The Division shall operate a program to consolidate excluded, self-excluded and prohibited individuals in one interactive database repository in order to keep those individuals from participating in Colorado gaming. The program shall provide an interactive protected database for retail gaming licensees, Sports Betting Operations, sports leagues and individuals that participate in gaming in Colorado. The sole purpose of the exclusion list and database is to ensure timely updates of individuals that may not participate in gaming for all gaming operations in Colorado. The exclusion list shall only be used for the purpose of identifying those individuals who are prohibited from gaming and those that may have excluded themselves because of a gambling problem. Licensees that receive data from the Division shall use it solely to update their database. The information contained in the database and updates provided to the licensees are confidential and shall only be used for its intended purpose. limited information may be shared with affiliates for the purpose of ensuring those identified do not receive direct marketing. It is a violation for any licensee to use the confidential data in any other way. The Director shall determine how each licensee, league or individual interacts with the database.

- (a) Sports Betting Operations shall, as part of their self-exclusion and responsible gaming program. make available to the player easily identifiable within the operators application, the link to the Divisions website for self-exclusion. the link should take the player directly to that page from the application.
- (b) The Division shall provide database records, sent electronically to the Sports Betting Operations. the Director shall provide one or more excluded or prohibited player lists to Sports Betting Operations. data records will be in a format detailed by the Director or their designee.

- (c) Sports Betting Operations shall receive updates daily from the Division. Sports Betting Operations shall update all new excluded persons within their database.
 - (d) Sports Betting Operations shall receive the Division database with self-excluded persons that have opted in on or after January 1, 2023 as determined by the Director. the Sport betting operator shall make information for players that have self-excluded prior to January 1, 2023 upon request.
- (2) Database inclusion.
- (a) The following persons shall be included and maintained in the Division database, updated and transferred to Sports Betting Operations and retail gaming licensees:
 - (i) Individuals that have voluntarily self-excluded from any operator, retail casino or through the Division.
 - (ii) Sports betting individuals who are prohibited from placing wagers on certain sporting events to the extent that those individuals reside in the Division's exclusion list database.
 - (iii) Individuals who are required by the Commission to be excluded or ejected from licensed gaming establishments, to the extent that those individuals reside in the Divisions exclusion list database.
 - (b) Persons on the exclusion and prohibited list may not participate or collect winnings from the gaming in Colorado on which they are prohibited. Players that self-exclude shall not, while on the exclusion list, be able to redeem points, bonuses, comps or freeplay.
- (3) Inclusion on the exclusion list.
- (a) Individual self-exclusion means that an individual has made a conscious voluntary effort to exclude themselves from not only that form of gaming but from all forms of gaming under the regulatory purview of the Colorado limited gaming control Commission and the Colorado Division of gaming. Self-exclusion may only be accomplished by an individual acting in their own interest, in the following ways:
 - (i) Self-exclusion by an individual through the Division of gaming. an individual self-excluding either in person or through a web-based application. All self-exclusions by individuals through the Division either in person or web-based, will have their identity verified prior to being included on the exclusion list.
 - (ii) Self-exclusion from an Internet Sports Betting Operator. An individual who on an Internet sports betting mobile app chooses an option to electronically self-exclude, and has been directed to the Division's website.
 - (iii) Self-exclusion from a sports betting operator (retail sports book). An individual requesting self-exclusion from a retail sports book shall fill out a self-exclusion form provided by the sports book. The sports book shall enter the self-exclusion into the secure Division portal, direct the player to a dedicated computer on the licensees property where the player can access the Division's website directly for self-exclusion or if the portal is not available direct the player to the Divisions website for self-exclusion at a later time or use their electronic database procedure.

- (iv) Self-exclusion from a retail gaming licensee (casino). An individual requesting self-exclusion from a casino shall fill out a self-exclusion form provided by the casino. The casino shall enter the self-exclusion into the secure Division portal direct the player to a dedicated computer on the licensee's property where the player can access the Division's website directly for self-exclusion or if the portal is not available direct the player to the Division's website for self-exclusion at a later time or use their electronic database procedure.
 - (b) Individuals wishing to self-exclude in person or through the Division's web-based application shall fill out all required information on the form. Incomplete forms where an individual cannot be identified will not be processed.
 - (c) Individuals that self-exclude from gaming corporations that have gaming operations in other states may be included on their corporate exclusion list and may be included in other state exclusion programs. An individual self-excluding in Colorado shall be informed prior to being placed on a corporate exclusion list.
- (4) Exclusion period.
- (a) Individuals that have voluntarily self-excluded from any Sports Betting Operation, retail casino or through the Division shall select the period of exclusion to include:
 - (i) One (1) year
 - (ii) Three (3) years
 - (iii) Five (5) years
 - (b) An individual who is on the list may submit a request, to the Division, to increase the minimum length of exclusion.
- (5) Removal from the exclusion list.
- (a) Individuals that have self-excluded or are on the excluded list will need to fill out and file the form with the Division of gaming Director prior to being removed from exclusion list. No person is automatically removed from the exclusion list when the selected or directed time period ends.
 - (b) Sports betting individuals who are prohibited from placing wagers on certain sporting events to the extent that those individuals reside in the Division's exclusion list database may be removed from the list by their governing body/league or by filling out and filing the form with the Division of gaming's Director.
 - (c) Individuals that are on the exclusion list and have not completed their self-selected period of self-exclusion may petition the Division of gaming's Director for removal from the list. The Division may require self-evaluation or evaluation by a professional to ensure the problem gambling or financial issues that led to the self-exclusion have corrected themselves. Removal from the exclusion list prior to the self-selected time period is at the complete discretion of the gaming Division Director. If an individual's petition to be removed from the exclusion list prior to the self-select exclusion period is not approved by the Director, the individual may not re-petition the Director again for the period of one year.

9.6 Establishment of responsible gaming best practices. *(Effective temp. 10/27/22, perm. 2/14/23)*

- (1) Sports Betting Operations shall submit to the Division their strategy for the implementation of a responsible gaming program. The responsible gaming strategy shall not only include self-directed limits by players, it shall also include the licensee's commitment as a company to a robust responsible gaming platform. The plan for implementation shall be submitted to the Division no later than April 1, 2023. Sports Betting Operations that begin operating after April 1, 2023 shall have a responsible gaming strategy in place prior to commencing live operations. Beginning October 1, 2023 and on or before October 1 each year thereafter, Sports Betting Operations shall submit to the Division any updates to its strategic implementation plan. The strategic implementation plan shall include but is not limited to the following:
- (a) A detailed explanation of the options available for customers to set self-directed limits on all aspects of their deposits, withdrawals, limits on betting and time frames those limits take place. Additionally, an explanation of all responsible gaming tools that are at the player's disposal.
 - (b) A detail of the staffing level, including the lead staff position for the responsible gaming program, staffing positions dedicated to responsible gaming, employee education and outreach to players identified as problem gamblers or players that are at risk or show signs of problem gaming.
 - (c) A detail of the use of player data and technology to aid in identifying potential problem gamblers. Detail should be provided on how the operator or a contracted third party's technology will provide automated triggers on potential problem gamblers. List should be provided detail on what triggers are being identified and how the operator has identified those as critical matrix to follow. Additionally, what plans the operator has to continually update and learn the best way to identify problem gamblers on their site.
 - (d) A detail of the levels of intervention and education provided to identified at risk players. Provide examples of materials and/or media used for intervention and education.
 - (e) Detail internal controls to identify those persons who engage in gaming and sports betting activity, controlled by the licensee, who are included on the exclusion list. Internal controls should include prohibiting or stopping persons on the exclusion list and controls in place to prevent collection of winnings by an excluded person.
 - (f) Additionally, provide any information relevant to the company as a whole on strategic direction for responsible gaming.